

Non-Custodial Parent Choices Establishment Pilot: Early Implementation Results

Daniel Schroeder
Amna Khan

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Lyndon B. Johnson School of Public Affairs
The University of Texas at Austin
3001 Lake Austin Blvd., Suite 3.200
Austin, TX 78703 (512) 471-7891

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EXECUTIVE SUMMARY

The Non-Custodial Parent Choices Establishment Pilot (NCP Choices-EP) is an effort designed to extend the highly successful NCP Choices program to serve a slightly different group of non-custodial parents (NCPs). Whereas the original NCP Choices program serves some of the most difficult child support cases – those involving unemployed and low-income NCPs who are well behind on their child support obligations – NCP Choices-EP attempts to assist these individuals in gaining and keeping employment before they get behind on their child support payments.

The original Non-Custodial Parent Choices initiative, herein referred to as the *NCP Choices enforcement program*, began in 2005 as a partnership between the Texas Office of the Attorney General (OAG) and the Texas Workforce Commission (TWC). This model employment project for unemployed and underemployed non-custodial parents (NCPs) who have fallen behind on their child support payments, is still ongoing in many sites. It establishes links among IV-D courts responsible for child support issues, OAG child support staff, and local workforce development boards to provide employment services and child support compliance monitoring. The NCP Choices enforcement program has been found to be highly successful in improving payment of child support, increasing NCP rates of employment, reducing unemployment claims, and even reducing TANF receipt among the associated custodial parents. The NCP Choices establishment pilot was created as an attempt to replicate this success among low-income NCPs much earlier in their case histories, before they accumulate large child support debts.

A review of the background literature indicates that, for those who receive it, child support can be one of the most important sources of income in assisting single parent households to escape from poverty. Despite significant gains in the effectiveness of child support collection in recent years, receipt of child support among public assistance families still has room for improvement. Many of the NCPs responsible for this are unable to meet their financial obligations due to unemployment or underemployment, leading many of them to accumulate large arrears balances, or child support debt, which can become a significant obstacle toward paying ongoing child support.

The NCP Choices Establishment Pilot (NCP Choices EP) incorporates major elements of the

existing NCP Choices enforcement program into the establishment proceedings to facilitate early intervention and monitoring (EIM) efforts on the part of child support field staff, with the goal of reducing the number of NCPs ultimately needing enforcement action. The pilot was initiated in four child support field offices in San Antonio starting in February 2010, and although there are differences in targeting and recruitment, NCPs who are enrolled receive essentially the same workforce development services as those in the enforcement program. These services include assessment, intensive case management, job referrals and search assistance, and support and retention services, among others. Also included is enhanced monitoring efforts on the part of OAG child support staff, and communication among the agencies is critical to program success.

An analysis of early implementation experiences with the NCP Choices establishment pilot is based upon discussions with staff in the agencies collaborating on the project and on interviews conducted during site visits to San Antonio in July 2010. Many of the observations reported here revolve around the idea that providing workforce development services to NCPs in earlier stages of their case histories is a fairly substantial *paradigm shift* for the NCP Choices program. The program does not merely serve the same NCPs earlier in their case histories, but by targeting low-income NCPs earlier in the process, it is actually dealing with a different set of individuals, many of whom will hopefully not become difficult enforcement cases. Indeed, staff reports that establishment NCPs are on average more agreeable, and their cases are less contentious. Because of these differences, some of the best practices from the enforcement version of NCP Choices may not yield the best outcomes for establishment NCPs.

Recommendations for improving the NCP Choices establishment pilot program are offered in the hopes that a modified program will be better situated to answer the question whether providing workforce development services to low income NCPs early in their case histories can help them to better provide for their families while avoiding significant accumulation of child support debt. In particular, the recommendations described below are geared toward serving a broader, more representative cohort of low-income NCPs, and toward greater recruitment of eligible NCPs.

The first recommendation is that NCP Choices Establishment Pilot services be extended to those who are in the Child Support Review Process (CSRP). NCP members of CSRP cases are widely believed to be the most agreeable, most likely to be compliant with child support orders, and have the least potential for conflict with their former spouses.

Although CSRP cases are currently excluded due to primarily logistical reasons, including the fact that their cases are handled in the child support office instead of the courtroom, changing the program to be more flexible in terms of where services are offered could open up a broader base of NCPs who are more likely to benefit from workforce services.

The second major recommendation includes suggestions for increasing the referral rate of NCPs into the NCP Choices Establishment Pilot. At present the target number of 10 NCPs served per office per month is being met by some but not all of the local child support offices. As a result of this reduced referral rate, there is potential for under-utilization of workforce services resources. In contrast to the enforcement program, the burden of referral of NCPs to the establishment program falls more heavily on managing attorneys who already have substantial responsibilities. Thus it may be helpful to place more emphasis on training the OAG staff in order to increase awareness about the program. Similarly, recruitment efforts could be aided by more emphasis on outreach, information, and education efforts within the courtroom to increase the program's visibility to families, managing attorneys, and judges alike. And for the longer term, the target group for EP might be expanded to other low-income families who may not have experience with the programs, but may be at risk of needing welfare or Medicaid benefits, though this may necessitate the utilization of other funding streams with fewer restrictions to provide workforce services.

Taken together, these recommendations could bring enough clients into the NCP Choices establishment pilot program to make more efficient use of program resources, as well as make the workforce services available to a broader base of establishment cases whose members could potentially reap greater benefits. In so doing, the program would permit a fair test of the broad question: whether providing workforce services to low income NCPs early in their case histories can help them to become self-sufficient and provide for their families while avoiding significant accumulation of child support debt.

INTRODUCTION

The Non-Custodial Parent Choices Establishment Pilot (NCP Choices-EP) is an attempt to extend the highly successful NCP Choices program to serve a slightly different group of non-custodial parents (NCPs). Whereas the original NCP Choices program serves some of the most difficult child support cases – those involving unemployed and low-income NCPs who are already well behind on their child support obligations – NCP Choices-EP attempts to assist such individuals before they get behind on their child support payments.

The original Non-Custodial Parent Choices initiative (NCP Choices) began in 2005 as a partnership between the Texas Office of the Attorney General (OAG) and the Texas Workforce Commission (TWC). These two agencies joined forces to implement a model employment project for unemployed and underemployed non-custodial parents (NCPs) who had fallen behind on their child support payments, and whose children were current or recent recipients of public assistance. The project, which is still ongoing in many sites, establishes links among IV-D courts responsible for child support issues, OAG child support staff, and local workforce development boards to provide employment services and child support compliance monitoring to NCPs who need them. Because it serves NCPs in the *enforcement* phase of their child support cases, during which collections are monitored and enforced by the OAG, this original program will be referred to as the *enforcement* version of NCP Choices.

The NCP Choices enforcement program has been found to be highly successful in improving payment of child support, in terms of both increased frequency and consistency of payment, as well as increasing NCP rates of employment, reducing unemployment claims, and even reducing TANF receipt among the associated custodial parents (for latest evaluation see Schroeder & Doughty, 2009). Many feel, however, that the program is not serving all the NCPs who could potentially benefit from the services offered. Under the original NCP Choices program design, only child support cases that are part of enforcement actions are eligible for the program. As a result, the typical NCPs ordered to participate in the program have by that time already built up significant levels of child support debt, also known as arrears.

Many believe that the provision of employment services and enhanced payment monitoring to unemployed or underemployed NCPs much earlier in their case histories, as a part of their *establishment* proceeding, might help to prevent the accumulation of arrears. This is the basic idea behind the creation of the NCP Choices Establishment Pilot program.

In order to obtain an objective outside assessment of the program, the OAG contracted with the Ray Marshall Center for the Study of Human Resources (RMC) at the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin to study the implementation of NCP Choices at various stages, and to conduct an analysis of the program impacts on key outcome measures. The present report presents the preliminary implementation and process analyses for the NCP Choices Establishment Pilot program. A subsequent report, due in early 2011, will estimate program impacts on important outcomes for early participants.

Following this introductory section, the present report contains a background section including literature review and other context, followed by a section on the program design of the establishment pilot in comparison to the original NCP Choices program. After that is a section covering findings from the preliminary implementation assessment, and the report concludes with a series of recommendations for improving the program.

BACKGROUND

The number of children living in single-parent households in the United States has increased dramatically since the 1960s. While an estimated 9 percent of children under 18 years of age lived with a single parent in 1960 (Sigle-Rushton & McLanahan, 2002; Garfinkel, Miller, McLanahan & Hanson, 1998), by 2008 this rate had increased to nearly 26.3 percent (U.S. Census Bureau, 2008). As a result, about half of children living in the United States today will spend some part of their childhood in a single-parent household (Legler, 2003).

Coupled to this is an increase in the number of never-married mothers, who tend to have lower rates of support than previously married mothers (Grail, 2007; Roff, 2008). By 2006, nearly one third of custodial mothers had never been married (Grail, 2007). Single-mother families are about five times as likely to be poor as married-parent families (Cancian and Reed, 2009).

The Significance of Child Support

Policymakers view child support as a key strategy for reducing high poverty rates among single-parent families and reducing the public costs associated with supporting these families. Child support can be an important source of income for single-parent households, especially for poor families. Research indicates that twenty-two percent of poor women who received child support in 1995 were lifted above the poverty line by child support receipts (Miller et al., 2005). Among custodial parents below the poverty line who received full payments, the average amount of child support received (\$4,700) represented over 60% of annual income (Grail, 2007). Furthermore, families that can combine earnings and child support from NCPs are better able to make ends meet, sustain employment, and remain off of TANF cash assistance, as compared to single-parent families that do not receive support (Miller et al., 2005). Since so many single-head-of-household families continue to subsist on poverty-level wages (36.5 percent), increasing child support compliance will remain a key strategy for lifting these families out of poverty.

To the chagrin of many, the Deficit Reduction Act of 2005 (DRA) substantially reduced federal financing of state child support enforcement. Although this incentive funding reduction was projected to reduce child support enforcement performance,

particularly in higher-performing states like Texas (Lewin Group, 2007), the expected reductions largely failed to materialize. Others noted that some provisions of the DRA made it easier for states to pass through child support collections to TANF recipients by (1) waiving the federal share of child support collected on behalf of current or former TANF recipients if states elect to pass through collections, and (2) denying the ability of States to require families to sign over their rights to past-due child support that accrued prior to their TANF application (Parrott, Schott, & Sweeney, 2007). Of course, greater pass-through policies directly place more of the funds collected into the hands of needy families. Moreover, there is research evidence suggesting that increasing pass-through while also disregarding some or all of this income for benefit determination purposes leads to both greater paternity establishment and greater child support collections (Cassetty, Meyer, & Cancian, 2002).

The child support program has made incredible strides in demonstrated effectiveness. In 2008, child support enforcement collected almost \$26.5 billion nationally, a 6.9% percent increase from 2007. Texas had the highest collections in the country in 2008, with \$2.56 billion in collections, an increase of 14.6% from 2007. Texas has led the nation in collections distributed since 2007 (DHHS, 2008).

Nationally in 2008, 13.1 percent of child support cases included families currently receiving public assistance and 45.1 percent included families who had previously received assistance (DHHS, 2008). In Texas, the child support caseload is slightly less dominated by TANF and former TANF recipients. Only 6.4 percent of Texas FY 2008 child support cases included families currently receiving public assistance and 38.2 percent included families who previously received assistance. Nationwide in 2008, child support enforcement (CSE) collected about \$978 million for families currently receiving public assistance and \$9.9 billion for families who had previously received assistance (DHHS, 2008). In Texas in 2008, the current/former TANF disparity was greater, with CSE collecting only \$14.4 million for families currently receiving assistance and \$821 million for families who had previously received assistance (DHHS, 2008).

Many NCPs want to be responsible parents but fall behind in making payments on time and end up accumulating significant arrears. If the amount of arrearage is large, it creates disincentives to continue contributing to child support or to finding employment in

the mainstream economy. The goal of the NCP Choices Establishment Pilot program is to ensure that such disincentives are minimized by getting these NCPs the workforce development services they need before they accumulate large amount of arrears.

By fiscal year 2009, the total child support caseload had increased to 15.8 million cases. (USHHS OCSE, 2010). In any given year, about 40% of all child support due goes unpaid. As a result, the nationwide arrears balance is in excess of \$107 billion (Ovwigbo, Saunders, & Born, 2009). At the same time, many states are hesitant to address the issue of child support arrears. Some see arrears as rightfully owed to the state or to the family of the children the noncustodial parent was ordered to support. These states do not want to be perceived as rewarding noncustodial parents for nonpayment, particularly when many other noncustodial parents are working hard and making sacrifices to remain current on their child support. In addition, states want to ensure that any policies to help noncustodial parents manage arrears benefit only those parents who have been unable rather than unwilling to pay child support.

NCP CHOICES ESTABLISHMENT PILOT PROGRAM DESIGN

The idea behind the NCP Choices Establishment Pilot (NCP Choices EP) is to incorporate major elements of the existing NCP Choices program into the establishment proceedings to serve as a useful tool in early intervention and monitoring (EIM) efforts on the part of child support division (CSD) field staff. The establishment pilot version of NCP Choices is intended to reduce litigation time and increase the efficiency of the courts with fewer NCPs needing enforcement action. The pilot began in February 2010, and is being conducted in Bexar County, which includes San Antonio, in four child support field offices: 202, 203, 205 and 211. As in the enforcement version, the NCP Choices EP program targets unemployed NCPs whose children currently or previously had received Temporary Assistance for Needy Families (TANF) benefits or Medicaid.

Program Overview

The NCP Choices Establishment Pilot program is a straightforward extension of the NCP Choices enforcement program, except that workforce services are now offered to unemployed or underemployed NCPs early on, before significant arrears are allowed to accrue.

Key elements of the NCP Choices Establishment Pilot are the following-

- The OAG identifies NCPs on its caseload who are currently unemployed, who are associated with a family who either is or has been on welfare, and who also reside in the designated workforce service areas
- The IV-D Court includes the eligible NCPs on a regularly scheduled docket.
- NCPs have an option to sign the consent form to participate in the workforce services.
- The Contractor staff for the local workforce board attends the enforcement docket, enrolls NCPs at the IV-D court, and explains the contract outlining NCP rights and responsibilities and the consequences of non-participation. Workforce staff members are present in the courtroom to meet immediately with NCPs and can then set future appointments.
- Early Intervention and Monitoring (EIM) Child Support Officer (CSO), or the staff person each office has assigned, makes a 10 day reminder call to the NCP.
- Workforce staff checks the 30-day compliance button on the Choices On-Line Tracking System (COLTS) to communicate to OAG whether the NCP has complied with the initial NCP-Choices order language

- The program’s web-based database, COLTS, allows both OAG and workforce staff to track the progress of identified NCPs and securely exchange relevant information
- The EIM Child Support Officer reviews COLTs for compliance with NCP Choices and payment status at 30 days. If the NCP is neither paying support nor complying with NCP Choices, the CSO documents noncompliance with the support order on COLTS, and immediately refers the case for a motion for contempt of court, even if only a single child support payment has been missed.

Eligibility and Targeting

Under the NCP Choices Establishment pilot model, NCPs who are in the establishment phase of their case histories are offered an opportunity to participate in NCP Choices as an early intervention and monitoring tool. The key elements to the success of NCP Choices enforcement program are that 1) The Workforce staff is present in the courtroom to meet immediately with NCPs, and 2) non-compliance with the support obligation brings about consequences. These two elements remain central to establishment pilot operations. This means that the existing structure for identifying eligible NCPs , as well as the eligibility criteria remain essentially the same for the NCPs in the establishment pilot program.

Non-custodial parents are eligible for NCP Choices if they:

- Have a IV-D case that is current or former TANF or Medicaid,
- Are unemployed or under-employed, with underemployed defined as an NCP who is
 - ❑ Working in an unstable job (e.g. seasonal, temporary jobs);
 - ❑ Capable of finding a higher wage job but is working at a low-wage job that requires less skill, training, or education than what the NCP has; or
 - ❑ Employed only part-time when the NCP could work full-time .
- Reside in the participating local workforce development board’s service area and has a court order within the participating court’s jurisdiction,
- Are not medically unable to work, as documented by the Social Security Administration,
- Are not currently incarcerated or otherwise unable to participate, and
- Have a Social Security Number.

To be eligible for the NCP Choices establishment pilot, cases must have agreed

orders at court. At present, CSRPs, or cases whose agreements are handled in the Child Support field office by the Child Support Review Process (CSRPs), are not eligible. Furthermore, cases that merely involve motions to set support (MTSS) are excluded, nor are the following types of cases eligible for the establishment pilot:

- default orders
- foster care cases
- initiating interstate cases

Intake Procedure

After identification of eligible NCPs in the establishment phase of their cases, workforce representatives are available at court specifically to work with NCP Choices EP clients. The initial program description is given to the CP and NCP to explain the program, obtain agreement and provide direct hand-off to the Workforce Liaison present in the courtroom. It is emphasized to the NCP and the CP that this agreement will become part of the order of the court.

OAG staff has developed a legal order to be used specifically for the pilot that includes language about participation in the program. As is the case with enforcement NCP Choices procedures, workforce staff receives a copy of the order, so they know how to correctly create the record in COLTS.

Immediately the NCP meets with the Workforce liaison, who gives the NCP an information packet that explains the services offered by the program. An initial appointment is set to meet at the career center, usually within one week but preferably by the next day, and the NCP signs documents including a Workforce Participation Agreement (requiring 30 hours per week of job search and weekly check-ins) and an OAG Authorization to Release Information to the Local Workforce Development Board.

One difference between the establishment pilot and the enforcement program is how workforce communicates with OAG staff about the NCP's participation in the program. Workforce staff uses the 30-day compliance button in COLTS to notify OAG about NCP compliance. This initial information will be used as part of the OAG's compliance determination at 30 days. An NCP who has failed to comply with workforce terms of his/her court order as part of establishment proceedings and who is facing enforcement action may

be disallowed from participating as part of enforcement proceedings. This will be determined on a case-by-case basis.

Choices Program Services Overview

NCPs in both the enforcement and establishment Choices programs receive essentially the same Choices services as are available to clients in the regular Choices program. Choices (formerly the JOBS program) is the employment and training program for Temporary Assistance for Needy Families (TANF) families, operated under TWC's primarily work-first oriented service model aimed to "emphasize personal responsibility, time-limited cash assistance benefits and the goal of work instead of welfare". The Choices program provides workforce development services to both single- and two-parent families. Although the program emphasizes work-first strategies such as job search, it has features of a mixed model, in that it provides training to some of those who are not work-ready.

Participation in Choices begins with a workforce orientation for applicants as their introduction to workforce center services. The initial activities provided to the Choices participants include both job readiness and job search. Those participants who do not find immediate employment are required to participate in community service. Participants who are actively pursuing employment are eligible for support services, including child care, transportation assistance, work-related expenses, and other support services to help in employment efforts. Some training opportunities may be made available as well. Those public assistance recipients who are required to participate but fail to do so without "good cause" suffer sanctions and discontinuation of benefits. Finally, Choices participants are granted post-employment services to assist in "job retention, wage gains, career progression and progression to self-sufficiency."

NCP Choices Workforce Service Design

The Choices program described above looks very similar when extended to Non-custodial Parents, regardless of whether they are in the establishment or enforcement phases of their cases. The NCP Choices program was developed to provide non-custodial parents with similar services to enable them to work and pay their child support obligations. Workforce staff provides employment services to NCP Choices establishment cases to assist the unemployed or underemployed NCP in obtaining and retaining employment.

Employment services include:

- Assessment,
- Registration in Work in Texas (WIT),
- Case management,
- Job referrals,
- Support services, and
- Retention services.

Workforce staff attends establishment dockets to meet with NCPs, in order to establish a relationship with them and schedule an appointment to begin employment assessment. All unemployed NCP Establishment cases should be available to participate in workforce services at a minimum of 30 hours per week (considered full time engagement). An assessment is completed for each NCP at the beginning of their participation with the NCP Choices program. An employment plan is also developed for each NCP based on the information gathered in the assessment.

Workforce staff maintains weekly contact with NCPs who are involved in job search activities. NCPs are provided with job referrals and are expected to report the results of their job search activities on a weekly basis to the workforce staff.

Workforce staff maintains communication regarding the NCPs compliance status and activities with OAG staff via the COLTS system. Workforce first documents compliance status at the 30th day after the order effective date.

NCPs in establishment cases are tracked for 6 months once successfully employed to determine whether the participant retains employment. Every NCP client has a workforce person assigned to him or her to assist in the job search. A resource room with five computers and other resources is also available on site to facilitate the NCP job search. The workforce personnel provide all kind of supportive services such as resume writing, interview and basic communication skills.

Another useful tool for assisting NCPs is that the workforce have partnered with local private businesses to provide subsidized employment (SE) to a small number of NCPs who can benefit from it. In the typical arrangement, workforce subsidizes the employment by 90 percent for up to six months. The employer has to agree to retain the NCP as a full time employee afterwards, or else get him or her another job involving transferable skills.

Although this arrangement may not be strictly enforceable, employers who do not follow through can be eliminated from consideration for future subsidized employment placements.

Monitoring

The pilot program assists in early intervention and monitoring of the NCPs in the establishment phase to avoid large arrears accumulation. The following guidelines provide for effective monitoring of the NCPs in the establishment phase:

- The Early Intervention and Monitoring (EIM) Child Support Officer (CSO), or the staff person each office has assigned, makes a 10 day reminder call to the NCP.
- Workforce staff checks the 30-day compliance button on COLTS to communicate to OAG whether the NCP has complied with the initial NCP-C order language.
- The Early Intervention and Monitoring Child Support Officer reviews COLTs for compliance with NCP Choices and payment status at 30 days. If the NCP is neither paying child support nor complying with NCP Choices, the CSO documents noncompliance with the support order on COLTS, and immediately refers the case for a motion for contempt of court, even if only a single child support payment has been missed.

This process suggests that communication between the collaborating agencies is integral to the success of the pilot program.

EARLY IMPLEMENTATION FINDINGS

This chapter presents findings from an analysis of the planning and early implementation experiences with the NCP Choices Establishment Program pilot. The analysis is based upon discussions with staff in the agencies collaborating on the project and on interviews conducted during site visits to San Antonio (Bexar County) in July 2010.

Many of the issues identified in the early implementation of the establishment pilot revolve around the idea that providing workforce development services to NCPs in earlier stages of their case histories is a fairly substantial *paradigm shift* for the NCP Choices program. For example, it is not merely that the program is now serving the same NCPs earlier in their case histories, but that by targeting unemployed or low-income NCPs earlier in the process, it is actually dealing with a different set of individuals. Front-line staff members report that the establishment NCPs are more agreeable, and that on average their cases are less contentious, as compared to the NCPs in the original, enforcement version of NCP Choices, who have already proven to be difficult cases to enforce collection.

Because of this substantial difference in the target population, some of the well-learned lessons regarding serving enforcement NCPs in the original NCP Choices program may not yield the best approach to serving establishment NCPs. In fact, some of the best practices from the enforcement program may impede the ability to serve establishment NCPs who could benefit from the workforce development services.

Establishment Pilot Program Participants

The NCP Choices establishment program is a logical extension of the original NCP Choices enforcement program to serve low-income NCPs earlier in their case histories. The documented success of the NCP Choices enforcement program (Schroeder & Doughty, 2009) led to a desire to expand its services to needy NCPs who had not yet accumulated large amount of arrears and are still in the early stage of their payments. Although both programs serve low-income NCPs, the population characteristics are quite different in the two programs. The establishment clients tend to be younger and more motivated. While the enforcement program has a good mix of people from all ages, the establishment clients were typically younger (most of them less than 30 yrs of age), plus a handful of older NCPs (50 plus). The young ones are perceived to be easier to get employed as they are capable of

working in physical labor, such as construction. They are also believed to be easier to get into a routine and thus can be retained longer. The older clients, on the other hand, are seen as being much more rigid in their attitudes and behaviors, and prone to leave jobs easily, perhaps after a perceived slight from a younger supervisor.

Clients on establishment cases also tend not to have arrears debt so in contrast to enforcement clients, they have to be recruited into the program by the availability of opportunity rather than using a possible threat. However, NCPs on those establishment cases that do make it to the court often see the judge sending someone to jail due to non-compliance and this acts as a visual threat to encourage compliance.

Targeting Establishment Cases

In targeting NCPs on establishment cases who could be best served using the judicial enforcement tools, the program may be unnecessarily limiting itself to assisting only a fraction of the establishment cases. Furthermore, there is some suggestion that the fraction served includes the more contentious members of this group. Thus, if this is true, in addition to limiting the possibilities for enrollment of sufficient numbers of NCPs, there is also a possibility that this practice could be biasing the potential impacts downward.

Each of the four OAG offices in the Bexar County has a target of referring 10 NCPs per month to the establishment pilot. Although these targets are optimistic, early evidence suggests the offices may be having a hard time trying to refer NCPs due to the restriction in the program design. The program at present serves only those NCPs who are in the court for establishment proceedings and have failed to solve their differences administratively. They are fewer in numbers and perceived to be more likely to have a contentious relationship with their former spouses.

On the other hand, the establishment cases that do not make it to the courtroom are those that are solved more easily in the OAG offices. These are referred to as CSRP (Child Support Review Process) cases. This is the group of people who, by and large, are seen as cooperative, agreeable, and motivated. The opportunities for recruiting NCPs would increase tremendously if this program were expanded to include low-income and unemployed CSRPs as well. This point was stressed by the OAG staff in all four offices, who noted that not being allowed to serve CSRPs is a major barrier to the expansion of the establishment program and to meeting recruitment goals.

Recruiting Establishment NCPs

Evidence suggests that the most successful identification of NCPs for participation in the establishment program often occurs through the insights of experienced attorneys, rather than through identification by the macro designed for this purpose. While the macro can be a great tool for identifying a pool of prospective NCP establishment cases, many of the relevant parameters may not be available to it. OAG staff indicated that some information on which the macro relies, particularly TANF or Medicaid status, is occasionally inaccurate, and may not be updated in a timely manner. Staff also indicated that inclusion of data on which NCPs have utilized the future pay option, which is an option that an NCP can pay child support in advance for the upcoming months, would be beneficial in helping avoid targeting NCPs who are actually in compliance.

Therefore, at present, a complete and sole reliance on the macro is not feasible. A more successful strategy for recruitment into the EP program might involve more training for the attorneys, to help them better identify potential candidates, among their numerous other duties, plus an outreach and education strategy to make the program more salient in the courtroom. Early on in the implementation of the program, the workforce staff had started introducing the program to the court by doing a short speech after the docket had been called. This practice did appear to coincide with an increase in the number of enrollments for the month it was used (from mid-April to May, 2010), though it is difficult to say how much the strategy was responsible for the increase. However, the program was halted, as it was believed to be taking too much valuable time away from the typically crowded dockets. A similar campaign to introduce the program to the NCPs in the courtroom, without excessively using court time, would likely help in increasing referrals. Several have suggested that informational flyers at the OAG offices and at the court room would be useful, although there is a concern that flyers in court would be discarded haphazardly and present a trash issue. A quick reminder by the judge, around the time of the reading of the docket, might greatly assist in creating awareness and interest in the program. The judge reports he really believes in Choices and is hopeful that it will be more beneficial for the NCPs in the establishment phase, as there is no arrearage and they are younger and more eager for a job.

Resource Location

Workforce resources available are primarily located on site at the courthouse. Workforce has a dedicated person in charge of managing the program, and a resource room has been developed with computers and access to internet and other services to assist in the clients' job search. The agency is primarily following the NCP Choices enforcement approach of being in the court house to meet with the client immediately. However, several members of the OAG staff agreed that such immediacy might not necessarily be as important in the establishment cases. This is primarily because the establishment cases are seen as more motivated, as opposed to simply working to avoid the threat of jail time. It could be that this extra motivation factor partially cancels any need of immediacy when the program is applied to establishment cases.

If the NCP Choices establishment program were to be extended to CSRP clients (who largely solve their differences in a Child Support Review Process), it might be necessary for workforce representatives to meet them at the OAG offices. The OAG staff also perceived having the workforce at courthouse to be an unnecessary barrier as the parking in that area is expensive, and due to transportation issues from outlying areas where many NCPs live. Extending this program to CSRPs and meeting them in the OAG offices would be one way to increase the enrollment.

Services Provided

The barriers that NCPs bring to this initiative have implications for service delivery. NCPs frequently have poor education and work histories and are often ex-offenders. Such barriers pose problems for the workforce staff to place them in jobs, especially in difficult economic times when there are not many jobs available at any skill level. Sex offenders are reportedly the hardest group for whom to find employment. The workforce staff initially expected that the NCPs in their establishment phase would be easier to serve than those in enforcement. This, however, has turned out not to be true. The client base is reportedly quite difficult to serve, as comparisons are made to clients in Project RIO. Another interesting point mentioned by the Workforce staff was that as NCP Choices establishment clients are younger, many of them are heavily dependent on parents. This is rarely the case in the enforcement version of NCP Choices, however, in many cases it provided an additional tool

to encourage and enforce participation in the establishment pilot.

The sites are basically taking the approach that NCPs will be referred to Workforce office in the courthouse and then they will be assisted with job search and related services. Transportation to work sites is not perceived as a major barrier as they are given bus passes or fuel assistance, and most of Bexar County is thought to be well served by bus lines. There could be transportation problems, however, among those working odd hours of jobs, in construction for example.

Other Issues

At present, the staff members at many OAG offices work on both enforcement and establishment program simultaneously. The establishment procedure demands a lot of time from the staff as that is often seen as the only opportunity of the OAG staff to convince the person to enroll in the establishment program. It also requires a lot of communication between the OAG staff and the Workforce staff for monitoring purposes. The collaborating agencies do appear to be doing a good job with communications, holding monthly and quarterly meetings to discuss the program and refine it further. However, having an officer work exclusively on establishment cases might be beneficial to the program as the staff would be able to give full attention to the Establishment cases.

Another interesting wrinkle to the early implementation of the program is that due to performance targets, the OAG staff at some sites tends to focus on enforcement near the end of the fiscal year in order to meet their targets. The focus on establishment begins in earnest at the beginning of new fiscal year in September, due to the perception that getting people on establishment at the beginning of the year will result in more payments and increase the chances that they pay all year. Whether this pattern is an intended consequence of the performance targets or not, the effect for early implementation of the establishment pilot is that early enrollment appears to be lower than it otherwise might.

It was also mentioned that, contrary to the program design, missing payments does not always lead immediately to court action and placement in the enforcement program. In many cases there is a time lag of up to three months between missing payments and being placed in the enforcement phase for court action. Although it is debatable how many missed payments would optimally lead to enforcement action, the early monitoring strategy might in

some cases not be working as effectively as designed.

Staff also report that it is limiting for the establishment program to only be implemented in Bexar County at present. Some NCPs in the establishment phase who have moved to other counties find it hard to continue employment in Bexar County due mainly to transportation. The workforce staff would like to build connections with employers in the other counties as it will then be able to place NCP near their homes and also open up new opportunities for other NCPs.

RECOMMENDATIONS

As the program is currently being conducted, the NCP Choices Eligibility Pilot tests a rather restricted version of the question it initially set out to answer. The global, overarching question, on whether providing workforce development services to low income or unemployed NCPs early in their case histories can help them to become self-sufficient and provide for their families while avoiding significant accumulation of child support debt, may not get a fair test without some changes to the program. In particular, the recommendations described below are geared toward serving a broader, more representative cohort of low-income NCPs, and toward greater recruitment of eligible NCPs. These recommendations are offered based on the initial review of planning and early implementation experiences of the program in Bexar County.

The first major recommendation is that NCP Choices Establishment Pilot services should be extended to those who are in the Child Support Review Process (CSRP). It is widely believed among OAG staff that NCP members of CSRP cases are the most agreeable, most likely to be compliant with child support orders, and have the least potential for conflict with their former spouses. Indeed, their very participation in the CSRP process indicates that they have been able to come to an agreement with the former spouse without the necessity of a judge intervening. It is an empirical question, of course, but it is possible that these more agreeable NCPs would show greater benefits from receiving Choices services, as compared to those on more difficult cases who appear before a judge, and thus by excluding CSRPs the program may be limiting its potential for successful outcomes.

At present, members of CSRP cases are excluded from participating in NCP Choices-EP, apparently due to logistical reasons. CSRP cases involve agreements between the CP and NCP that are typically negotiated at the child support field office, and although these agreements become part of the official child support order, there is not normally a reason for the CP or NCP to appear in court. Thus, the very feature that contributes to the success of the enforcement version of NCP Choices – co-location of workforce services in or near the courthouse – makes it difficult to serve CSRP cases in which the NCP has no need to attend court. This difficulty is amplified by the fact that in Bexar County, the courthouse is located downtown, where parking is expensive, and notwithstanding the transportation assistance offered by the program itself, many low-income NCPs targeted by the program do not have

reliable or affordable transportation.

Thus, in order to effectively serve CSRPs cases, it may be necessary to be more flexible about the locations in which workforce services are made available. One approach might involve having a roving workforce specialist who offers workforce services at the child support offices. This could be done either on certain days of the week, following a set schedule, or on more of an ad-hoc basis in which several CSRPs cases could be arranged for a certain day to coincide with a visit by the workforce specialist. Alternatively, a roving workforce specialist could administer the initial intake interview at the CS office, but then the NCPs could be handed off to local Workforce Solutions offices for their ongoing casework (at least one CS office is actually located next door to a Workforce Solutions center). Whether any of these models is feasible would likely have to be determined by TWC or the workforce contractor.

Another potential obstacle to serving CSRPs in the NCP Choices EP program is the possibility that participation by NCPs could not be easily mandated, in which case prior research indicates participation rates might be unacceptably low. This problem could be addressed to some extent by making participation in NCP Choices a part of the child support order, as happens with other establishment cases. Even if such an approach were not able to yield high participation rates, it might still be able to assist enough NCPs to justify the expenditures.

The second major recommendation includes suggestions for increasing the numbers of NCPs served by the NCP Choices Establishment Pilot. At present the target number of NCPs served is only sometimes being met by any of the local child support offices, resulting in reduced referrals and under-utilization of resources. While this is in part due to the exclusion of CSRPs described above, it may also be due to certain differences between the Eligibility Pilot and the original NCP Choices program. For example, under the original enforcement version of the program, judges can play a significant role in identifying NCPs for potential order into the program because they frequently interrogate the NCPs in court on all the relevant questions (does NCP have a job, an SSN, etc). In eligibility cases, however, the agreements are often reached outside the courtroom and brought back in only to be ratified by the judge. In these cases, the judge is limited in the ability to identify NCPs who might benefit from the program, and the responsibility falls more to the child support officer

or managing attorney. The most experienced attorneys, with the longest history working with NCP Choices, are quite good at identifying NCPs who could benefit from the program. However, for others it may be necessary to place more emphasis on training the OAG staff in order to increase awareness about the program.

Furthermore, the child support managing attorneys carry very large caseloads on any given court day, and it is not clear whether they have any incentives to maximize successful referrals to NCP Choices EP. In fact, it is clear that in some instances the performance goals that child support offices must meet reduce the likelihood of devoting resources to working establishment cases at different times of the fiscal year. Perhaps some kind of incentive structure could be devised to ensure that managing attorneys are concerned about the longer-term goals that NCP Choices serves.

Another possible avenue for broadening the reach of NCP Choices establishment pilot would be to expand the population of eligible cases to include other families who are low-income and at risk, but not necessarily having a history of receiving TANF or Medicaid benefits, a suggestion that was heard from a number of OAG personnel. Given the great contraction of the TANF program over the last decade or more, the proportion of current and former TANF cases among the OAG caseload can be expected to continue to decline. Of course, the cases targeted by the program are presently limited to current and former TANF or Medicaid cases because of restrictions in the funding stream that pays for the workforce services. For the longer term, however, more flexible funding might be arranged, whether from the workforce or the OAG side, that would allow this successful program to benefit more NCPs who are having difficulties financially supporting their families.

Finally, recruitment efforts within the courtroom itself have been successful in the past but have been discontinued due to the drain on court resources. Earlier in the project implementation, a workforce specialist was allowed to do a brief spiel on NCP Choices immediately after the calling of the docket. This was effective in recruiting participants because many NCPs would hear about it and ask for more information on “the program that can help me get a job.” Although the court may be unwilling to regularly devote the time for this presentation amidst a very busy docket, perhaps the judge(s) could be convinced to say six or eight words about the program around the time of reading the docket, when he or she has the attention of everyone in court.

Taken together, these recommendations, if feasible to implement, could both enhance recruitment efforts to bring enough NCPs into the program to make efficient use of resources, as well as make the workforce services available to a broader base of establishment cases whose members could potentially reap greater benefits. In so doing, the program would permit a more fair test of the broad question: whether providing workforce services to low income or unemployed NCPs early in their case histories can help them to become self-sufficient and provide for their families while avoiding significant accumulation of child support debt.

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APPENDIX

Interview Guide for Workforce Staff

Are you familiar with the original NCP Choices program?

How is the NCP Choices Establishment program different from the Original NCP Choices program?

A) Program Background

1. Could you describe the Establishment pilot program planning process?
2. How have your past experiences influenced the development of the NCP Choices program locally?

B) NCP Choices Service Delivery

1. Describe the overall NCP Choices Establishment program you have developed
2. How many NCPs do you foresee serving in NCP Choices Establishment Program?
3. How will you track NCPs participation?

C) Resources

1. How many staff people are directly involved in operating the NCP choices project?

Follow up

Does the workforce facility has enough staff available to assist NCPs?

2. What are your funding sources?
3. Do you think that the Establishment Pilot Program NCPs take full advantage of the resources offered to them?

D) Services Provided

1. What type of services do you think that NCPs are going to need?
2. How do you assess what workforce services are needed?
3. Is transportation an issue for these NCPs?
4. Do federal, state or local performance measures limit the type of services you are able to provide NCPs under the Choices program?

Follow up

If resources were to increase, will it increase the served population of NCPs?

E) Community Partnerships

1. Do you plan to partner with others in this process?

F) Labor Market

General

1. How would you assess the current job market for workers similar to the NCP population?
2. How will it affect the NCP Choices Establishment participants?

Workforce

1. Have you built relationships with any of major employers in the region that aid in job placement?
2. In what types of positions do you place most workforce participants
3. How is job retention for workforce participants

Communication Between the Partners

Does the establishment program require more or less collaboration and communication than the original NCP Choices?

G) Initial Program Assessment

1. Do you have any other comments about the program?
2. Are there any other challenges that we haven't talked about?

Interview Guide for OAG Staff

A) Local CSE Background

1. Tell me a little about your local child support enforcement program
2. Have you had experience working with the original NCP Choices program?

Follow up

If yes, how is the establishment pilot program different from the NCP Choices?

What type of employment related programs/services did you refer people in the establishment phase to before the NCP Choices Establishment pilot program?

B) Program Background

1. What led to the establishment of the NCP Choices Establishment pilot program in your area?
2. Could you describe your program planning process? When did you start? Who was involved?
3. How have your past experiences (with the NCP Choices) influenced the development of the establishment program locally?

C) NCP Choices Service Delivery

1. Describe the overall establishment program you have developed?
2. What criteria do you use to determine the eligibility of NCPs in the Establishment pilot program?

Follow up

How does this macro operates?

3. How do you ensure participation for those NCPs who are not behind payment as yet?

Follow up

How effective is the enforcement of participation?

4. How many NCPs do you foresee serving in NCP choices Establishment Program?
5. How will you track whether NCPs ordered in the establishment program actually participate?
6. What are the constraints to participation that eligible NCPs face?

D) Effectiveness

1. What are your perception about the effectiveness of the Establishment program?
2. Do you think it is working better than the original NCP Choices?
3. Does the establishment pilot program works better for some type of obligators?

E) Resources

1. How much staff will you devote to the project?

Follow up

l could more people be served if more resources are available?

2. Are you planning to use any local funding other than IV-D?

Follow up

If yes, do you plan to partner with others in this process?

F) Services Provided

1. What type of services do you think that NCPs are going to need for the program to be effective?

G) Labor Market

1. Do jobs available in this area match the skill set of the NCPs served?

Communication Between the Partners

Does the establishment program require more or less collaboration and communication than the original NCP Choices?

G. Initial Program Assessment

1. Do you have any other comments about the program?
2. Are there any other challenges that we haven't talked about?