

**Testimony before the District of Columbia Council
Committee on Public Safety and the Judiciary
Child Support Services Division of the Office of Attorney General
Agency Performance Oversight Hearing
Fiscal Year FY 2011-2012**

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The Legal Aid Society of the District of Columbia¹ and Bread for the City² have long represented custodial and noncustodial parents in child support cases in the District of Columbia. This year, both organizations received publicly-funded Access to Justice grants from the D.C. Bar Foundation to fund a joint Child Support Community Legal Services Project. Through this Project, we offered for the first time court-based legal services at the Paternity and Child Support (“P&S”) Branch of the DC Superior Court. Four mornings per week, attorneys from Legal Aid and Bread for the City are available at the P&S Branch of the Superior Court to provide legal information, advice, and same-day temporary representation to custodial and non-custodial parents in their paternity and child support cases. Project attorneys also advocate for systemic reform of the District’s child support system. As a result of Legal Aid and Bread for the City’s historic commitment to representing litigants in the child support system and our new court-based legal services office, we are intimately familiar with the performance challenges currently facing the Child Support Services Division (“CSSD”) of the Office of the Attorney General (“OAG”). Indeed, we interact with attorneys, paralegals, managers, and staff from CSSD on a near-daily basis. In addition, 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 prior to applying for our services, and the Office of the Attorney General represents the District in most of the child support cases we take on.

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 80 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.

Although we frequently oppose CSSD/OAG in the courtroom, we unreservedly share CSSD's goal of ultimately helping reduce poverty among District children and families. We are testifying today to share our concerns about CSSD's performance in hopes of improving the agency's functioning and helping CSSD reach this goal.

Our testimony is based on our experiences as practitioners in the Paternity and Child Support Branch. We also conduct outreach and education on the issues of child support and paternity establishment in the District, with a special focus on some of our city's most impoverished wards and among the youngest and most vulnerable parents. Below, we outline our concerns about CSSD's performance and recommended actions for improvement. We also highlight illustrative stories from some of the litigants whom we have helped.

We understand that in these difficult financial times, all District agencies are under enormous budget constraints. However, we believe that many of CSSD's performance issues can be addressed with minimal or no cost to CSSD. Moreover, improving the administration of the District's child support program will benefit both families and the District government. Given the current economic crisis, families' needs for the increased income from child support are especially acute. If CSSD improves its performance, more families will receive the support that they need, allowing them to become self-sufficient and reducing their reliance on public benefits. Additionally, this will inject more money into the District economy, helping all District residents. We hope that our testimony will continue the dialogue that we have joined to ensure that the District's children receive the support that they need.

After an adverse decision by the court, CSSD has failed to timely revise its form petition to initiate child support cases, resulting in a significant failure in its agency mandate to establish new child support orders.

When a parent receives Temporary Assistance for Needy Families ("TANF"), s/he assigns his or her right to child support to the government. Under federal law, CSSD/OAG is then required to seek to establish an order against the non-custodial parent. In addition, for a small fee, a custodial parent or primary caregiver who does not receive TANF can apply for CSSD to establish and enforce a child support order. Accordingly, the vast majority of the cases in the P&S Branch are ones in which CSSD/OAG has petitioned, on behalf of the District, the court for a support order.

For the last 6 to 8 months, Legal Aid and Bread for the City attorneys have noticed a considerable drop in the number of cases on the child support calendars in the P&S Branch – from approximately 35-45 cases per calendar to approximately 15-20 per calendar (there are a total of three P&S calendars). According to CSSD, the decrease in scheduled child support cases is due to the reduction in petitions to establish paternity and child support filed by the agency after a series of recent decisions of a Magistrate Judge issued between February and March 2011.

These decisions were consolidated on appeal, and the judgments were affirmed by an Associate Judge. In that case, *District of Columbia v. Marquis Burt et. al.*, the Magistrate Judge dismissed without prejudice several paternity and child support petitions for not meeting mandatory court pleading requirements. In particular, the judge dismissed each petition for various pleading defects, including: “(1) the failure to state the approximate date of conception of each child; (2) the failure to include a short and plain statement of the District’s entitlement to the relief sought; and (3) the failure to identify other cases based on or including the same claims or subject matter or to state that no such cases exist.”³ None of these pleading requirements are new; rather, each is contained within the court’s rules. The Magistrate Judge gave CSSD/OAG the opportunity to amend each petition within 30 days of its dismissal, but CSSD/OAG instead opted to seek judicial review of the decisions. The Associate Judge to whom the cases were certified for review agreed that each of the various elements found missing from the petitions was essential to provide adequate notice to child support litigants, who are overwhelmingly *pro se*.

As the result of this decision, CSSD/OAG has been required to revise the form petition used in P&S Branch cases filed by the agency to comply with the judicial order and the court’s rules. On August 18, 2011, the Associate Judge issued a decision upholding the Magistrate Judge’s decisions. At a December meeting with CSSD, Benidia Rice, Director of CSSD, informed Legal Aid and Bread for the City that the agency was having problems meeting the court pleading requirements. In particular, the agency claimed to lack the resources to comply with the requirements but declined to elaborate further. While we understand that there may be difficulties involved in changing a process so central to the agency’s mission, the agency’s delay in addressing this deficiency has apparently brought the filing of new petitions to a near standstill. We are concerned that the reduced filing of petitions by CSSD/OAG and any backlog of petitions to be filed are denying many children and families a critical source of income essential to their economic wellbeing.

It is unclear to us when filing of new cases will return to previous levels. If the problem has not yet been fully resolved, it is also unclear what resources are required to meet the demands of the petition requirements. Unfortunately, during this period, many leadership positions in CSSD have become vacant, including the Assistant Deputy Attorney General, Chief of the Legal Services Section, Chief of Program Operations (who oversaw the important units of Intake, Establishment, Locate, Interstate, Enforcement, and Medical Support), and most recently Chief of Policy, Outreach and Training. Accordingly, the lower filing numbers may be aggravated by staffing concerns in addition to the issues regarding petitions. CSSD’s lack of transparency on this as well as other issues of joint concern is something that Bread for the City and Legal Aid previously raised during the OAG Performance Oversight Hearing for fiscal year 2009-2010. To date, the public’s lack of access to information about CSSD’s goals, performance, and budget continues to concern advocates.

³ *D.C. v. Burt*, 2011 D.C. Super. LEXIS 5 (D.C. Aug. 11, 2011).

Recommendations:

1. The Council should increase oversight of CSSD and its compliance with the mandate to file new petitions. The Council should use its oversight hearings to monitor the agency's progress with implementing solutions to ensure that the agency is meeting its mandate of filing petitions to establish paternity and child support.
2. CSSD should increase its transparency with the Council, the agency's customers, and the advocacy community. In particular, CSSD should be open about the causes, potential consequences, and proposed remedies for the recent reduction in the filing of petitions for support.

CSSD's policy of opposing disestablishment of paternity in *all cases*, regardless of the factual circumstances, is contrary to the law, diverts overstretched agency resources from helping children, and does not serve the interests of justice or District families.

CSSD's primary function is to pursue accurate and just support orders for children after paternity is established. Yet when evidence shows that CSSD/OAG is pursuing the wrong man for child support, one who was lied to about being the child's biological father, CSSD/OAG stubbornly maintains that that man must remain the so-called "legal father" even in the face of contrary law or evidence. In this way, the agency is failing to execute its primary function properly.

For unmarried parents, paternity can be established by the signing of an Acknowledgment of Paternity or by DNA testing. CSSD currently encourages the use of Acknowledgments of Paternity as the "easy and free" way to establish paternity.⁴ On CSSD's website, the Voluntary Acknowledgment of Paternity is listed as the primary means of establishing paternity. The website does not include any disclaimers about when it would be inappropriate for parents to sign an Acknowledgment of Paternity or when parents should instead seek DNA testing. In addition, although most parents sign Acknowledgments at the hospital shortly after their child is born, parents are not provided with a means to obtain DNA testing prior to voluntarily acknowledging paternity.⁵

⁴ Child Support Services Division of the Office of the Attorney General for the District of Columbia, "Parentage Establishment," available at <http://cssd.dc.gov/csed/cwp/view,a,3,q,514741,csedNav,%7C31158%7C.asp>

⁵ Other states offer free or low-cost paternity testing to parents. For example, DNA testing to establish paternity is free in Texas. State of Texas, Office of the Attorney General of Texas, Paternity Establishment, https://www.oag.state.tx.us/cs/parents/cs_paternity.shtml. In Oklahoma, DNA testing costs \$33.00 and is only charged to the father if the test concludes that he is the child's biological parent. State of Oklahoma, Oklahoma Department of Human Services, Oklahoma Child Support Services: Frequently Asked Questions, <http://www.okdhs.org/programsandservices/ocss/cssvcs/docs/patfaq.htm>. In addition, some child support agencies' websites discourage parents from signing an Acknowledgment of

Federal law, as adopted by the District, requires adherence to strict notice requirements in order for an Acknowledgment of Paternity to be valid: “before the parents sign the acknowledgment, both [must] have been given written and oral notice of the alternatives to, legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment.”⁶ When the procedures accompanying an Acknowledgment do not meet the statutory requirements, our legal position is that the Acknowledgment does not establish paternity and an alternate means, such as DNA testing, must be used.

CSSD/OAG consistently takes the position that any Acknowledgement of Paternity is valid and legally binding after the expiration of a short window for rescission permitted under D.C. law regardless of whether the strict notice requirements passed by this body have been followed. Once CSSD/OAG considers parentage to be established, the agency refuses to consider any reason – however valid – for disestablishing paternity. This includes numerous cases Legal Aid and Bread for the City have seen in which there is evidence that the Acknowledgment of Paternity was invalidly executed, the biological mother states the respondent is not the biological father, or even cases in which the putative father has conclusive evidence of non-paternity in the form of exclusionary DNA test results.

In one such case, a putative father signed an Acknowledgment of Paternity at the hospital after his then-girlfriend told him he was the baby’s father. He believed his girlfriend, having no reason to think otherwise. It was not until three years later, after a child support order had been established, that she said he was not the biological father. This man promptly filed a motion to terminate his child support case. Both he and the child’s mother testified that they had not been sworn in before signing the acknowledgment. In addition, both he and the mother asked that the court grant DNA testing and disestablish paternity. The court held that the Acknowledgment of Paternity was invalid, and subsequent court-ordered DNA testing excluded this man as the father of the child at issue.

It was at this stage that a Project attorney began to represent this man and argued to disestablish paternity, terminate the child support order, and dismiss the case. Even in this situation, where the biological mother agreed that the client should be removed as the so-called “legal father,” and in which DNA testing conclusively proved non-paternity, CSSD/OAG fought the disestablishment of paternity and termination of the order. Luckily for the client, the court did not agree. However, this ruling has not deterred CSSD/OAG from continuing to make the same arguments in subsequent cases. Because of CSSD/OAG’s opposition at every step, it took sixteen months of regular hearings from the time the client filed his motion to terminate until the

Paternity if either of them have any doubts about paternity. *Id.* (“If either the mother or father has any doubts about who the natural father is, they should get DNA testing done instead of signing the Acknowledgment of Paternity form. DO NOT sign the form unless you are SURE about who is the natural father.”)

⁶ D.C. Code § 16-909.01(a)(1).

case was ended and the mother could move on to seek to establish paternity of the real biological father.

The resources that CSSD expended in opposing this and other respondents' request for DNA testing and subsequent motions to disestablish paternity and terminate child support orders could be better spent elsewhere. In the cases we have seen, CSSD/OAG is still confronting the problems of adequately locating and serving non-custodial parents, communicating with custodial parents, investigating cases, conducting discovery, and enforcing orders. Instead of fighting to keep the wrong father in a case, CSSD staff could instead devote their energy towards locating, serving, and establishing an order against the child's actual biological father – the person who is legally obligated to support the child.

We acknowledge that there may be circumstances in which, particularly for policy reasons, a putative father should be stopped from challenging paternity. However, there are a number of situations in which upholding an erroneous adjudication of paternity or invalidly executed Acknowledgment of Paternity is not in the interests of justice or in the best interest of the minor child. From the child's perspective, knowledge of one's true parentage is vital for medical, social, psychological, and economic reasons. In several cases that Legal Aid and Bread for the City have seen, the children are aware of the proceedings challenging paternity and have cooperated in DNA testing. A child has a vital interest in learning the truth about her parentage, at as early a stage as possible. In addition, focusing on a non-biological man as the so-called "legal father" ignores the interests of the actual biological father, whoever and wherever he might be. So long as someone else remains adjudicated as the legal father, the real father cannot exercise his constitutional parental rights, or be held responsible for supporting his child.

Recommendations:

1. CSSD should reframe its outreach around Acknowledgments of Paternity to encourage only parents *who are both absolutely certain that they are the biological parents* to sign the Acknowledgments at the hospital.
2. The District should offer free or very low cost DNA testing at D.C. hospitals, giving parents an immediate option to satisfy any doubts before signing an Acknowledgment of Paternity.
3. CSSD should examine its response to requests for DNA testing when an Acknowledgment of Paternity has been signed and consider the factual circumstances involved in each case.

Admittedly D.C.'s paternity laws consist of a complicated set of laws. If necessary and appropriate, both Bread for the City and Legal Aid would be happy to work with the DC Council and CSSD/OAG to craft legislation that clarifies the law.

CSSD has failed to adequately remedy several performance issues previously identified by Bread for the City and Legal Aid, including inadequate utilization of available resources pertaining to investigations and communication.

Previously, Bread for the City and Legal Aid submitted written testimony during the OAG Performance Oversight Hearing for FY 2009-2010. In this testimony, we identified several areas of concern regarding CSSD's performance. One area of concern that has not yet been fully addressed is CSSD's failure to adequately use its resources. In particular, resources involving investigations and communication appear to be used ineffectively.

Very often, CSSD/OAG conducts little to no investigation prior to a case reaching court. For example, a significant number of child support cases prosecuted by OAG involve situations where one parent receives TANF and, as a result, assigns his or her right to child support to the District government. In a surprising number of these cases, Bread for the City and Legal Aid have provided legal help to a parent being sued for child support when he or she is actually the custodial parent (and thus the other parent is improperly receiving TANF). In these instances, CSSD/OAG insists on seeking to establish a child support order against the actual custodial parent without making further inquiries.

In another example, in one case that was referred to Project attorneys by the court, CSSD/OAG was pursuing a father for TANF arrears even though he was now the recipient of TANF benefits for himself and his son. This in and of itself is not unusual. What was unusual was that the father had taken over as the primary custodial parent of his son over two years ago, and both he and the child's mother had notified CSSD/OAG at a court hearing two months after the change in informal custody. Despite that, another order was entered against the father. The mother again contacted CSSD the following year to inform the agency that she no longer had custody of her child, but CSSD/OAG took repeated enforcement action against the father, even while he had primary custody of his son and was in fact receiving TANF himself. A Project attorney entered a temporary representation in the father's case and brought to the court's attention the fact that the mother had first notified the government about the change in custody as far back as two years ago, but that the government had failed to take any action to pursue the suspension the order. In addition, the attorney elicited a statement from the mother that she was more than willing to pay child support to the father; however, the government had so far chosen not to petition that case – even though the father has assigned his right to receive child support to the District. By ignoring information at their disposal, namely the father's TANF status, CSSD missed the easy opportunity to establish a new child support order – something that would be one more completed case towards meeting the federal mandate, and one more child that could be lifted out of poverty.

While at times CSSD's failure to investigate may be due to lack of adequate resources, we have seen firsthand that is not always the case. CSSD also fails to utilize all of the various databases to which it has ready access. For example, in one case, a father sought help from a Project attorney at the courthouse after meeting with an OAG attorney. The father had not been able to get proof of his Social Security Administration ("SSA") disability benefits prior to his court date. He was told by an OAG attorney that, because he did not have adequate proof of his public benefits, CSSD/OAG would have to ask for his case to be continued. Only after significant legal advocacy from the Project attorney did the OAG attorney agree to look up the benefits through the CSSD computer system. This information was on the same computer system that the CSSD attorneys and paralegals use on a daily basis for interviews at court. The computer system reflected that the father received SSA benefits, and the parties were able to reach a consent agreement requiring no further court dates. Without pressure from a Project attorney, OAG would not have utilized the systems at its disposal, and another court date would have been set, unnecessarily clogging the court's docket and wasting the litigants' time. Eliminating unnecessary delays like these would not require any additional expenditure of funds, as CSSD already has access to the necessary database systems. CSSD/OAG staff must simply be trained to utilize these tools to the fullest extent.

As identified by Bread for the City and Legal Aid's testimony in previous years, communication – particularly service of process of court pleadings – has been another area of challenge for CSSD/OAG. This continues to be true. Not only does CSSD/OAG continue to have some difficulty serving the respondent in many of their cases, but they also often fail to keep the custodial parent adequately informed of the status of the case. When CSSD/OAG fails to keep the custodial parents apprised of what is going on in their case, the custodial parties lose the opportunity to make known to the court the needs of themselves and their children. In addition, there are times when the custodial parent's presence is needed and failing to properly notify the custodial parent leads to a delay in the case.

CSSD's failure to adequately communicate with custodial parents presents a particular problem when a noncustodial parent files a motion to modify support and the custodial parent is a non-TANF customer of CSSD. In these cases, CSSD/OAG is technically the petitioner in the case and, accordingly, the noncustodial parent is required to serve CSSD/OAG with the motion. However, CSSD/OAG will not agree to a modification without the custodial parent's consent because all support goes directly to the custodial parent. CSSD/OAG, not the court, is responsible for sending the custodial parent notice of the hearing. However, quite frequently, the custodial parent either does not receive the notice or receives the notice but decides not to come to court because custodial parents' attendance is normally not mandatory. If the custodial parent misses the hearing, CSSD/OAG may send the custodial parent "mandatory notice" requiring that the custodial parent appear. Because mandatory notices are not sent automatically for hearings on motions to modify, many noncustodial parents end up spending a wasted morning at court,

and dockets are unnecessarily clogged with consent motions for continuances. Improving notification procedures in these and similar circumstances would reduce the number of hearings required to decide a motion to modify, and therefore would reduce the overall expenditure of agency resources.

Recommendations:

1. CSSD should ensure that all attorneys and paralegals are trained regarding available legal tools and databases at their disposal.
2. CSSD should work to improve communication with custodial parents (including about where the child is living) and improve procedures for issuing appropriate notices for hearings on motions to modify.

CSSD fails to enforce child support orders in a timely fashion.

When a child support order is established, it is generally supposed to be paid weekly or monthly, and often through wage withholding. If the noncustodial parent does not pay regularly, debt accrues, which are called “arrear.” CSSD has many enforcement options at its disposal to collect such arrears, including the ability to intercept federal and state tax returns or lottery winnings, to revoke professional and vehicular licenses and registration, and to freeze and seize bank accounts.⁷ CSSD sometimes uses these enforcement tools to collect newly-accrued arrears, and encourage parents to make consistent child support payments. However, in our experience, we have found that CSSD often fails to take prompt enforcement action in child support cases, instead enforcing child support obligations well after orders are no longer in effect for collection of current support and after the child has reached the age of majority. Some noncustodial parents have accrued significant arrears over the years, often in the tens of thousands of dollars. In many instances, these parents were unable to meet their child support obligations due to long periods of incarceration or unemployment. Many of the clients we represent were no longer able to work due to mental or physical disabilities. In a number of these cases, parents unfortunately were unaware of the need to file a motion to modify the child support order when those life changes occurred. Federal and DC law prohibits retroactive modification of child support orders – the court can only modify the order back to the date that the opposing party had notice of the request to modify.

In cases with old arrears, CSSD has gone forward with enforcement actions such as suspending a parent’s driver’s license, leaving him or her unable to drive to and from work, or freezing a bank account and seizing its contents. Any collected funds are then disbursed to the custodial parent. If the custodial parent received TANF benefits at any time during the life of the

⁷ Government of the District of Columbia, Office of the Attorney General, *Enforcement Tools*, http://csed.dc.gov/csed/lib/csed/pdf/brochures/feb2012/enforcement_tools_conv.pdf.

child support order, at least some of the funds will flow into government coffers. Indeed, in many cases handled by Bread for the City and Legal Aid, a majority of the arrears were owed to the government as reimbursement for TANF paid for the child. In such cases, the funds garnished from these low-income noncustodial parents would not provide any support, however belatedly, to the custodial parent, or the child.

We agree that it is important for CSSD to have tools at its disposal to enforce court orders and ensure that custodial parents receive the support that their children need. Such enforcement is especially important when the child is still a minor, and the custodial parent is in immediate need of the funds to support the child's wellbeing and, if possible, lift the child out of poverty. However, when steps are taken at such a late date, the children in question receive little to no benefit. Indeed, in these "arrears-only" cases, at the time of enforcement the subject children are often in their late twenties or early thirties and may have children and families of their own. It is imperative that CSSD move forward with enforcement actions while the orders are still in effect and children will receive the most benefit from the collected funds. CSSD should direct their enforcement resources to cases where recouping funds will have a more substantial effect on the wellbeing of the District's children.

This is especially true because CSSD is choosing to use valuable, but limited resources, to enforce many arrears-only cases that are beyond the statute of limitations. Because CSSD has waited so long to collect child support arrears, some or all of the support judgments are no longer enforceable due to the statute of limitations.⁸ Unfortunately, most noncustodial parents are unaware of their right to raise this affirmative defense, and some have agreed, often at CSSD/OAG's insistence, to "revive" arrears that actually have no legal operation or effect.⁹ In these instances, noncustodial parents may agree to pay old, outdated arrears that are otherwise no longer enforceable under District law. Attorneys at Legal Aid and Bread for the City have been able to assert this defense in cases involving no-longer enforceable arrears, giving hope to low-income parents facing what seem like insurmountable debts. The statute of limitations helps to ensure that low-income noncustodial parents, particularly those who have accrued substantial arrears for failure to file a timely motion to modify, will not live their lives with the weight of large arrears hanging over them indefinitely. Moreover, CSSD will better meet its performance measure of collecting child support and not also be burdened with essentially uncollectible arrears accrued by noncustodial parents who cannot pay off the accrued arrears due to their low incomes.

⁸ A judgment "is enforceable, by execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last order of revival thereof." D.C. Code § 15-101(a)(2).

⁹ "At the expiration of the twelve-year period... the judgment or decree shall cease to have any operation or effect," and cannot be revived, unless the judgment is the subject of a pending proceeding for enforcement. *Id.* § 15-101(b).

Such enforcement action in decades-old arrears-only cases can also have a chilling effect on the employment prospects of noncustodial parents. One such instance involves a noncustodial parent of three children, the youngest of whom is nearly thirty years old. This person had accrued substantial arrears while in and out of jail for nearly twenty years. Following his incarceration, he found part-time work in the District, which allowed him to rent an apartment and pay his bills. However, his wages were soon garnished and a majority of his paycheck was withdrawn every week to pay back child support. Eventually, his take home pay could no longer cover his rent, so he had to leave his job and move into a shelter. When noncustodial parents fear bringing themselves to the attention of CSSD, they may seek jobs where they are paid “under the table,” which generally offer less pay and security than other forms of employment. Noncustodial parents may even avoid contact with the custodial parents and, by extension, the child.¹⁰

CSSD’s “Fresh Start Program,” an arrears forgiveness program, is one way that noncustodial parents can reduce large, outdated arrears that are still enforceable under D.C. law. However, there is a troubling lack of transparency about the program and its requirements. According to CSSD’s website, to be eligible for the program, a parent must have at least \$1,000 in arrears, he or she must not have made a voluntary payment in the past year, his or her failure to pay must not have been due to bad faith, CSSD must have a valid address for each parent, and both parents must currently live in the District.¹¹ After making consistent payments for an agreed-on period of time, or making a lump sum payment, CSSD will forgive a portion of the obligor’s TANF arrears (which are owed to the government). This program encourages parents to start paying again and to reduce some of the debt that they owe. It also gives parents with extremely large arrears an incentive to begin paying back debt, as the possibility of CSSD eventually forgiving all TANF arrears is a “light at the end of the tunnel.” However, CSSD literature claims that the only way to enroll in the Fresh Start program is to respond to an introductory letter sent by CSSD. Although we know some parents owing child support seek out the CSSD Enforcement Unit to discuss entry into the program, it is unclear how CSSD determines which people would be good candidates for the program.

We understand that the agency may be hesitant to advertise about the Fresh Start Program because it does not want noncustodial parents to think that they can get away with not paying child support because it will later be forgiven. However, that can be dealt with through timely enforcement of unpaid child support. Given the clear benefits of reengaging noncustodial parents with substantial arrears and the benefits of the agency dealing with otherwise uncollectible debt, CSSD should make the requirements for entering the Fresh Start Program

¹⁰ DC Applesseed Center for Law and Justice, *Taking Care of the District’s Children: The Need to Reform DC’s Child Support System*, August 2007.

¹¹ Child Support Services Division of the Office of the Attorney General for the District of Columbia, “Fresh Start,” available at <http://csed.dc.gov/csed/cwp/view,A,3,Q,641644.asp>.

more clear and transparent. They should ensure that all parents with substantial TANF arrears are aware of the program and its requirements and have the opportunity to request enrollment.

Recommendations

1. Focus CSSD enforcement resources on active cases, where the District's children will receive a direct benefit from the collection of current support and arrears while the child is still a minor rather than on collection of support in "arrears only" cases.
2. CSSD should not encourage noncustodial parents to "revive" decades-old arrears that clearly have no legal operation or effect due to the statute of limitations.
3. CSSD should create and disseminate transparent guidelines for entry into the Fresh Start Program.

CONCLUSION

CSSD is charged with a very important mandate – to help parents establish and enforce child support orders for the District's children. The agency's success and efficiency is especially critical in today's troubled economic times. We have presented our concerns about CSSD's performance in the hope that our recommendations will help the agency improve the quality of its services. We believe that Council oversight is necessary to ensure that CSSD makes improvements over the next year. Additionally, CSSD must commit to pursuing policies that will have a positive impact on families, and not just the District's bottom line. We will continue to work with CSSD to provide the District's children with the support that they need and deserve.