

Community Voices in Child Support

Final Report for PA 5162: Public Service Redesign Workshop

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Executive Summary: This project utilizes statistical data and stories from non-custodial parents to illustrate racial and economic disproportionalities in the Minnesota Child Support system caseload as well as in arrears and use of enforcements. Engagements with state and county frontline staff and non-custodial fathers further illuminates barriers created by current child support policies, practices, and communications strategies. Commonly described themes include debt/arrears, interest charging, orders that are too high for current income, difficult requesting adjustments to order and filing motions, and credit bureau reporting. Due to the volume of issues related to the driver's license suspension enforcement and documented racial disproportionalities in its application, special attention is given to documenting and mapping these barriers. Prototypes of new CSD communication tools regarding driver's license suspension are provided, while policy changes are also recommended in the long-term

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Introduction to the Problem Space

In the greater Twin Cities metro area, people of color are disproportionately represented in Minnesota's Child Support system relative to their representation in the general population. As a result, any negative impact of child support policies or practices, including debt accrual and payment enforcement methods, has a disproportionate impact on non-custodial parents (NCPs) of color and their families. Additionally, while higher income families in which the parents are separated can choose whether to open a child support case or handle financial arrangements directly, for low-income families in which the parents are not together child support cases are automatically opened when the child accesses a public assistance program. This suggests that negative impacts of Child Support may also disproportionately impact Minnesota's lowest income residents.

At the same time, when Child Support policies and practices negatively impact NCPs, they often make it harder for them to pay their child support, engage with child support staff, and fully participate in their children's lives, which runs counter to the goals of Child Support. Therefore, this project aims to better understand the barriers to NCPs presented by child support arrears and enforcement methods. Additionally, it provides a model for Child Support to increase engagement of frontline staff and program participants in policy decisions and programmatic changes, a movement along the human services value curve from the regulative to integrative space. We have developed prototypes to address some of the communication-based barriers while also identifying barriers that require changes to policy and practice to resolve.

Knowledge of the Problem Space at the Start of the Project

During the early stages of the project, the focus was on improving communication and collaboration with Child Support participants and addressing the inequities in credit bureau reporting. Historically the Child Support program has not engaged participants in developing initiatives or improving communication. Participants are referred to the online child support system (MCSO) to access case information such as payments, requesting a modification, or messaging their worker. Unfortunately, the public online system has limited functionality and was built without mechanism to understand and improve the user's experience. The State Help Desk continuously receives more calls from participants struggling to navigate our online system than any other subject. Additionally, Child Support's written communications are difficult to understand and fail to meet our audience needs. Yet, the rewriting of these notices lacks priority within other operational work.

To compound matters, the child support program did not have the skill set available to extract meaningful data from our system, reinforcing a decision making process based on opinion and past practices by leaders who did not adequately reflect our participant demographics. Another challenge the program faces is the inconsistencies in practices among counties. Process and requirements vary greatly and counties have large discretion in their initiatives to reach out to non-custodial parents. Some pursue mass outreach efforts by phone or mail and offer incentives to non payers such as less/no down payment required for a payment agreement to reinstate a driver's license. Others lack the resources or knowledge of the diverse communities they serve to adequately bridge the communication gap.

On a national level, the 2006 Federal Office of Child Support's Executive Summary¹ surveyed nine states child support program arrears. The study found individuals with past due support and earnings below the 2004 Federal Poverty Guidelines held a disproportionate amount of the total arrears (41%) in comparison to the percentage of arrears held by those earning above the poverty guideline amounts (27%). In summary families living below the poverty guidelines hold most of the past due support and consequently experience the most enforcements (loss of privilege).

In Minnesota, the US Census shows we have the largest disparities in poverty rates nationwide. While white families living in poverty have steadily declined, low income families are disproportionately people of color. In 2014, Minnesota showed a continued decline of white families living in poverty (5.2%) while Hispanic (21.9%), Native American (31%) and Black families (35.5%) living in poverty continue to climb². Extrapolating from both national and state statistics we surmised that in Minnesota Black, Hispanic, and Native American families living in poverty make up a disproportionate amount of families which owe past due support and consequently experience the most enforcement actions. Racial disparities in incarceration rates, compound the challenge. According to the 2014 US Census, Black/African American individual represent 5% of Minnesota's population but 36% of the state's prison population. The combination of high rates of poverty and incarceration among people of color paint a clear picture of the barriers faced in attempting to complying with a child support order. Communities

¹ Sorenson, Elaine, Sousa, Liliana and Schaner, Simon (2007, July11). Assessing Child Support Arrears in Nine Large States and the Nation Retrieved from URL <https://www.urban.org>

² Magan, Christopher. (2016, April 29). Minnesota's Worsening Racial Disparity: Why it Matters to Everyone. *Pioneer Press*. Retrieved from URL <http://www.twincities.com>

of color are struggling with a dynamic of obstacles that is compounded by the introduction of a judicial process requirement (child support court order) with the threat of incarceration (contempt or revoking of parole/probation for noncompliance).

Child support arrears continue to grow dramatically in Minnesota. According to the 2016 Minnesota Child Support Performance Report, as of September 30, 2016 past due support owed was \$1.5 billion³. Although Minnesota has taken steps to establish “right-sized orders” the growth of arrears has remained constant. Minnesota has taken steps toward a proactive approach to reduce the accumulation of arrears in the past five years, including:

- linking establishment of orders to capability to pay
- streamlining the modification process for incarcerated parents
- adjusting imputed income from 120% to 100% full time minimum wage

These initiatives began as a collections project and grew to approach the problem in the context of alleviating disparities in past due support specifically among parents who had low income, experienced incarceration and experienced periods of unemployment. However, it still did not examine or address racial disparities.

³ MN Dept. of Human Services, (2016). Child Support Performance Report (2016). Retrieved from DHS website: URL <https://mn.gov/dhs>

Early Exploration of the Problem Space

During the first semester, the project began narrowly focused on communication and credit bureau reporting impacting people of color and those in poverty disproportionately. This perspective was largely based on feedback the CSD Help Desk had received from county child support workers and non-custodial parents. Both groups reported new child support reporting methods were negatively impacting credit scores. Changes to credit bureau reporting required by state legislation created confusion, pointed to unforeseen impact, and increased contacts from both participants and county workers to the state. This volume has persisted almost two years after the change indicating a gap in communication, need for further research into the impact for Child Support participants, and possibly a need to pursue legislative changes. The problem had been brought to several venues and not gained internal traction. There was significant opposition to bringing forth any changes to credit bureau reporting at the state level because:

- CSD believed it was not the state's position to pursue changes to a law with which we were complying.
- The initial change to credit reporting was a large, expensive undertaking which consumed state resources to implement.
- There were many unknown factors between the credit reporting agencies and use of reported data, further changes were deemed as high risk without knowing impact.

Through conversations it became clear that the groups who had been involved in the initial credit bureau reporting changes had done extensive work and felt personally attacked by reintroducing the issue.

The focus of the project was broadened after engagement with frontline staff and participants unearthed many barriers which impacted them before credit bureau reporting. Diving deeper into the barriers expressed by NCPs allowed the focus to broaden to encompass communications, other enforcements, child support debt, and statistical data to identify disparities in the system.

During the first semester, representatives from frontline staff and participants were interviewed with the following prompts: (1) What has been the most difficult for you in your experience with the program? and (2) Do you have suggestions on where we should start exploring ways to give voice to those difficulties?

Child Support Officers (CSOs) expressed frustration in balancing their required work and outreach to participants. They felt overwhelmed by the constant flow of information from the state and confusion about how the state made certain decisions. In turn, state staff expressed frustration with the inconsistencies that exist among county practices and how they impact participants unequally. They wanted opportunities to visit the county offices to align Child Support goals and efforts. The state found most contacts to the Help Desk were from clients who could not understand the information the program made available or were surprised by an enforcement they were only told about once in ten years. They felt there was little direction provided on how to break out of a cycle.

A Custodial Parent (CP) who was interviewed perceived that the program did not care about her family. When she contacted the program at all she waited for long periods before she got a call

back. When she did, the information provided was nebulous and she felt as if she was bothering the program representative. An NCP interviewed expressed frustration with the lack of information on parenting time and assistance getting custody of their children. They felt the system was biased against them and favorable to the custodial parent regardless of whether that was what was best for the children. All experiences were largely negative in their summation. CSOs feel overwhelmed with work expectations, parents feel the system doesn't have their interests in mind and the state staff expressed frustration with a lack of transparency and inconsistency in how parents are treated.

At the beginning of the second semester of the project, the state CSD data team extracted data from PRISM documenting the racial demographics of child support cases as well as the racial breakdown of NCPs experiencing various child support enforcement methods. This data (Appendix T) revealed that while Black/African American individuals make up 9% of the metro area population, 34% of open child support cases are for Black/African American NCPs. Additionally, while American Indians make up approximately 1% of the state population, they represent 3% of NCPs. These two groups of NCPs have substantially lower income levels than other racial groups and yet hold the highest levels of arrears on average. Furthermore, Black/African American NCPs hold over one-third of the total arrears owed in Minnesota. As a result, they also experience enforcements at the highest rates of any group, representing 40% of credit bureau reporting and 43% of driver's license suspensions. This data confirmed beliefs that people of color, especially Black/African American parents are over represented in the child support system and experience higher rates of debt and enforcements, which can have a significant negative impact on the wellbeing of the metro area Black/African American community.

Deepening Engagement of Non-Custodial Parents and Frontline Staff

Two groups of individuals, frontline CSD staff and non-custodial parents (NCPs) are at the center of this design project. Because we focused on the impact of arrears and enforcement methods on the wellbeing of non-custodial parents and their ability to regularly pay support, it was essential that we focus our engagements and design on them and their needs. Frontline CSD staff, as the individuals charged with overseeing collections and carrying forward, suppressing, or otherwise helping NCPs address child support enforcement mechanisms also have a central role in this design. Frontline staff provide valuable information about the barriers that NCPs encounter and that they themselves encounter while working with NCPs. Additionally, conflicting accounts of a given issue between NCPs and frontline staff point to important differences in perceptions and values that impact both the ways that departmental policies and practices are enacted and NCPs perceive and interact with the system. Any redesign of current systems must address the concerns and values of both groups.

Our team conducted six interviews with county-level frontline child support staff, one group engagement with frontline HelpDesk staff, a presentation of racial demographic data at the Big 9 meeting of county supervisors, and three engagements with non-custodial parents currently enrolled in the Father Project in Minneapolis. Six frontline staff, two each from Dakota, Ramsey, and Washington Counties were interviewed one-to-one. They represented a diversity of roles within the child support system including collections, interstate collections, establishment of partners and child support orders, and court work managing pro se motions, enforcements, and contempt cases. These interviews focused on programmatic and communication challenges that frontline staff both directly experience in their work with NCPs and those that they observe NCPs experiencing. Staff were asked about these issues broadly and then with a specific focus on debt accrual/arrears, driver's license suspense, credit bureau reporting, and case management suppression of enforcement methods. A list of questions used to guide these interviews is attached in Appendix N.

One group prototyping session was held with HelpDesk staff. We began this engagement with a discussion of general barriers they observe from NCPs who call the HelpDesk, followed by a specific discussion of barriers surrounding the driver's license suspension process. We distributed a copy of the Notice of Intent to Suspend Driver's License and analyzed its weaknesses. A description of these weakness, as well as those provided by NCPs is overlaid on the letter in Appendix H. The staff were then divided into three small groups to prototype potential communication tools to improve understanding of and response to the driver's license suspension process. One group prototyped a postcard, a second created a storyboard for a video about the DLS process and a third storyboarded 30-second videos designed to raise awareness about child support's ability to initiate suspensions of driver's, recreational, and occupational licenses. After presenting their prototypes to each other, the session was concluded with a discussion of common themes and values conveyed in their prototypes. The team used these initial prototypes to develop more refined prototypes. A storyboard for a video about the driver's license suspension notice and options to stop suspension is provided in Appendix G. A postcard prototype is provided in Appendix I. Additionally, barriers and values discussed in this engagement are included in the analysis of engagement themes below.

The above described ethnic and racial data was shared in March with a small workgroup (Big 9) where the nine largest county supervisors meet to discuss performance measures. The state

had not previously gathered or shared race/ethnicity data on population demographics in comparison to child support demographics, with a breakdown by each of the nine counties.

Finally, three engagement events were held with fathers involved in the Father Project in Minneapolis, a program of Goodwill-Easter Seals. The Father Project serves a large portion of low-income Black/African American fathers which enabled the team to hear the experiences of NCPs whom the data has indicated are disproportionately represented in and penalized by Child Support. These engagements were significant because NCPs have not typically been engaged in discussions of CSD communications and policies in the past. Scheduling these engagements required developing a relationship with Guy Bowling, the director of the Father Project and his staff. While they were initially uncertain about working with us due to prior negative experiences with program evaluators, after reviewing a description of the projects which detailed the objectives and learning that the project is sponsored by the state CSD director to whom we are reporting the information gathered, they agreed to partner. Ultimately, staff expressed enthusiasm and support for the engagements and interest in a longer-term partnership to ensure that non-custodial fathers' voices and experiences are considered in departmental policy and practice changes. The information about child support that Rosalva and Lori, as child support staff, were able to bring to the discussions to answer fathers' questions was also appreciated.

Engagements with Father Project participants took place during three of their five regularly scheduled weekly fathers' group meetings which provide a mix of parenting education and peer support. A midday weekday session, weekday evening session, and Saturday morning session ensured a diverse group of participants. During the first two sessions we conducted group discussions, guided by the questions attached in Appendix O. These discussions were a blend of fathers responding to our questions, responding to each other's stories with advice and support, and asking questions of CSD staff about child support processes and challenges they've encountered.

For the third Father Project engagement we used a method called Place It! to encourage storytelling and surface core values. Using a variety of everyday objects we provided, fathers (and one custodial mother who attended with her husband who has a child support case from a previous relationship) were asked to individually build a memory of a time or place when they felt helped or supported by someone and briefly share their story. Core values and experiences, including symbolic use of the objects was recorded as they shared. The fathers were then asked in two small groups to build their vision for a child support or another public system that is easier to understand and navigate and more welcoming and supportive. Once again they shared their designs and we recorded concepts and core values. A few photos from this session and description of the designs are provided in Appendix M. Finally, we concluded the session by sharing both the current Notice of Intent to Suspend Driver's License and a postcard prototype (Appendix I) and asking for feedback and other suggestions to improve child support communications. A few revisions to the postcard prototype, which are reflected in the attached version were made based on their feedback.

During the engagements with the Father Project participants, we learned of numerous concerns and values they hold and of the ways they would like to be treated within the Child Support system. We distilled what we heard from NCPs into fourteen core values, provided in Appendix P. We recommend that these core values are consulted during departmental decision-making

and policy change processes. Additionally, following these engagements we observed some key principles that we believe CSD must embrace in order to facilitate meaningful engagement. While not a comprehensive list, these principles are important to consider when preparing staff to undertake engagement. This list is provided in Appendix Q.

Barriers and Opportunities

Overall, both staff and NCPs indicate that many NCPs find the child support system and their obligations difficult to understand and navigate. NCPs don't understand their options within child support; are flooded with confusing paperwork concerning their obligations and enforcements but never taught to navigate the system, and are sometimes at a place in their lives where initiating actions and advocating on their own behalf is too overwhelming. Some of these barriers may be addressed through improved communications and case management. For example, Help Desk and frontline staff suggested it would be helpful to have someone who could counsel an NCP on their obligation and child support processes and expectations when an order is set. However, the feedback from both staff and parents also indicates a need to simplify the complexity of a program that requires such intense education to navigate. These and other barriers will need to be addressed through changes to policy and better coordination with support service systems. We have organized the information gathered from all frontline and Father Project engagements about barriers and opportunities for change into the themes below.

Communications

Frontline staff and NCPs both expressed that current child support communications have a limited impact and offered numerous suggestions for improvements. Frontline staff opined that NCPs frequently throw out their mail from CSD, potentially due to a sense of shame or feeling of threat, and that NCPs often fail to provide an updated mailing address to CSD. NCPs noted that they sometime experience housing instability and frequent moves which makes it difficult to keep their address up to date. All agreed that even when NCPs receive mailed notices, they are very difficult to understand which prevents them from acting on the notice. While some county staff are encouraged to initiate contact proactively, such as by calling NCPs, others note that the size of their caseloads prevents this contact. Help Desk staff report receiving numerous calls from NCPs who report that their CSOs are unresponsive or not responding in a timely manner, an experience repeatedly confirmed by the NCPs.

While staff see the messaging feature in MCSO as a slight improvement, one caseworker noted that this tool is limited because he cannot view the MCSO platform that NCPs see to answer questions and cannot initiate messages, only response. Among the Father Project participants, MCSO was only mentioned once, and only to say that he has repeatedly requested a pin number, without success. Data on MCSO usage (Appendix R) indicates that only 8% of child support participants use MCSO, and among these users custodial parents outnumber non-custodial parents three to one. Additionally, while usage rates are low for all groups, white parents use the system at twice the rate of African American parents and three times the rate of American Indian parents, indicating this system is especially not serving NCPs of color. Texts and e-mails were suggested by both staff and NCPs as a preferred form of contact, perhaps to supplement the required legal notices.

Debt/Arrears

Holding child support debt and arrears can impact NCPs ability to secure stable housing, which not only affects their wellbeing and ability to maintain employment, but also their ability to secure parenting time and overnights with their child(ren). This debt can make them feel buried and hopeless, which can reduce motivation to work and their engagement with child support. One father spoke of how his ex-wife now lives in a nice house and has a nice car but he is still forced to rent an apartment and struggles financially due to size of his CS obligation. While his

child support order may have been intended to be neutral between himself and the custodial parent, it has had a disproportionately negative impact on the NCP. Furthermore, when child support orders are set and debt is backdated up to two years, NCPs feel burdened by the debt before they have even had a chance to pay, especially when working a lower wage job. Many make monthly payments towards their arrears, noting up to 65% of their paycheck is withheld, leaving them little on which to live. Finally, few fathers with whom we spoke knew that they could ask for forgiveness of Public Assistance arrears.

Interest Charging

Minnesota's policy of charging interest on arrears frustrates frontline staff and NCPs alike. The high rate of interest charged on child support arrears makes it difficult for NCPs to ever pay off their arrears; some pay on their arrears regularly without seeing an overall decrease in their amount owed. One father said he knew someone whose interest continued to accrue while in prison, which served as an additional barrier to his re-integration in the community. Staff note that they often agree to stay interest in the process of a court hearing which often makes NCPs more willing to pay. Additionally, many staff ultimately AMPP public assistance arrears that grew due to interest charging, creating unnecessary additional work. Furthermore, many NCPs do not know that if they pay in full for 12 months they can request that Child Support stay their interest on both PA arrears and arrears owed to CPs and are therefore not making these requests. This current policy puts the onus on someone who is often already struggling with other life demands and lacks the knowledge base to issue the request. Finally, Interest charging may also magnify the impact of credit bureau reporting of child support debt. Suggestions from frontline staff included eliminating interest charging, reducing eligibility for stop interest from twelve months of continuous payment to three, and automatically waiving interest for those who meet the eligibility rather than requiring that the NCP file the request.

Credit Bureau Reporting (CBR)

Frontline staff find recent changes in credit bureau reporting confusing and said that the NCPs with whom they interact do as well. Some felt it was unfair because the very low threshold for CBR reporting can result in a small amount of child support debt having an outsized impact on credit ratings. This can affect ability to obtain an apartment rental, mortgage, car loan, or even employment. Ramsey County staff noted that they see fewer complains about CBR because they work primarily with very low-income populations for whom this is a less immediate concern. Similarly, few Father Project participants were aware of it, likely for the same reason. CBR reporting likely impacts a slightly higher income population more, and therefore may serve as a second level barrier to them once their employment become more stable. However, those who did discuss CBR complained that it is smearing their credit before they have even had a chance to pay it (possibly due to backdating debt in these select cases), even though they regularly pay support. The arrears has a negative impact on credit but no corresponding positive impact is provided for regular payment.

Driver's License Suspension (DLS)

Because the driver's license suspension enforcement is the source of many calls received by CSOs and the Help Desk, and we observed racial disparities in its application, as described in the data above, we gave additional attention to this enforcement in all engagements. Numerous communications and policy barriers throughout the DLS process were raised, which are mapped in Appendix K.

While some CS staff see DLS as a good enforcement because it gets NCPs to pay, others see it as a barrier to work and try to proactively reach out to NCPs to obtain some level of payment to avoid initiating the suspension process. This begs the question for whom is the enforcement effective? While some NCPs may be avoiding payments they can afford, many are behind on payments due to inability to pay, which is exacerbated by a license suspension. Staff note that some NCPs will drive even on the suspended license and that tickets for this elevate their financial barriers and legal system involvement. One father said he only learned of a suspension when he was pulled over and notified of a warrant for his arrest for a debt of only \$400-\$500. Several of the fathers with whom we spoke drive professionally or are required to have a valid license for work. They said the enforcement method was counterproductive as it negatively impacts their employment or ability to find a job, and would rather that the county provide additional supports when they are unable to pay support.

Many NCPs don't realize that when they start paying they must also sign a payment agreement and so experience a suspension even after paying. When payment agreements are set up, there is great variation across counties and workers regarding payment thresholds. When an NCP has multiple cases and their payment is split by CS, there are times in which the split amount doesn't meet their payment agreement requirement, of which they are often unaware. Similarly, sometimes employer withholding amounts are below the agreement amount, but NCPs are rarely watching the amount so closely that they know to pay the difference.

Communications prior to and during the DLS process are also problematic. Help Desk staff say they often receive a call after MN DVS has sent the suspension notice rather than at the time that child support sends the notice of intent, indicating that the CSD notice is either not read or not well understood. Staff and fathers identified CSD's notice of intent as too lengthy, too technical, and threatening and focused on amount owed rather than options for preventing suspension. As previously mentioned, a copy of the current notice annotated with comments received from Help Desk staff and fathers is provided in Appendix H. Because changes to the mailed notice must be created in partnership with CSD's legal team, we did not prototype a redesigned notice. However, as CSD looks toward such an approach in the future, a New York City redesign of a court summons form may provide a useful example.⁴ In a quasi-experimental study, the redesigned form reduced failure to appear in court by 13% (6.4 percentage points).⁵

Fathers said the single notice in the mail is insufficient, especially if they experience housing instability and move around a lot. Additionally, they noted that CSD communications tend to be punitive rather than proactive, setting them up for failure. They would like CSD to proactively reach out before they get three months behind, such as when they are one and two months behind on payment. For fathers with CS payroll withholding, they may need an opportunity to look into the issue with their employer. Others would like an opportunity to discuss the barriers they are experiencing and their options for payment or modification prior to the threat of DLS.

⁴ Cooke, B., Diop, B.Z., Fishbane, A., Hayes, J., Ouss, A., & Shah, A. (2018). *NYC summons redesign*. Retrieved from http://www.ideas42.org/wp-content/uploads/2018/01/I42-954_SummonsForm_exp_3-1.pdf

⁵ Cooke, B., Diop, B.Z., Fishbane, A., Hayes, J., Ouss, A., & Shah, A. (2018). *Using behavioral science to improve criminal justice outcomes preventing failures to appear in court*. Retrieved from <http://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>

Multiple forms of notification, including e-mails and text messages were suggested both prior to and following the notice of intent to suspend driver's license is sent.

Prototypes of pre- and post-DLS text messages are in Appendix and still require feedback and testing with NCPs. We also requested feedback on the concept of a video (storyboard in Appendix G) and postcard (Appendix I). Fathers were less sure of the effectiveness of mailed materials due to housing instability and were unsure how NCPs would find a video. These prototypes have only been discussed with a small group of NCPs and therefore should be tested with additional NCP populations, including those who experience greater housing stability, for additional feedback. Additionally, to meet the needs expressed by the NCPs at the Father Project, the postcards could be adapted to an e-mail notice and a link to a video could be sent in both texts and e-mails.

There is precedence for both texted and mailed reminders which were found to effectively increase response rates in similar situations. In one study aimed at increasing the child support payment rate for NCPs without income withholding in an Ohio County, sending a reminder letter increased rate of payment by 2.4 percentage points and a text reminder by 2.5 percentage points.⁶ Additionally, in a design study aimed at increasing the rate of court appearances in response to a court summons for low-level offenses in NYC, researchers conducted a randomized control trial to test the effect of several types of text message reminders on court appearance rates.⁷ Receipt of three text reminders reduced failure to appear in court by 21%. The most effective messages combined information about the consequences of failing to appear and prompts to help the recipients make a plan to get to court on time. Furthermore, for those who failed to appear after receiving the reminders, a message sent after the missed court date encouraging follow-up decreased the number of open warrants by 32%. For this latter text, messaging focused on consequences was most effective. Additionally,

Employment

While some NCPs have stable employment, for others employment is seasonal or can be inconsistent for a variety of reasons. Fathers at the Father Project represented a range of employment statuses and generally expressed a desire to work. One long-lasting barrier to employment noted by staff and NCPs is a past felony conviction. While Dakota County staff spoke about connecting NCPs to their county workforce center which maintains relationships with felon-friendly employers, connections to workforce supports is not a regular practice of child support. Many fathers at the Father Project noted that they would like child support to help connect them to employment supports when they are out of work and to stop or discount their order while they are actively engaged in working with such support programs and searching for work. In general, these fathers expressed a desire to receive more support in their lives so that they are better able to meet their CS obligations and support their families long-term. One

⁶ Baird, P., Cullinan, D., Landers, P., & Reardon, Leigh. (2016). *Executive summary: Nudges for child support: Applying behavioral insights to increase collections*. Retrieved from https://www.acf.hhs.gov/sites/default/files/opre/bias_cuyahoga_execsummary_acf_508.pdf

⁷ Cooke, B., Diop, B.Z., Fishbane, A., Hayes, J., Ouss, A., & Shah, A. (2018). *Using behavioral science to improve criminal justice outcomes preventing failures to appear in court*. Retrieved from <http://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>

suggested that a list of community resources be mailed with CS communications, while others indicated a need for direct connections between CS and other county programs.

“Wrong-Sized” Orders

While Minnesota has been making efforts to increase the rate of “right-sized” child support orders, conversations with NCPs and frontline staff indicate that there is room for substantial improvement. Many fathers at the Father Project spoke about orders based on prior jobs and incomes that were much higher than their current income, sometimes for many years after their income fell. One father told us that as a result, even though he works 80-90 hours per week he sometimes has to decide between paying his child support and affording a prescription medication co-pay. At the same time, his child’s mother currently lives in a six figure household. Staff say that NCPs sometimes don’t know how to request a review of their obligation, or that when they do it takes a long time to process. One father told us that during a long illness his doctor wrote a letter to inform child support that he was unable to work, but the CSO told him it would take a year to adjust his order. He suggested there be an expedited CS process or special judge dedicated to hearing such cases. Additionally, many fathers indicated that when a caseworker denies a change in obligation during a review, they assume this is final; they are unaware that they can still file a motion. Finally, staff report that many incarcerated NCPs do not update their CSO to have their payment obligation stopped while they are incarcerated and the state has no comprehensive system for tracking incarcerated NCPs.

Initiating Motions to Change Orders

While many NCPs are unaware that they can file their own motions for modifications or that they can do so without a lawyer, even those who do often don’t understand the process. Staff spoke about NCPs who initiate a motion but then do not complete additional required steps. Others are unable to manage this process on their own due to level of education or the overwhelming degree of instability they are currently experiencing in their lives. Furthermore, staff spoke of a filing fee waiver, but it’s not clear that many eligible NCPs are aware of this. Dakota County recently got approval for a new motion guide which they hope will make the process clearer. CSD has an opportunity to test this guide with NCPs and consider further edits and/or distribution across counties.

A map of some of the barriers to filing a motion for parents who are facing a driver’s license suspension due to an order that is too high is provided in Appendix L. The barriers to filing a motion to change an order should be further examined. Additionally, opportunities to simplify the motion process and better connect NCPs to free or low-cost legal services should be considered. Two redesign experiments found in the national Child Support programs Behavioral Interventions to Advance Self-Sufficiency (BIAS) project may provide a useful example.⁸ In Texas, a redesigned modification packet including pre-populated forms mailed to incarcerated NCPs, and a pre-packet postcard notification increased the response rate by 11 percentage points. In Washington state, a combination of a paperwork packet, tip sheet for completion, pre-paid return envelope and electronic message reminders increased the rate of completed applications for incarcerated NCPs by 31.9 percentage points.

⁸ N.A. (n.d.) *Behavioral insights for child support: Lessons from the BIAS project*. Retrieved from https://www.acf.hhs.gov/sites/default/files/opre/child_support_brief_508_compliant.pdf

Disconnect Between Child Support Orders and Parenting Time/Custody

Many fathers at the Father Project feel a disconnect between child support orders and parenting time/custody. It is particularly confusing to them that child support staff have no role in custody/parenting time but that parenting time impacts the order amount. Additionally, some noted that they had almost 50% parenting time but were still paying a lot in support; many had questions about the new CS formula and how it will impact their existing CS order. For fathers who were separated from their child's mother at the time of birth, many thought that signing the recognition of parentage would give them more rights and that if they paid child support they would also get parenting time. None realized by signing the form that they were in fact waiving their right to free DNA testing that child support could establish a payment order without the opportunity for a hearing concerning the obligation amount and parenting time. None intended to watch the 2 hour video at the hospital prior to signing. Another said he hasn't initiated a request for visitation for fear that it will initiate a child support obligation. Other fathers felt that child support obligations were unfair in cases in which the child(ren)'s mother is withholding contact from the children and felt they had no legal recourse. Many feel the current child support and custody policies are designed to keep families apart and keep fathers from their children.

Frontline Discretion and Supervisor Support

Frontline workers exercise a high degree of discretion in how they handle certain aspects of child support cases and most felt they had a high degree of support from supervisors in making such decisions. Frontline staff discretion is not inherently problematic. In fact, the ability to exercise discretion may make the system more flexible to meet the diverse needs of NCPs and their unique circumstances. However, it is also subject to staff perceptions' about who "deserves" certain actions such as enforcement suppressions or AMPping public assistance arrears. Research on frontline workers in various fields shows that these beliefs about deservedness can be highly racialized and associated with socioeconomic class,⁹ subject to staff's own identities and biases about which behaviors deem a person worthy.¹⁰ Frontline staff are more likely to give those clients who they deem deserving a break or go the extra mile to help them.

Some staff use suppression infrequently, only when there is an obvious error made in a case, or when the NCP is facing extreme circumstances. Others use it only when a client is on public assistance or SSI and still others use it upon promise of payment when they believe it will lead to better NCP engagement, or based on NCP's life circumstances. Additionally, one county practices a form of suppression by offering payment plans of \$0 for three months to give NCPs more time to address a pending driver's license suspension threat. One staff person noted a lack of consistent standards for DLS suppression and payment plans across the state, suggesting that county-level leader discretion may be another source of bias.

Another example of differences due to discretion is use of the legal system in collections strategies. One caseworker reported using criminal contempt frequently, expressing pride for getting non-payers to start paying, while other rarely use this threat-based tactic. One court system worker said she tries to call NCPs with pending contempt hearings to explain what is

⁹ Oberfield, Z.W. (2014) *Becoming bureaucrats: Socialization at the front lines of government services*. Philadelphia, PA: University of Pennsylvania Press.

¹⁰ Maynard-Moody, S. & Musheno, M. (2003). *Cops, teachers, counselors: Stories from the front lines of public service*. Ann Arbor, MI: The University of Michigan Press.

happening, what the consequences for not appearing are, and offers the hearing as an opportunity for them to tell their story and explain why they are not paying. Another with a similar role said she almost never contacts NCPs in advance, and only interacts with them in court.

Most staff report AMPPing public assistance arrears; here too they employ their discretion and beliefs about deservedness. Some will AMPP a set amount of arrears for every six months an NCP pays in full, while others employ a dollar-for-dollar match for all payments made in the past year. This however only serves NCPs with an ability to pay. One staffer suggested an alternative work exchange model is needed for those who are unemployed to obtain public assistance forgiveness and said he would forgive a small portion for those who demonstrate they are trying to find work, such as by going to workforce center programs. This too is based on a perception of who is adequately “trying” and therefore deserving. Others tend to AMPP if they feel a prior CSD worker made a mistake such as sitting on a modification review for several years for an incarcerated individual, or for cases in which a modification could not be completed because an MFIP/GA worker failed to include an end date in MAXIS.

In addition to the prototypes described throughout this section of the report, Rosalva engaged the Help Desk staff in prototyping communication tools for several needs they identified based on calls and requests they frequently receive. These include prototypes for an AMPP Information Sheet (Appendix A), and MCSO brochure (Appendix B), NCP Welcome Letter (Appendix C), Welcome to Child Support video storyboard (Appendix D), an Introduction to Child Support brochure (Appendix E), and scripts for videos about opening a case and AMPP (Appendix F). These prototypes have not yet been shown to frontline staff, NCPs, or CPs for feedback and therefore will require additional input and testing before implementing.

Organizational Context

In addition to identifying barriers and opportunities in the implementation of Child Support systems, our engagements with staff and NCPs provided important insights about the organizational qualities and culture that should be considered when planning and implementing redesign efforts.

State Leadership Support

State Child Support leadership including the Direct Services Manager and the Director of Child Support (Deputy Director at time of project start) have supported this project since the onset by dedicating resources such as the data team to extract statistical data on the racial composition of child support cases, arrears, and enforcements and encouraging Rosalba to engage the Help Desk team in developing probes and prototypes. The project has also received support from the Assistant Commissioner's Office, which issued a requirement that each DHS division name an equity-focused project. This project was selected as the equity project for CSD and recommendations that arise from it will be incorporated into CSD initiatives. Among the immediate supervisors of frontline staff there was a more mixed reaction. Some were highly interested but cautious about acknowledging the validity of racial equity data and using it to inform decisions, while others were actively opposed to acknowledging racial disparities in the child support system and therefore dismissive of the project work.

County Leadership and Frontline

Most frontline staff with whom we spoke felt supported by their supervisors and agency leaders, including support for the case-by-case decisions that they routinely make in the course of their work. This suggests strong, trusting relationships and is an asset to any organizational change process. As Child Support moves forward to redesign communication mechanisms and eventually policies and practices impacting NCPs, it is important to leverage these strong relationships, making supervisors a partner in the engagement of their frontline staff.

Branding

CSD staff at the state and county levels are highly aware of the negative perception held by many NCPs of the child support system. Several individuals with whom we spoke referred to this as a "branding" problem, which suggests that this issue is one of image and the solution lies in "re-branding" or marketing strategies. However, our engagements with NCPs indicate that this negative view of CSD originates from frustrating interactions with the system, a lack of flexibility to accommodate their individual circumstances, and the negative effects that some Child Support processes and policies have on their lives. In order to better understand these barriers and work with NCPs to envision solutions, we reframed branding as a need to develop relationships and partnerships custodial and non-custodial parents.

The Legal-Plain Language Tension

Current CSD communications formats and language are driven by the legal department operating from a regulatory standpoint. These include valid concerns about meeting federal regulatory requirements and limiting risk to CSD. At the same time, language in current notices is difficult for NCPs to understand and respond, limiting their effectiveness. To address this barrier in the short-term, we have provided complementary modes of communication that can be utilized in conjunction with the current notices. In the longer-term, we also recommend working

in partnership with the legal department to incorporate plain language into notices and to reformat them so as to draw attention to the most salient information.

Neutrality and the Collections-Equity Tension

Throughout our engagements with frontline staff neutrality was identified as a core value of the system. Staff see their role as one of a neutral 3rd party mediating the interactions between custodial and non-custodial parents, while at the same time acknowledging that NCPs frequently accuse them of being biased in favor of the CP. This sense of neutrality seems to stem mostly from a belief that the policies and practices of the department are neutral in their intent rather than from an evaluation of their impact. Our engagements with NCPs at the Father Project largely confirmed their perception that the system is biased in favor of CPs due to the impact of arrears and enforcements on their lives.

When frontline staff acknowledged the barriers that current debt and enforcement policies raise for NCPs, they frequently qualified this by saying that any lessening of the impact of enforcements would negatively impact the CP, and thereby not be neutral. As a result, while staff sometimes advocate on behalf of NCPs to stay interest or forgive arrears for public assistance arrears, almost all said they don't speak with CPs about this option because to do so would violate neutrality. Only one staff member described informing CPs of the option to stay interest or forgive debt, or to request a stipulation to reduce the child support payment amount in exchange for NCP-provided childcare. In doing so she noted that CPs are often just as ill-informed of CSD policies and practices as NCPs and then when offered the option, a large proportion of CPs will take such steps to lessen orders or debt for NCPs.

Because child support began as a public assistance reimbursement program, CSD policies and culture often assign primacy to collections. For many staff there is a sense of duality between lessening harm to NCPs and collections on behalf of CPs, which is perhaps why enforcement methods are frequently referred to as "remedies." One staff member stated that in the current system, she can commit to diversity and equity or she can commit to collections, but not both. However, conversations with NCPs suggest that some enforcement methods negatively impact their ability to earn income to pay support, to establish stable housing so that they can share parenting time and provide overnight childcare, and to maintain a positive relationship with the mother(s) of their child(ren). This suggests that efforts to reduce the negative impact of child support policies and enforcements on NCPs can actually benefit the entire family. As CSD works toward improving equity, CSD can leverage this value of neutrality to discuss how changes positively impact the wellbeing of NCPs, CPs, and their children while also meeting collections objectives.

What constitutes "valid" data

Traditionally only statistical data has been considered a valid source of information by many CSD decision-makers. Midway through the projects, attempts were made to reintroduce a discussion of the potential disparities in the application of the credit bureau reporting enforcement method among a team of state supervisors. There was strong push back from a legacy supervisor who wanted proof of disparities in statistics before they were willing to have the conversation. Stories from NCPs and frontline staff are not considered by some to constitute valid information on which to make decisions.

Equity

Even when data is presented, there has been strong pushback from state and county supervisors to acknowledge and discuss racial disparities. Some staff were unwilling to acknowledge the existence of racial disparities more broadly, while others' objections were more specific to the child support system. When data was presented documenting that CSD's online MCSO platform is only used by 8% of total participants, the majority of users are CPs rather than NCPs (3:1), and white participants use it at at least double the rate of other racial/ethnic groups, CSD information technology staff questioned the validity of the data and shifted the conversation to lack of marketing the online tool sufficiently. At the Big 9 meeting of CSD directors from the state's largest counties data was presented on the disproportionality of people of color among child support cases and connected to statewide racial disparities. The County directors acknowledged disparities but were adamant that they did not want this data used as part of their performance measures for fear that they would be placed on a corrective action plan through the Human Services Performance Management State Office.

We believe that those who are resistant to the racial equity data and conversations are reacting out of a sense of threat. This threat may arise due to the potential of a change in their job roles and responsibilities; an implication that as individuals who have created or managed these systems, they are personally responsible for disparities; or a fear that they will be held accountable for reducing disparities that they currently lack the tools and strategies to address. This sense of threat could be further elevated as they are introduced to personal stories from child support participants of the barriers they face in the system. Therefore, while racism should ultimately be addressed at the interpersonal, systemic, and institutional levels, we recommend that CSD focus initially at the systemic and institutional levels, framing racial disparities as a product of institutions and utilizing policies to address them. Such work can also be framed by a growth mindset, acknowledging that while CSD doesn't have all the answers to address racial disparities yet, state and counties teams will work together to learn and experiment with strategies rather than assign blame or be penalized. This may create more openness and compassion among CSD staff to balance seemingly conflicting truths, such as their intention as public servants to improve the lives of families, and the ways in which current policies negatively impact the wellbeing of some families.

Leveraging CSD values

Throughout our engagements with CSD staff, we learned about common motivations and values they hold and bring to their work at CSD. These include a desire to:

- Help and improve wellbeing, especially for children, through collections.
- Improve NCPs and CPs understanding of the Child Support system. Currently this is viewed primarily as education, but should be expanded to include system simplification.
- Contribute to society, be a good person, a public servant.
- Build relationships with caseload (for some).
- Maintain neutrality between the CP and NCP, as previously discussed.

These values should be leveraged through the framing of projects as CSD continues to engage staff in improvements to practice and policy that better serve families.

Recommendations

Immediate:

- Share learnings from the engagements presented in this report with CSD leadership.
- Share learnings from the engagements presented in this report with county partners, and other stakeholders including Minnesota County Attorneys' Association and Minnesota Family Support and Recovery Council.
- Share racial disparity data with Human Services Performance Management (HSPM).
- Share statistical data documenting the racial demographics of arrears and enforcement methods with Big 9.
- Begin to engage frontline staff and supervisors at county and state CSD offices and County attorneys offices in prototyping and evaluating current prototypes.

Six Months:

- Begin expanding CSD staff who are prepared to lead engagements - educate them on the core values we've heard from NCPs and how to respectfully enter engagements.
- Continue building relationships with the Father Project. Expand relationship building to include other father's groups and groups that work with CPs.
- Sharing project learnings with NGO partners such as Father's First, MFFN, and Father's Rights Movement Minnesota.
- Continue testing and refining prototypes with staff and NCPs, using current prototypes as probes to spur conversation and learning.
- Extract racial demographic data for other (non-metro) regions and share with relevant counties.
- Develop measures for tracking racial disproportionality/disparities and develop goals to reduce them.
- Begin to expand engagements concerning both communication and policy barriers to other stakeholder groups in the CSD system, especially CPs.

One Year:

- Expand prototyping with NCPs and CPs to include communication tools that extend beyond the DLS process.
 - This may include email, texts, youtube videos, etc.
- Pilot new DLS communication tools with specific counties (small scale tests with feedback loops).
- Engage the legal department in discussions about redesigning the DLS notice.
- Map the full range of CBR barriers with a slightly higher income group than FP (see appendices K and L for examples).
- Map the barriers and opportunities for change regarding order modifications (includes both review requests and court motions).
- Develop a process for an equity review of current and new policies and procedures.
- Engage county workgroups in reviewing and refining prototypes to build county buy-in. Based on low MCSO usage, begin exploring alternative online technical platforms or communication tools.
- Assess opportunities and begin to study policy changes in response to common barriers heard from staff and NCPs such as interest charging, inconsistent AMPPing, or policy aspects of the DLS or motion-filing processes.

Longer-term:

- Engagement: build organizational mechanisms for NCPs and CPs to provide input and feedback on new policies and policy changes. Move toward co-creation of policies and programmatic practices.
- Fully implement new DLS communication tools
- Pilot additional communications and practice changes for other enforcements (in addition to DLS)
- Begin to work with staff and leaders to envision a more integrated, family-centered services model.
- Engage the legal department and other departments in a department-wide plain language communication approach that leverages multiple communication platforms.