

**Testimony before the District of Columbia Council
Committee on Public Safety and the Judiciary
Child Support Services Division of the Office of the Attorney General
Agency Performance Oversight Hearing on FY 2009-2010 Budget**

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The Legal Aid Society of the District of Columbia¹ and Bread for the City² represent custodial and noncustodial parents in child support cases and advocate for systemic reform of the District's child support system. Consequently, we have a significant amount of interaction with program staff, policy staff, and attorneys from the Child Support Services Division of the Office of the Attorney General (CSSD). The vast majority of the parents who come to Legal Aid and Bread for the City for assistance with child support cases have had some interaction with CSSD before applying for our services, and the Office of the Attorney General represents the District in most of our child support cases. In addition, we regularly correspond with CSSD's Director and management staff about practice issues that arise in our cases and systemic reform initiatives.

Child support is essential to the financial well-being of families living in poverty in the District. For families at two hundred percent (200%) of the poverty level, child support composes about thirty percent (30%) of their income.³ Properly administered, child support helps lift children out of poverty and provides a measure of stability for low-income families.

The current economic crisis has increased families' need for child support. As more families slip into poverty, their need for additional income has become more acute. Many families have been forced to resort to public assistance, which is not sufficient to support them.

The financial crisis has also made it more difficult for noncustodial parents to pay child support. Even before the economic downturn, many obligors in the District had trouble paying child support due to significant barriers to employment such as a criminal history and lack of education. The economic downturn has exacerbated this problem because fewer jobs are available.

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Over the last 78 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the following four priority areas: consumer, family law, housing, and public benefits.

² Bread for the City, founded in the mid-1970s, provides vulnerable residents of Washington, DC, with free comprehensive services, including food, clothing, medical care, and legal and social services, in an atmosphere of dignity and respect. Bread for the City's Legal Clinic provides representation in the following areas: family law, housing, and public benefits.

³ Elaine Sorensen. "Child Support Gains Some Ground." *Snapshots of America's Families III*, No. 11. Washington, DC: The Urban Institute (2003).

CSSD's services are critical to ensuring that the District's children receive the appropriate amount of financial support from their parents. As noted in DC Appleseed's 2007 report about the need to reform the District's child support system, there are more than 76,000 children in the District's child support program, which is more than the number of children in District of Columbia Public and Charter Schools combined.⁴ CSSD has developed several promising programs that recognize the barriers to paying child support that noncustodial parents encounter. Nevertheless, there are longstanding, ongoing problems with the administration of the District's child support program that have yet to be successfully resolved. CSSD still has a great deal of work to do to ensure that the agency fulfills its mandate, provides the best possible services to custodial and noncustodial parents, and develops policies and procedures that are more family-friendly. CSSD continues to fall short of fulfilling its mandate to: 1) locate noncustodial parents; 2) establish parentage and support orders; 3) collect and disburse support; and 4) enforce support orders. CSSD's failure to adequately perform harms District families and prevents the agency from receiving more federal incentive dollars, which are based on performance.

Below, we outline our concerns about CSSD's performance, the causes of these problems, and recommended actions for improvement. We understand that the next fiscal year will be a challenging budget year for all District agencies. However, we believe that many of CSSD's performance issues can be addressed with minimal or no cost to the District. Moreover, improving the administration of the District's child support program will benefit both families and the District government. If CSSD improves its performance, more families will receive child support, which will provide additional income that will help them become more self-sufficient and less dependent on government benefits. We hope that this testimony is the beginning of a dialogue about how to ensure that the District's children receive the parental support that they need and deserve.

CSSD'S PERFORMANCE PROBLEMS

A. Failure to Locate and Serve Noncustodial Parents, Which is Necessary to Establish and Enforce Parentage and Support Orders

Locating noncustodial parents is critical to CSSD's primary function—establishing parentage and support orders. In many cases, CSSD fails to establish parentage and support orders because the agency cannot locate and serve the noncustodial parent with the child support petition and hearing notice. In a significant number of the cases in which CSSD fails to effectuate service, the custodial parent provides CSSD staff with the noncustodial parent's name, home address, and employer, and the noncustodial parent lives and/or works in the District. However, even with this information and limited geographic scope, CSSD fails to locate and serve the noncustodial parent. Moreover, CSSD has access to a wide array of government and law enforcement databases that are specially designed to locate individuals, including the Federal Parent Locator Service. Nevertheless, despite these resources, CSSD's track record for locating and serving noncustodial parents remains poor. As a result, CSSD fails to establish parentage and support orders. In FY 2008, paternity was established in fifty-three (53%) of CSSD's cases,

⁴ DC Appleseed Center for Law and Justice, *Taking Care of the District's Children: The Need to Reform DC's Child Support System*, August 2007.

compared to eighty-nine (89%) of child support cases nationwide. In the same year, there were orders established in only about fifty-five percent (55%) of CSSD's cases, and the national average was seventy-nine percent (79%).⁵

Custodial parents come to Legal Aid and Bread for the City for representation in child support cases in which CSSD has failed to locate and serve the noncustodial parent. In one case, CSSD failed to serve the noncustodial parent for over ten (10) years even though the custodial parent provided CSSD with the noncustodial parent's name and home address, and the noncustodial parent lived in the District the entire time and regularly visited the child. The custodial parent came to Legal Aid for help with the case. Legal Aid hired a private process server that was able to locate and serve the noncustodial parent less than two (2) weeks after receiving the service packet.

In another case, CSSD helped a custodial parent obtain a permanent child support order for \$300 per month. However, the order was rendered meaningless because the noncustodial parent made only one (1) payment. Although CSSD filed a contempt motion to enforce the support order, CSSD failed to locate the noncustodial parent and serve him with the contempt motion. After six (6) court dates within a six (6)-month period, CSSD was unable to locate and serve the noncustodial parent, and no further court dates were scheduled. The custodial parent came to Bread for the City for help. Only after investigation by Bread for the City did the custodial parent learn the reason why there was no enforcement. CSSD never asked her if she knew the noncustodial parent's current whereabouts. After about one (1) month, the custodial parent was able, on her own, to locate the noncustodial parent and have him served. Approximately two and half (2 ½) years elapsed between the date when CSSD filed its contempt motion and the noncustodial parent was located and served. In the meantime, the custodial parent could not pay her rent and had to move with her children into her sister's basement to help make ends meet.

CSSD also fails to serve noncustodial parents in cases in which the noncustodial parent lives in Maryland or Virginia. Due to the District's proximity to Maryland and Virginia, in a number of cases, the custodial parent lives in the District and the noncustodial parent lives in Virginia or Maryland. CSSD often does not effectuate service in these cases because the agency's Investigators do not attempt to personally serve individuals who live outside the Beltway. Furthermore, CSSD has not developed a partnership with the Virginia or Maryland child support agencies or police departments to serve noncustodial parents who live in these states. As a result, even when the Superior Court for the District of Columbia has the authority to adjudicate an interstate child support case, CSSD often transfers the case to the child support agency in the state where the noncustodial parent lives. This practice deprives many custodial parents of the ability to actively participate in the case because they cannot travel to court hearings. In addition, because the age of emancipation is eighteen (18) years old in Maryland and Virginia and twenty-one (21) years old in the District, custodial parents potentially lose three (3) years of financial support for their children when the case is transferred.

⁵ Federal Office of Child Support Enforcement, *Preliminary Report FY 2008*.

CSSD's failure to locate and serve noncustodial parents who live in the District and neighboring states results in District families being left without critical financial support, which is particularly concerning during these difficult economic times.

B. Failure to Properly Collect Child Support in Interstate Cases

CSSD's collection practices in interstate cases are also concerning. These cases require CSSD to coordinate with other states because the parents live in different states.⁶ In some cases, CSSD fails to properly coordinate with the other state, which results in both states simultaneously collecting support from the noncustodial parent's wages. For example, in one case, CSSD's failure to coordinate with the other state resulted in the noncustodial parent paying about \$140 per month more than the support obligation, and the total monthly amount withheld was more than thirty-five (35) percent of the parent's income. The double collection continued for almost four (4) years despite the noncustodial parent's repeated efforts to contact CSSD to resolve the issue. In another case, the double collection continued for nine (9) months, and the noncustodial parent overpaid by more than \$10,000. These collection errors are especially harmful to noncustodial parents who live on low, fixed incomes, particularly in these difficult economic times.

C. Failure to Enforce Support Orders by Filing Timely Motions for Contempt and Adequately Defending Against Motions to Reduce Support Orders

In FY 2008, CSSD collected support in only about thirty-three percent (33%) of its cases, compared to the national average of fifty-seven percent (57%).⁷ Over the last year, Legal Aid and Bread for the City have received requests for assistance from custodial parents who received help from CSSD to establish a child support order, but are no longer receiving payments because the noncustodial parent is not complying with the order. These parents consistently inform us that when they call CSSD during regular business hours to request that the agency enforces their order, they often cannot reach a staff person and their voicemail messages are not returned. If they reach someone, it can take months for CSSD to decide whether to take enforcement action.

In one case, the custodial parent contacted CSSD and told a caseworker that she had not received child support payments for several years and the noncustodial parent owed about \$40,000 in arrears. A caseworker told the parent that CSSD would review her case for enforcement. After receiving no response from the caseworker, the parent came to Legal Aid for help. Despite persistent advocacy from Legal Aid, including eight (8) telephone calls to staff in the Legal Services Section of CSSD over a two (2)-month period, the Office of the Attorney General did not file a motion for contempt until eight (8) months after the parent initially contacted CSSD. As a result, the parent, who receives Temporary Assistance for Needy Families (TANF), did not have financial support for her children during this time.

⁶ CSSD must coordinate with other states in interstate cases because either: 1) the child support order was entered in the District, the noncustodial parent lives in the District, and CSSD is collecting payments from the noncustodial parent and sending them to the child support agency in the state where the custodial parent and child live; or 2) the support order was entered in the state where the custodial parent and child live, the noncustodial parent lives in the District, and CSSD is collecting payments from the noncustodial parent and sending them to the state where the custodial parent and child live.

⁷ Federal Office of Child Support Enforcement, *Preliminary Report FY 2008*.

We are also concerned that the Office of the Attorney General is failing to adequately defend against motions to reduce child support orders. Due to the recession, many noncustodial parents have filed motions to reduce their child support payments. Admittedly, these are difficult cases because many noncustodial parents have been laid off or their hours have been reduced, and they cannot sustain their child support payments at the same level. On the other hand, the reduction in the support obligation leaves the custodial parent with less financial support for the child. In order to ensure that the support order is set at an appropriate level, reliable and accurate information about both parents' income and expenses must be gathered, particularly when a parent is self-employed.

In our experience, the Office of the Attorney General is often failing to conduct the necessary investigation to ensure that reductions in child support orders are warranted. In one case, a self-employed noncustodial parent brought a letter from the company he contracts with to Court to provide proof of the reduction in his income. The letter said that the parent worked for the company and his hours decreased due to the economic downturn. The letter did not state the number of hours the parent worked each week or his hourly rate. After reviewing the letter (which, of course, is not *evidence* in any meaningful sense of the word), rather than insisting that the noncustodial parent provide more reliable information about his income, the Assistant Attorney General (AAG) entered into a consent agreement with the noncustodial parent to reduce the child support order from \$500.00 per month to \$50.00 per month, which is the minimum order amount. The custodial parent receives TANF, and before the child support order decreased, she was considering whether to leave TANF. However, after the order was reduced by \$450.00 per month, this option was no longer available to the parent. Consequently, the AAG's failure to litigate a case properly may have lead to a family staying on TANF longer than it otherwise would have.

As demonstrated above, CSSD's failure to adequately enforce support orders deprives parents and their children of critical financial support. The agency's failure to enforce is particularly harmful to families who receive TANF, which is not sufficient to support them.

CAUSES OF CSSD'S PERFORMANCE PROBLEMS

To some extent, CSSD's poor performance is the result of inadequate resources—the agency is underfunded and understaffed. In addition, some characteristics of the District's population present special challenges for child support enforcement. For example, the District has a very transient population, which makes it more difficult to locate and serve noncustodial parents and increases the number of cases requiring interstate cooperation. However, in our experience, these are not the only reasons for CSSD's performance problems.

CSSD's performance issues are also rooted in the agency's: 1) outdated perception of its mission; 2) lack of accountability to and communication with its customers; 3) failure to adequately use available resources; 4) lack of interagency communication; and 5) lack of transparency.

A. Outdated Perception of the Agency's Mission

Traditionally, the principal mission of child support agencies was to collect support and enforce orders to reimburse the government for welfare expenditures. However, many child support agencies in other states have adopted a more expansive, family-friendly mission.⁸ These agencies provide services to both custodial and noncustodial parents and are dedicated to ensuring that children receive the appropriate amount of financial support from their parents. Their family-friendly mission is rooted in the understanding that child support is essential to helping families escape poverty and become more self-sufficient as well as increasing the involvement of noncustodial parents in their children's lives.

Unlike these progressive child support agencies, CSSD has not embraced a family-friendly mission. Too many of CSSD's policies and actions suggest that the agency still views itself solely as a collection agency whose main goal is to establish and enforce orders to recover welfare costs for the government. For example, in 2009, CSSD failed to timely update the self-support reserve in the DC Child Support Guideline.⁹ The self-support reserve does not directly impact the agency's ability to collect child support; however, the failure to promptly act jeopardized the well-being of low-income noncustodial parents who the self-support reserve was designed to protect.

As a result of CSSD's failure to timely update the self-support reserve, for three (3) months, District child support orders of low-income obligors were calculated incorrectly because the online Child Support Guideline Calculator used by the District of Columbia Superior Court included the old self-support reserve amount. According to CSSD, the agency did not have authority to update the self-support reserve because the Child Support Guideline did not specify which government entity was responsible for the task. Advocates disagreed. Nevertheless, even if CSSD believed the statute was unclear, CSSD should have acted promptly to resolve this issue rather than allowing the Court to enter inflated orders for low-income obligors for three (3) months.

CSSD's failure to timely update the self-support reserve had a broad impact. The Council had to pass emergency legislation to force CSSD to act. Despite a statutory requirement that CSSD ensure that adversely affected orders were corrected, CSSD indicated it would not help certain noncustodial parents petition the Court for review of their support orders. As a result, advocates partnered with the Court to notify obligors that their child support order may be

⁸ DC Applesed Center for Law and Justice, *Taking Care of the District's Children: The Need to Reform DC's Child Support System*, August 2007.

⁹ The DC Child Support Guideline ("Guideline"), D.C. Code § 16-916.01(g), creates a self-support reserve for noncustodial parents. The self-support reserve is the amount of annual income that noncustodial parents can set aside to meet their personal subsistence needs. This amount is subtracted from the obligor's income before the child support obligation is determined. Therefore, the self-support reserve amount is critical to determining the child support obligation of low-income noncustodial parents. The Guideline provides that the self-support reserve is 133% of the annual federal poverty guideline for a single individual, which is \$14,404 for 2009. The Guideline clearly mandates that the self-support reserve must be updated every two (2) years by publishing the new amount in the District of Columbia Register. The updated reserve amount (from \$12,382 to \$14,404) should have been in effect on April 1, 2009.

too high because of the error in the Guideline Calculator. The Court sent 400 notices that directed obligors to call Legal Aid and Bread for the City for assistance. Thus, the resources of the Council, the Court, legal services providers, nonprofit organizations, and CSSD were expended to address an error that could have easily been prevented. Moreover, because the target population did not respond to the notices, some noncustodial parents may still have child support orders that they cannot afford to pay.

Although the Council's emergency legislation specified that the Mayor is responsible for updating the self-support reserve, CSSD still argues that the statute is not clear. Advocates maintain that the legislation is clear, and CSSD should update the self-support reserve because the agency created and maintains the Child Support Guideline Calculator. In order to avoid repeating this debacle next year, the Council should ensure that any problems CSSD still perceives exist are resolved.

We are also concerned that CSSD's outdated perception of its mission also informs its policy decisions. The federal Deficit Reduction Act of 2005 (DRA) allows states to change their child support rules to put low-income families, rather than the government, first in line to receive collected support. CSSD decided not to adopt any of the DRA rule changes, except for those it was mandated by law to implement, ostensibly because this decision had the smallest fiscal impact on CSSD and the District's budget. Advocates are concerned that this is a short-sighted decision that disregards the benefits of the DRA rule changes for families and the District government. The rule changes will put more money in the pockets of families living in poverty, stimulate the District's economy, and decrease the District's spending on social welfare programs.¹⁰

CSSD's outdated perception of its mission prevents the agency from fulfilling its mandate and providing the best possible service to its customers.

B. Lack of Communication with and Accountability to Customers

The primary complaint about CSSD that Legal Aid and Bread for the City receive from custodial and noncustodial parents is that CSSD has poor customer service. Parents report that their calls are not answered, their voicemails are not returned, and they do not know who to contact for an update about their case or to provide information. Some parents also indicate that CSSD staff members are rude or dismissive when they visit or call and treat them as if they are simply another case that has to be processed. As a result of these negative experiences, CSSD has not developed cooperative relationships with its customers, which are essential for the exchange of the information that CSSD needs to establish and enforce child support orders. Also, many parents we talk to believe that CSSD staff do not care whether they receive child support or whether the problems with their case are resolved.

One parent's story is particularly exemplary of CSSD's lack of communication with and accountability to its customers. Ms. S submitted written testimony that tells her story far better than we can, but we would like to highlight some portions to illustrate CSSD's customer service

¹⁰ Due to the lack of transparency discussed later in this testimony, advocates have been unable to conduct their own comprehensive analysis of the costs and benefits of adopting the optional DRA changes.

problems. Ms. S went to CSSD for help getting child support for her eleven-year-old son. Since the child's father lives in Texas, CSSD had to start an interstate case and cooperate with the Texas child support agency to establish parentage and obtain a support order. Three (3) months after completing the initial application, Ms. S had her first meeting with a CSSD caseworker. Although the caseworker knew that Ms. S exclusively speaks Spanish, the letter about the meeting was written in English. When Ms. S tried to contact the caseworker at the number that the caseworker gave her to call with questions, no one answered. For eight (8) months, Ms. S contacted CSSD for an update about her case, but received little to no information. Earlier this year, Ms. S called CSSD for an update about her case and was told that none of the staff who speak Spanish were available and she should call back in two (2) weeks when the customer service representative who speaks Spanish returned to the office.

After persistently contacting CSSD with no results, Ms. S came to Legal Aid for help with her case. With Legal Aid's assistance, she called the Texas child support agency and learned that a child support order had been entered in Texas for her son almost two (2) months earlier and the noncustodial parent had made six (6) payments. When Ms. S went to CSSD the next day to find out why she had not been informed about the child support order or received any payments, a staff person told her again that none of the staff who speak Spanish were available. After insisting that she needed to speak to someone immediately, a staff person who speaks Spanish came to assist Ms. S. After this meeting, Ms. S finally began receiving child support payments.

Unfortunately, Ms. S's experience is not unique. Legal Aid has received a report from another parent who is not proficient in English that CSSD did not provide her with services in a language she could understand. The District of Columbia Language Access Act requires CSSD to provide services to limited English proficient customers, but the agency appears to be failing to consistently comply with this law. In addition, like Ms. S, numerous parents have had negative interactions with CSSD that make it difficult or impossible for them to work with the agency to ensure that their children receive support.

C. Failure to Adequately Use Available Resources

CSSD also fails to adequately use the resources available to the agency to establish and enforce child support orders. For example, CSSD's Investigators mainly attempt to serve noncustodial parents on weekdays during normal business hours when they are unlikely to be home. Also, we have concerns that Assistant Attorney Generals (AAG) are not aggressively seeking the use of alternative methods permitted under the law to serve noncustodial parents who are avoiding service. In at least one case, the AAG refused to attempt to serve the noncustodial parent via certified and regular mail even though CSSD had failed to serve him for a year and a half. Furthermore, as mentioned above, too often AAGs fail to conduct discovery to verify the noncustodial parent's income, which is particularly important in cases in which the parent is self-employed.

In addition, the Assistant Attorney Generals are not assigned to specific cases. As a result, over the life of a child support case, multiple attorneys handle the case. This practice is inefficient and error-prone. In one case, the custodial parent's attorney informed the AAG that

there was a serious history of domestic violence between the parents and requested that the custodial parent's contact information remain confidential. The case did not proceed that day because CSSD failed to serve the noncustodial parent. At the next hearing, a new AAG handled the case. When discussing the case with the new AAG, the custodial parent's attorney discovered that the previous AAG did not document the conversation about the domestic violence, the case was not flagged for special privacy protections, and the child support petition, which was filed by the Office of the Attorney General, included the custodial parent's home address. Fortunately, the petition was not served on the noncustodial parent before the custodial parent's home address was redacted. If the case was assigned to a specific AAG, this very alarming error would have been less likely to occur.

D. Lack of Interagency Communication

CSSD staff seem to work in silos. Each division does not understand the work of the other divisions or communicate with them. For example, when child support orders are entered or modified in Superior Court, often the Wage Withholding Division does not receive the order in a timely manner, or at all, because the Legal Services Section does not ensure that this information is received by the Wage Withholding Division. Consequently, either custodial parents experience delays in receiving support or, in cases of modification, employers are not withholding the accurate amount of support from obligors' paychecks, and families are not receiving the correct amount of support.

In another case, an attorney from Bread for the City requested an audit of child support payments from CSSD on behalf of a noncustodial parent. The Bread for the City attorney was caught between the Audit Division insisting that a request from an attorney in the Legal Services Section was required, and the Legal Services Section insisting that such request was not necessary. Although the Bread for the City attorney was ultimately able to obtain the audit, an unrepresented individual would have had much more difficulty resolving this interagency conflict on his own.

Indeed, the lack of interagency communication at CSSD makes it very difficult for parents and their attorneys to provide information to and receive information from the agency. Moreover, the silos prevent CSSD staff from effectively working together to establish and enforce child support orders.

E. Lack of Transparency

CSSD also lacks transparency. The public does not have access to information about CSSD's goals, performance, policies and procedures, or budget. The agency submits annual reports about its performance to the federal government, but does not provide this data to the public. In addition, unlike other District agencies,¹¹ CSSD's state plan and policies and procedures manual are not publicly available. Also, child support advocates have had difficulty obtaining certain information from CSSD management about important policy and budgetary matters. For example, in March and April 2009, advocates asked CSSD's Director, Benidia

¹¹ The Income Maintenance Administration, a District agency that is also regulated by the federal government, provides its policies and procedures manual on its website.

Rice, for a copy of CSSD's fiscal analysis of the costs and benefits of adopting the optional Deficit Reduction Act rule changes in the District. Ms. Rice instructed us to contact the Attorney General to request a copy of the analysis. In June 2009, we sent a letter to the Attorney General requesting a copy of CSSD's fiscal analysis, but we did not receive a response from his office. Similarly, when advocates requested information about CSSD's budget from Ms. Rice, she advised us to direct the inquiry to the Attorney General.

Since information about CSSD's goals, performance, policies and procedures, and budget is not accessible to the public, it is difficult for parents and advocates to monitor CSSD and hold the agency accountable to fulfilling its mandate, or evaluate the benefits of current or not-yet-pursued programs. As a result of the lack of transparency, many of the agency's performance problems have gone unnoticed or remain unresolved, and opportunities to help families may have been lost.

RECOMMENDED ACTION TO IMPROVE THE DISTRICT'S CHILD SUPPORT PROGRAM

There is no single solution for CSSD's performance problems. It will take a variety of coordinated efforts to ensure that CSSD adequately serves District families and children, some of which are already underway. CSSD has developed and participated in several promising initiatives, including the Fresh Start Program,¹² the Noncustodial Parent Employment Initiative,¹³ the Fathering Court,¹⁴ an outreach program at the District of Columbia Jail,¹⁵ and the First Response Unit.¹⁶ In addition, CSSD Investigators now attempt to serve some noncustodial parents on Saturdays, when they are likely to be at home. Also, CSSD recently began using the Citizen Law Enforcement Analysis and Reporting (CLEAR) system to locate noncustodial parents. This tracking tool is used by law enforcement for criminal investigations and will hopefully provide CSSD with the information that the agency needs to locate and serve noncustodial parents and establish parentage and support orders.

Despite these laudable efforts to improve and expand the agency's services, much more work needs to be done to ensure that CSSD fulfills its mandate, including: 1) increasing Council oversight; 2) improving CSSD's operations; and 3) increasing public access to information about CSSD's goals, performance, policies and procedures, and budget.

¹² The Fresh Start Program is an arrears forgiveness program for noncustodial parents.

¹³ The Noncustodial Parent Employment Initiative is a partnership between CSSD and the Department of Employment Services (DOES) that helps noncustodial parents find employment.

¹⁴ The Fathering Court is a partnership between CSSD, DOES, and the Superior Court for the District of Columbia that aims to assist noncustodial parents who were recently released from incarceration or chronically unemployed find employment, consistently pay child support, and become more involved in their children's lives.

¹⁵ A CSSD Outreach Specialist conducts bi-weekly outreach sessions at the District of Columbia Jail to help inmates modify their child support orders and prevent arrears from unnecessarily accruing.

¹⁶ The First Response Unit has six (6) caseworkers who meet with parents when they come to CSSD's office to answer their questions about their case. CSSD tries to ensure that parents who return to the office for further assistance meet with the same caseworker, which promotes continuity and consistency of information.

A. Increase Council Oversight

Increased Council oversight is essential to ensuring that CSSD improves its performance. The Council should insist that CSSD sets specific performance goals and performs in accordance with—if not above and beyond—such goals. We recommend that this Committee and the Council as a whole increase oversight of CSSD as follows:

- **Insist that CSSD sets challenging performance goals and develops a plan to meet these goals.** The Council must ensure that CSSD is making concerted efforts to improve its performance and outcomes. These goals and the implementation plan should be made public;
- **Require CSSD to submit a detailed annual report about the agency's performance to the Council.** The report should include detailed data about the agency's performance, including the number and percentage of cases in which parentage was established and a support order was entered, the average number of months for establishment of parentage and a support order (both temporary and permanent), total amount of child support collected categorized by method of collection and type of case (e.g., current assistance, former assistance, never assistance), and average monthly amount of child support collected categorized by type of case. Since CSSD submits this information to the federal government, providing this report for the Council should not require the agency to expend additional resources; and
- **Hold regular hearings to review CSSD's performance and monitor the agency's progress on implementing solutions.** To ensure the most comprehensive understanding of the agency's performance problems, the Council should require the participation of key management staff, including the Director and division supervisors. At the hearings, CSSD should respond to all legitimate concerns and criticisms regarding its performance that are raised by this Committee, the Council as a whole, the Office of the Inspector General, parents, and advocates. Only with a full understanding of the problems can effective solutions be fashioned and implemented.

B. Improve CSSD's Operations

As mentioned above, CSSD has recently made changes to its operations to address some of the agency's performance issues. CSSD should continue these efforts to improve and implement additional changes, including the following:

- **Adopt a family-first model of service delivery.** CSSD must reconceptualize its mission. The agency can no longer afford to view itself solely as a collection agency for the government. In order to successfully fulfill its mandate, CSSD must become dedicated to serving the entire family—both custodial and noncustodial parents. This change must take place throughout the agency, including not only the Director and the division supervisors, but also caseworkers and customer service representatives. CSSD must convey its new family-friendly

orientation in staff training materials, customer materials, and the way in which the agency interacts with customers and other stakeholders;

- **Repair the automated voice response system.** We are pleased that CSSD has made efforts to create a new automated voice response system to ensure that its customer service telephone line is functional. The new system should be easy for parents to navigate, and the option to speak to a customer service representative should be among the first set of choices presented;
- **Reinstitute evening office hours.** In December 2009, CSSD eliminated its evening office hours. The agency is now only open Monday through Friday from 8:15 am to 4:45 pm. Visiting CSSD's office is the most effective way for parents to obtain or provide information about their case. Many parents work during CSSD's current office hours and are unable to take time off to visit the office. Therefore, CSSD should reinstitute evening office hours to make it more convenient for parents to access the agency's services;
- **Educate parents about the child support process, the services that CSSD provides, and the best ways to contact the agency.** Although CSSD has worked to create more outreach materials, more can and should be done. CSSD should include a plain language description of the child support process in its application materials. The agency should also provide parents with information about its services that makes it clear that the agency is dedicated to serving families. These materials should include information about the various methods of child support disbursement (i.e., debit card, paper check, and direct deposit) and the costs and benefits of each method. In addition, CSSD should ensure that parents have up-to-date contact information for the agency's divisions and are notified when CSSD develops new programs that may be useful for their case. For example, CSSD should send custodial parents information about the recently-developed Child Support Tip Line, which is an anonymous tip line to help locate noncustodial parents. If CSSD's customers do not know about the agency's programs, they will be ineffective;
- **Translate written materials, particularly the initial application and form letters, into languages other than English and ensure that oral translation is provided for limited English proficient customers.** Many CSSD customers are not proficient in English. The District of Columbia Language Access Act requires the agency to provide oral and written translation for these customers in a language they understand. CSSD should document the language needs of its customers during the initial interview and ensure that any communication with the customer, oral and written, occurs in a language the customer understands. CSSD should use Language Line if staff cannot provide oral translation. These practices are necessary to assure that all CSSD customers have equal access to the agency's services, regardless of their level of English proficiency;

- **Survey customers to obtain their feedback about their experience with CSSD and the areas in which CSSD can improve.** CSSD's customers are best positioned to recommend reforms that CSSD can implement to improve its performance and service to families;
- **Institute a nontraditional workweek for CSSD Investigators.** To maximize the success of their service attempts, Investigators should attempt to serve noncustodial parents during weekday evenings and weekends;
- **Develop partnerships with Maryland and Virginia child support and law enforcement agencies to locate and serve noncustodial parents who live in these states.** CSSD must create systems that account for the regional nature of the area. A family should not be deprived of the benefits of obtaining a child support order in the District because the noncustodial parent lives outside the Beltway;
- **Ensure that all attorneys use available legal tools to establish and enforce child support orders.** Assistant Attorney Generals should request permission to use alternate methods of service, when appropriate. This practice will decrease the number of cases that cannot proceed because service has not been effectuated. Attorneys should also conduct discovery for all self-employed obligors in order to ensure that child support orders are based on accurate income figures;
- **Assign each case to one attorney.** This practice is the most efficient and effective way to manage cases. It will ensure consistency and decrease the likelihood of errors. If this is not feasible due to staffing limitations, the agency should ensure that cases with special circumstances or complex issues are assigned to one attorney;
- **Improve cooperation with other child support agencies in interstate cases.** CSSD should regularly communicate with their counterparts in other states to ensure that child support payments are accurately collected and distributed in interstate cases; and
- **Improve interagency communication.** CSSD staff should receive training about the duties of all the agency's divisions. CSSD must also put systems in place to ensure that information is transferred between divisions in a timely manner.

C. Increase Public Access to Data about CSSD's Goals, Performance, Policies and Procedures, and Budget

In order to ensure that CSSD is held accountable to its customers, the Council should require the agency to publicize information about its goals, performance, policies and procedures, and budget. CSSD should post the agency's annual report to the Council, state plan, policies and procedures manual, and budget on its website. These documents should also be made available to customers upon request.

CSSD should also continue to regularly meet and correspond with child support advocates. An open line of communication between CSSD and advocates is critical to ensuring that parents receive the information and services they need to support their children.

Earlier this year, advocates had a very productive meeting with CSSD in which we brainstormed solutions to address advocates' concerns about the use of Chase Visa debits cards to disburse child support payments. Legal Aid received reports from custodial parents who were switched from a paper check to a debit card that they were being charged fees to withdraw their child support payments from automatic teller machines (ATMs). After researching the issue, advocates discovered that there are several problems with the debit card.¹⁷ Advocates met with CSSD's Director, Benidia Rice, and CSSD senior management about this issue, and we had a fruitful discussion about how we can work together to resolve this issue. Ms. Rice indicated that CSSD is open to working with local banks to open free bank accounts for custodial parents so their child support payments can be directly deposited into an account. Advocates and CSSD staff also agreed to work together to develop outreach materials to inform parents how to use the debit cards without incurring fees.

After the meeting, DC Appleseed contacted Capitol Area Asset Builders and learned that the Mayor recently developed a program, Bank on DC, to provide incentives for local banks to help District residents open free or low-fee checking accounts. DC Appleseed organized a conference call with Bank on DC and CSSD staff, which was productive. Advocates hope this partnership materializes so that more custodial parents can open bank accounts, which will have benefits beyond no longer incurring fees to access their child support payments.

As this example illustrates, regular meetings between advocates and CSSD staff are critical to improving the District's child support system and ensuring that families with children in need of CSSD's help are served in a holistic manner.

CONCLUSION

Over the last year, CSSD has made progress towards helping more District families support their children and improving the quality and breadth of their services. However, CSSD still has a great deal of work to do to ensure that the agency fulfills its mandate. Council oversight is key to ensuring that the necessary improvements are made. In addition, CSSD must be committed to developing policies and practices that are more family-friendly and effective. In addition, customers and advocates must have access to the information necessary to hold CSSD accountable. The District's children are depending on us to work together to ensure that they receive the parental support they need and deserve.

¹⁷ There is not a Chase Bank within fifty (50) miles of the District. Therefore, in order to avoid paying a fee to withdraw child support payments, parents must use the debit card for point-of-sale transactions or withdraw funds from specially-designated ATMs, which are located in pharmacies and convenient stores. Parents are only granted one free withdrawal from the specially-designated ATMs per deposit. Thus, in order to avoid incurring fees, parents must withdraw their entire child support payment at one time, which can be unsafe to do. In addition, the debit cards have several hidden fees, such as a fee to check the balance on the card at an ATM and an inactivity fee. The card also has strict penalties for failure to report lost or stolen cards within two (2) business days. Also, the terms and conditions for the card are written in technical language that is difficult to understand.