

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 8672

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INNOVATIVE FINANCIAL INVESTIGATIONS IN SUFFOLK COUNTY

A vice president of a security guard firm. . .an unemployed man with a \$29,000 stock portfolio. . .an owner of three lucrative corporations, with a \$100,000 beachside home. These are a few of the absent parents encountered by the Child Support Enforcement Bureau in Suffolk County, New York. "These are the extreme cases," admits County Child Support Director Bill Morrissey, but there are so many absent parents with hidden assets that Morrissey has designated one enforcement team to work solely on financial investigations.



Bill Morrissey
IV-D Director,
Suffolk County

The financial investigation starts with one employee who is permanently stationed in the County Clerk's office. He checks all county records beginning with real estate records. Judgment rolls, Uniform Commercial Code records, and business records (such as

continued on page 2

State Spotlight
WISCONSIN



Duane Campbell
Wisconsin IV-D
Director

Enthusiastic cooperation by dedicated personnel--that's the key to Wisconsin's success in the Child Support Enforcement program, according to Duane Campbell, Director of Wisconsin's Bureau of Child Support.

Wisconsin's program is State administered through contracts with the counties. Smooth functioning of the system is the result of the competence and close working relationships among county and State level personnel.

This cooperation has marked the program since its beginning, says Campbell. In his experience, the IV-D program "has just about the best relationship between State and county governments in Wisconsin."

This relationship is exemplified by the Wisconsin Child Support Enforcement Association. The Association is an independent body drawing on county personnel which provides a liaison committee and ad hoc committees as needed. These committees express grass roots concerns and coordinate program development with the State office.

continued on page 2

Child Support Report

STATE SPOTLIGHT *continued*

Another strength of the program is a mandatory wage assignment law covering both temporary and permanent orders of support and affecting current and future employers. If the parent defaults on his support payments, the assignment can be dated and addressed to the employer immediately. A hearing is held only if the parent requests one. Eliminating mandatory hearings for wage assignments saves about six weeks in the enforcement process.

Family Court Commissioners in Wisconsin occupy a unique position in that they act as both court masters and as prosecutors. Commissioners relieve judges of some investigative duties and issue contempt orders and temporary support orders. All actions are under judicial review.

Despite Wisconsin's success with the Child Support Enforcement program, the dedicated staff don't rest on their laurels. Under Duane Campbell's leadership, Sherwood Zink (Legal Counsel), Betty Massey (PLS head), Howard Anderson (Chief, Fiscal and Reporting Section) and the entire staff constantly seek new ways to improve the program.

By the end of 1979, the State will be ready to implement Project 419 to determine an absent parent's assets using the Internal Revenue Service. The State has also developed a major new data system and is consulting with the Child Support Association regarding its implementation.

Wisconsin's IV-D staff plan to continue and intensify their efforts toward program improvement. Duane Campbell would like the State's work to be evaluated in terms of "how well we have applied the State and Federal law within a broad framework of respect for the rights of human beings." On these criteria, Wisconsin rates high.

SUFFOLK COUNTY *continued*

partnership agreements or "doing business as" documents) are also examined. Evidence obtained from the investigation is developed into a financial profile to be used in court. "County records are a tremendous tool, and they're available to everybody," Morrissey says.

Suffolk County's creative approach to financial investigation has yielded some dramatic results. One parent, the owner of a construction company, was surprised one morning to find the sheriff hauling away several large pieces of construction equipment. At the execution sale, he hastily paid his entire arrearage in cash--over \$10,000. Another parent finally paid up when the IV-D staff took steps to seize his sailboat. In still another case, the investigator literally used her head to gather information on the absent parent--she made an appointment at his hairdressing salon, and copied information from his license as he styled her hair.

Morrissey and Deputy Child Support Director Tom O'Donnell keep track of their cases through a simple yet highly developed management information system. Each case is assigned to one of 60 categories, according to the type of work to be done. As cases move through the system, their categories change. Each week the computer generates a report stating the number of cases, the total arrearage amount, and other information. Other reports indicating number of payments made, number of cases referred to court, etc., aid the case management process.

Suffolk County's collections have more than doubled since January 1977. Says Morrissey, "The percentage of parents paying has been rising every month, and we think we can make it rise even higher."

REGION VIII: LARGE DISTANCES AND SMALL POPULATION



*Seated: Nancy Laubhan, Garth Youngberg, Garry Peterson
Standing: Page Brown, Richard Briones*

HEW Region VIII is composed of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. The region encompasses about one-sixth of the continental U.S. land mass, while its population amounts to only about 2.7% of the U.S. total. Many of these people live in rural areas and small towns separated by vast distances.

Because of the sparse population within the broad land expanse, States of Region VIII have had to be creative in devising ways to implement the Child Support Enforcement program. In one State, telephone interviews and contracts with private attorneys are used extensively to minimize travel. Another State has created a series of child support regional offices by use of agreements with County Commissioners. Variations of this kind of regional structure can be seen in almost all the States in the Region.

The American Indian population of the Region approaches 99,000, which is about 12.5% of the national Indian population. There are 23 Indian reservations, or parts of reservations, in Region VIII.

The significant number of on-reservation AFDC recipients poses a particular problem because the States lack jurisdiction for child support purposes with respect to Indians residing on reservations. Devising voluntary reciprocal arrangements between the tribes and the States is one of Region VIII OCSE's major goals.

Under Garth Youngberg's direction as Regional Representative, responsibility for the States is divided between the two Program Specialists. Garry Peterson is assigned Utah, South Dakota and Colorado, and Page Brown is assigned Montana, North Dakota and Wyoming. The Financial Management Specialist, Richard Briones, carries fiscal responsibility for all six States. Nancy Laubhan acts as secretary and administrative assistant to the Regional Representative and provides necessary clerical support.

Major initiatives within Region VIII include encouraging greater use of IRS collection mechanisms, use of "Phone Power," assisting in the development of new State legislation, and devising effective case monitoring and billing techniques. The Regional Office staff strongly believes that their function is to support program improvement and to foster the interest of the States in the Child Support Enforcement program.

Child Support Report

Policy Notes

The United States Congress is currently considering several bills which, if passed, would have a major impact on the Child Support Enforcement program.

S.257, introduced by Sen. Long, H.R.2649 introduced by Congressman Gradison, and H.R.3014, introduced by Congressman Lederer would amend Section 455 (a) of the Social Security Act to make FFP available for services to non-AFDC cases on a permanent basis, retroactive to October 1, 1978. All three bills are now in committee.

Sen. Hatfield introduced S.1396 which would permit a State to retain the 15% incentive payment for collections it makes in its own behalf. In addition, incentive payments would not be made unless the amount subject to incentive payment exceeded either (a) the expenditures used to collect that amount in that quarter, or (b) 3.5% of the jurisdiction's AFDC payments in that quarter. This bill also requires that 50% of the incentive payments received be used to "enhance, improve, or expand the operation of the State's plan."

Title IV of S.1290 and H.R.4904, the administration's welfare reform proposal, would make various changes to the IV-D program. The major ones are:

- IV-D agencies would be required to collect spousal support in certain cases.
- A mandatory fee of 10% of collections for services to non-AFDC families would be imposed.
- States would be permitted to keep AFDC families on the rolls for up to three months after child support would otherwise make them ineligible. States would

also disregard amounts paid to the family during that period while retaining amounts equal to the assistance payment.

- Advances of Federal funds to State IV-D agencies would be prohibited unless certain collections and expenditure reports are received in a timely fashion.
- Certain changes would be made to distribution and incentive payment procedures.

The Senate and House bills have each been referred to the appropriate committee(s). The House Ways and Means Subcommittee on Public Assistance held hearings on H.R.4904. The bill was then sent to the full committee for markup. Action was not completed before the August recess, but the committee plans to take up the bill again by September 15. The section dealing with child support was not changed.

H.R.3491 and H.R.3492, introduced by Congressman Matsui, would prohibit the discharge in bankruptcy of any child support obligation. The House Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary held hearings on H.R.3492, at which OCSE Deputy Director Louis B. Hays testified in support of the bills.

H.R.3839, introduced by Congressman Jacobs and referred to the Committee on the Judiciary, would establish in Federal law the right of every unemancipated child to be supported by his or her parents and would require certain State courts to enforce that right regardless of the child's residence.

The next Policy Notes column will contain an update on other bills now in Congress.

APDNS ALERTS PAYERS IN DISTRICT OF COLUMBIA

Under the direction of Eugene Brown, the District of Columbia Office of Paternity and Child Support Enforcement is using the Absent Parent Delinquency Notice Service (APDNS) with success. The APDNS, operated through a minicomputer in OCSE headquarters, can generate billing or delinquency notices geared to the needs of the individual jurisdiction. The service is available free of charge to requesting agencies. APDNS, as used in the District of Columbia, supplies two letters. One is a notice to delinquent parents; the other is a monthly reminder to responsible payers.



Helen Nelson, Acting Assistant IV-D Director; Eugene Brown, IV-D Director; Norris Sheppard, Supervisor, Enforcement Unit.

"We are encouraged by the steady 50% response rate, after an initial 61%, in the three months we've been using the APDNS," said Brown. "When a fully automatic system becomes operational in early 1980, we'll be able to reduce the cost of processing data. At that time," said Brown, "we'll be able to input directly into the system and eliminate the manpower cost of hand coding the input forms.

The APDNS is effective, but unless an agency has an automatic system, coding costs must be considered."

For the interim, the District of Columbia Office of Paternity and Child Support Enforcement staff, using the APDNS, are discovering cases of parents who are imprisoned, or who have died, or are on public assistance, or are unemployed. In so doing, they are purging their records of these cases. Also, agency staff, relieved of the burden of sending monthly reminders to supporting parents, can concentrate on enforcement and remain on top of their cases. An interesting sidelight, noted by Norris Sheppard, Supervisor of the Enforcement Section, is that in the District of Columbia, a computerized letter apparently is more effective in drawing a response from their clients than the conventional typewritten inquiry. Sheppard also commented that as a side benefit, the APDNS identifies addresses in need of verification. District workers have verified new addresses for 15% of the returned notices.

"For us, in the District of Columbia," said Brown, "the APDNS has aided the staff in enforcing support. The system has been tailored to our needs. As with any innovative process, however, only through use have we discovered the benefits and drawbacks of that system."

Update on the States

JIM O'BRIEN is the new IV-D Administrator in Hawaii. . . JIM KIDDER has been named Director, Bureau of Child Support Enforcement in Utah.

Child Support Report

The Top Ten

Measuring the percentage of the absent parents who made payments in a quarter provides a good indication of the penetration of the IV-D program. The following table represents the percentage of the AFDC absent parent caseload from whom collections were made for the second quarter of Fiscal Year 1979

State	Percentage of AFDC Absent Parent Caseload From Whom Collections Were Made, 2nd Qtr FY'79
1. New Hampshire	41
2. Connecticut	34
3. Michigan	26
4. Washington	24
5. Wisconsin	23
6. Rhode Island	23
7. New Jersey	15
8. Utah	14
9. Idaho	10
10. Nevada	8

The percentages are based on data obtained from the OCSE-3 Statistical Reporting Form, and were derived as follows: line C1 (number of cases in which a collection was made in the second month of this quarter) divided by line A4 (cases open on last day of quarter). States that did not submit an OCSE-3 for the quarter under consideration and States that provided incomplete or inconsistent data were not included in this analysis.

For a complete ranking of all available States and jurisdictions on this criterion, contact the Reference Center.

IRS ASSETS IDENTIFICATION PROGRAM SHOWS RESULTS

Internal Revenue Service Project 419, the determination of assets of a responsible parent through review of income tax data, is being implemented in St. Louis County, Missouri, by District II of the Missouri Child Support Enforcement Program.

Designated as the 406 Program on the local level, St. Louis County case workers are obtaining information from the IRS that enables them to pursue delinquent parents claiming inability to support.

In one case, described by supervisor Bonnie Mosely, a self-employed parent's ability to pay was confirmed by reviewing his IRS tax form, resulting in a referral to the Prosecuting Attorney for action. In another instance, a check of the IRS data showed that a parent was not irresponsible but unable to support his dependents.

To guarantee that the confidentiality of the IRS information is not breached, District II case workers store tax data separately from support records in compliance with 419 regulations. In addition, information obtained from the tax return is not disclosed during litigation.

"Federal tax records supply financial information that is not available using conventional methods," said Ms. Mosely, "and we are using Project 419 to help discover the true financial status of a responsible parent."

Law in Brief

CHILD SUPPORT: KANSAS ADOPTS MINORITY VIEW THAT A PARENT WHO PAYS SUPPORT PURSUANT TO A LUMP SUM AWARD SHOULD BE ALLOWED TO REDUCE SUPPORT PROPORTIONATELY AS THE CHILDREN BECOME OF AGE WITHOUT COURT ORDER

The Supreme Court of Kansas recently adopted the minority view as to the ability of a parent to reduce lump sum support payments proportionately as each child attains the age of majority without a court order. In this case a mother attempted to cite her former husband for contempt for failure to pay \$250 child support as directed in the original award contained within the divorce decree. The former husband had reduced his support payments by one-third when his eldest child reached eighteen years of age, and similarly reduced his payments by another third when the middle child came to live with him. The facts of the case at the trial court level indicated that there had been at least an implied consent on the part of the mother with regard to these actions until her current petition to the trial court.

The Kansas Supreme Court stated that, contrary to the mother's contentions, a divorce order providing for child support payments to continue "until further order of the court" does not give a court the power to order support beyond the age of majority. Any order requiring either parent or both parents to pay for the support of any child until the age of majority shall terminate when such child attains the age of eighteen years, unless by prior written

agreement approved by the court such parent or parents specifically agreed to pay such support beyond the time such child attains the age of eighteen. The order terminates without further order.

Although the court also held that accrued, unpaid child support payments cannot be modified under Kansas law, it approved trial court action giving the former husband credit against the judgment for the period of time the middle child lived with the husband through the age of seventeen. This was done despite the fact that the husband had never appealed to the court for a modification of the support order. It is also interesting to note that the case arose over a dispute between the parents as to whether the father should pay the costs of a college education for the two older children. It can be inferred from the ruling that the Kansas courts will not sanction such expenditures on the part of the obligor aside from a specific agreement between the parties. Despite new decisions from other States, Kansas follows the rule that the controlling factor will be the State's law pertaining to the age of majority. Education beyond that age is not a "reasonable expenditure" empowering a court to modify a decree which has previously been silent as to this issue.

Brady v. Brady, 592 P.2d 865 (Kan. 1979)

Law in Brief is compiled and edited by the National District Attorneys Association

Child Support Report

Conference Calendar

September 9-12 - Minnesota Family Support and Recovery Council Training Conference; Brainerd (contact Daniel Haley, Program Chairman, 612-296-4699).

September 12 - IV-D Conference for Maryland States Attorneys; Annapolis (contact Jchn Williams, 301-383-3501).

September 18-21 - Southeastern Regional Meeting of American Public Welfare Association; Biloxi, Mississippi, IV-D Workshop, September 20 (contact Bruce Gaunt, 404-221-2180).

September 23-26 - Annual Meeting of Domestic Relations Association of Pennsylvania; Philadelphia (contact Sterling Wees, 814-355-1272).

September 27-28 - Western Regional Seminar of the National Conference of State Legislatures; Denver (contact Deborah Bennington, 303-623-6600).

October 17-19 - Semi-Annual Child Support Conference; Portsmouth, Rhode Island (contact Thomas Hughes, 617-223-1138).

October 22-23 - Washington Family Support Council Meeting; Seattle (contact Washington Association of Prosecuting Attorneys, 206-753-2175).

October 22-23 - Eastern Regional Seminar of the National Conference of State Legislatures; Hartford, Connecticut (contact Deborah Bennington, 303-623-6600).

November 11-15 - 28th Annual Conference on Child Support Enforcement; Lake Buena Vista, Florida (contact Tim Morrison, 515-262-6807).

November 14-17 - 3rd Annual Title IV-D Systems Workshop; Orlando, Florida (contact Horace Churchman, 301-443-1310).

Child Support Report

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THE APPLICATIONS ENGINE

SYSTEM 5000 BULLETIN

Inforex, Inc.

is proud to announce

C. A. S. E.

(The Child, Alimony and Support Enforcement System)

HISTORY OF TITLE IV-D

Child, Alimony and Support Enforcement (C.A.S.E.) has become a major undertaking by all states and counties throughout the country. This is the result of increasing concern by public officials over the irresponsibility of many parents in failing to support their children, and the consequent rise in the cost of public aid programs.

Congressional attention has focused on this area since 1950 when section 402 (a) (11) was added to the Social Security Act. This required state welfare agencies to notify law enforcement officials when AFDC was furnished to children who had been deserted or abandoned by a parent. However, this rather obscure provision received little attention by social service agencies and law enforcement officials.

Subsequently, in 1965, public law 89-97 was enacted which allowed HEW to provide social service agencies with the names and places of employment of absent parents. In 1967 a further amendment to the Social Security Act added Section 402 (a) (17), (18), (21), (22), which required each state to establish within their welfare structure a unit to establish paternity and to collect support money for children receiving public assistance. These amendments proved to be substantial aids to public officials who had recognized the problems of non-support and developed support and paternity programs as well as providing an incentive for other public officials to become involved.

The mechanisms established by Congress worked with varying degrees of efficiency. Efforts were hampered by a lack of enthusiasm in many welfare agencies and a lack of adequate funding for investigation and prosecution. Increased pressure by prosecutors and welfare agencies recognizing the problem of rapidly rising AFDC caseloads, resulted in Congress enacting Part D of the Social Security Act which is contained in Public Law 93-647.

This new act seeks to encourage states to develop effective child support programs through a series of fiscal incentives and the threat of withdrawal of the federal share of AFDC funds for ineffective state programs. Included as incentives were federal funds to assist the public officials in developing and staffing collections programs. It also establishes a set of defined enforcement procedures and federal requirements that must be addressed on a statewide basis in order to take advantage of these incentives. A further examination of the impact of Title IV-D is warranted.

In light of this background, the significance of child support programs to state/county government is apparent as is their importance to the public in terms of shifting the burden of supporting abandoned or deserted children from the taxpayers to the absent non-supporting parent.

TITLE IV-D REQUIREMENTS/INCENTIVES

The passage of Title IV-D presents both additional requirements and a significant opportunity to every county/state involved in administering child support enforcement. Although each state has developed its own unique plan and organization structure to comply to Title IV-D the requirements and incentives are the same nationwide:

Requirements:

- Insure timely response to all requests for support enforcement from either individual dependents or the state IV-A agency. Maintain detailed case records and insure proper establishment and execution of support court orders.
- Provide local/state level parent location services required to effectively enforce support programs.
- Provide support payment collection services for all state IV-D cases. Insure proper accounts receivable control and audit trails.
- Provide similar collection services for all IV-D cases referred from other states under URESA.
- Properly control the disbursement of collected support payments to appropriate dependent or welfare agency (if AFDC case).
- Identify all delinquent payees within 30 days of delinquency. Take appropriate steps to rectify the situation.
- Maintained sufficient records and audit trails to define cost of program administration. Submit supporting documents for federal participation and incentive payments.

Incentives:

- The state/county general fund will be reimbursed for costs related to IV-D administration for those cases related to welfare as follows:
 - 75% of the development costs
 - 75% of operating/administration costs (direct & indirect)
- The state/county general fund will receive 15% of all support payments collected in welfare related cases.

The program requirements are relatively well defined. They present a massive administrative challenge for every state/county agency involved. With literally thousands of cases active at any one time, the process of maintaining accurate case information and payment histories, tracking delinquent payors and complying with the federal audit requirements can be overwhelming.

Yet, effective compliance with IV-D will provide significant benefits in areas such as reduced welfare costs, increased federal incentive payments, and generally improved services to the community.

Inforex Commitment

We, at Inforex, believe that the key to success in effectively meeting the challenges of Title IV-D is MAKING INFORMATION WORK FOR YOU. A system where information is not simply collected and filed but is utilized to:

- quickly answer field questions
- automatically highlight exceptional conditions
- coordinate IV-A and IV-D activities
- provide basis of federal audits

Information in a filing cabinet is useless! The key to success in Title IV-D is developing a system that effectively collects information and is capable of retrieving that information in a manner that is responsive to the needs of you and your personnel.

Over a year ago Inforex committed itself to develop just such a system. We dedicated a team of system analysts to the task of learning the requirements of Title IV-D and building a packaged information system that would meet them. The team was led by a system analyst who had recently designed a similar system for a major county in Ohio. For the past year they have worked under H.E.W. guidelines and in an actual user environment to insure that the system would meet federal requirements and still be flexible enough to keep pace with your dynamic requirements. We have committed literally man years of effort and over a half million dollars to insure success.

Our commitment has resulted in the Inforex C.A.S.E. (Child, Alimony and Support Enforcement) application package. A system:

- Designed to make information work for you
- That meets Federal requirements
- That has been tested in a live environment
- Designed for easy installation
- Designed in functional modules to insure that it can be flexibly applied to individual state/county organization structures
- Designed to be used by non-data processing people

Inforex recognizes that each individual installation is somewhat unique and that information requirements change over time. That is why our commitment goes beyond the initial program development. We are dedicated to insuring that C.A.S.E. continues to meet your requirements in the years to come. We have over 400 field systems and maintenance engineers in more than 30 major cities available to insure that our information systems and supporting equipment are tuned to meet your daily requirements. They are professionals. They are trained and ready to help you make the most of information.

C.A.S.E. - INTRODUCTION

The Inforex C.A.S.E. application is a packaged solution to the administrative challenge of Title IV-D. The solution consists of:

- **Minicomputer** The System 5000 is a versatile piece of equipment that is designed with simplicity and expandability in mind. It can be expanded to 32 terminals and over a billion bytes of storage. Typewriter-like keyboards allow your operators to create, store and retrieve information records in seconds.

- **Application Software** The C.A.S.E. package has been designed to take advantage of the simplicity of the System 5000. Your present staff will be able to effectively operate the system in a matter of days. The features of the C.A.S.E. package itself are highlighted in the next section.

- **Maintenance** Inforex professionals are trained and equipped to keep your System 5000 tuned to top performance.

- **Training Support** Inforex systems personnel will train your present staff to use the System 5000 C.A.S.E. applications and equipment.

C.A.S.E. - APPLICATION DESCRIPTION

Functional Overview

The flow chart on the next page graphically illustrates the functional flow of the Child Support Enforcement process. At an earlier system development workshop conducted by the Federal Department of Health, Education and Welfare these functions were grouped into six major categories:

- Case Management
- Parent Locator Services
- Accounts Receivable
- Support Distribution
- Support Enforcement
- Administrative Accounting

The Inforex C.A.S.E. system is a comprehensive package of application software designed for the System 5000. It is a powerful file management system that meets federal IV-D requirements in all these areas. The following section highlights the C.A.S.E. application features in each category.

Case Management

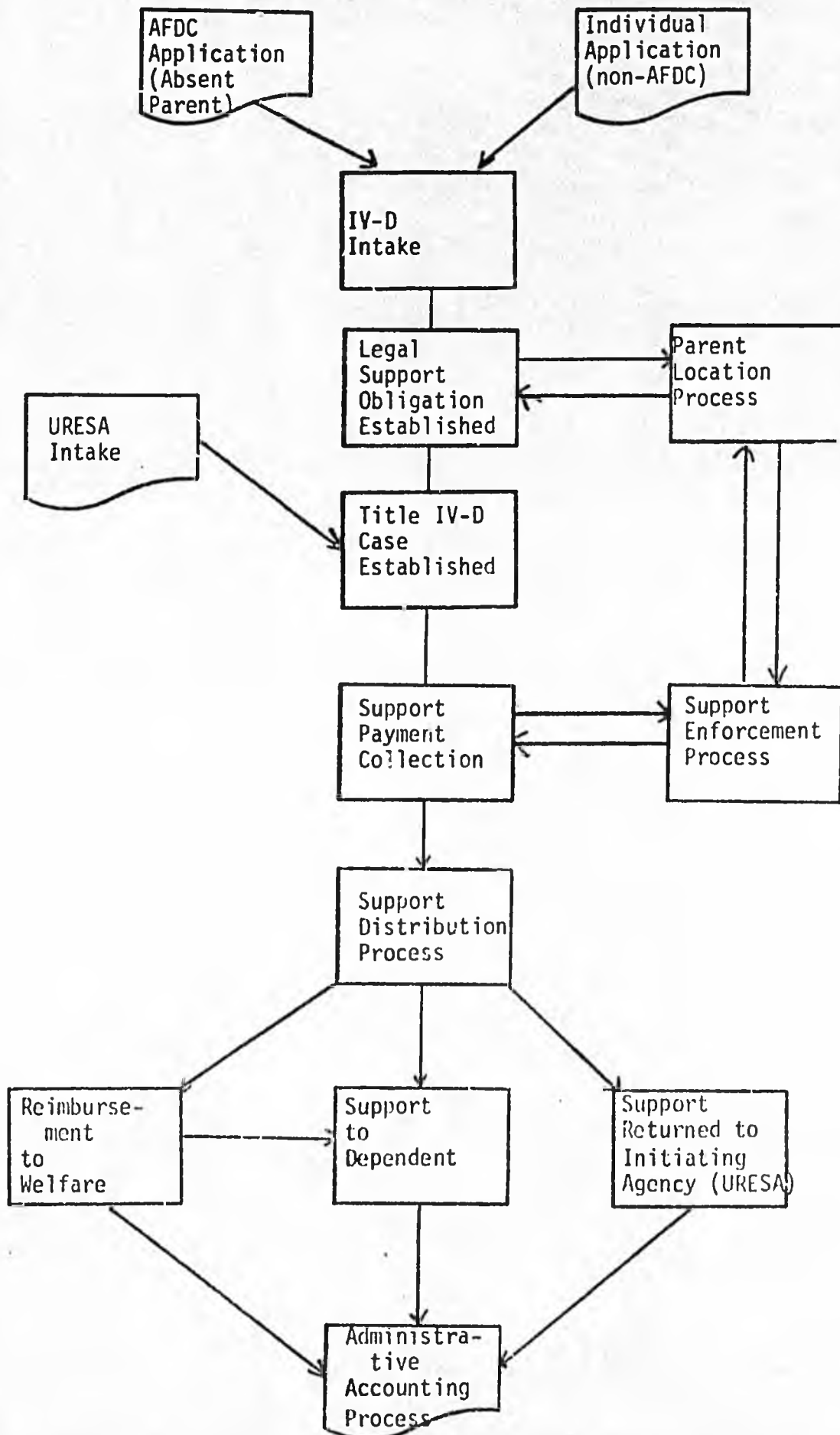
Defined as activities, information requirements and reports relating to establishing and monitoring IV-D cases, as well as information required to effectively monitor counselor case loads, case status, etc.

C.A.S.E.:

- Maintains statistical/financial detailed records for each payor, payee and case. The system easily handles:
 - multiple payees per case
 - multiple payors per case
 - multiple children per payee
- Maintains complete charge, payment and disbursement histories
- Generates "introduction" letter to payee and payor detailing:
 - how/when to pay
 - what to do in case of questions
 - confirmation of address and other data

CHILD SUPPORT ENFORCEMENT

Functional Process Flow



- Easily handles court order modifications
- Provides an optional Welfare records interface to allow case worker to check AFDC status of applicant as well as other pertinent information
- Provides a complete set of statistical and management reports to track case activity, initiate periodic case reviews, analyze counselor case loads, etc.

Parent Locator Services

Defined as activities required to initiate and track requests for parent location services at county, state and federal levels.

C.A.S.E.:

- Maintains information to aid in location process.
- Provides a weekly report of all parent locator requests sorted by individual parent locator

Accounts Receivable

Defined as activities related to payment collection, cash control, arrearage control, deposit/reconciliation of monies as well as the generally accepted accounting standards of batch balancing and audit trails.

C.A.S.E.:

- Easily handles payments made by mail or in person.
 - Mailed payments are processed in a batch with full batch balance control and tracking
 - Payments made in person are posted immediately and a receipt acknowledgement is immediately generated for the payor.
- Processes pre-payments and tracks them on a per case basis
- Monitors "bounced checks" performance of payor and disallows personal checks based on past performance.
- Maintains a complete detailed payment history
- Provides daily and monthly payment registers

Support Distribution

Defined as activities required to disburse collected support payments to the appropriate parties. Including eligibility determination, incentive tracking, check writing, etc.

C.A.S.E.

- Provides a flexible hierarchy of distribution to allow disbursement of support in accordance with IV-D regulations.
- Generates detailed distribution registers
- Automatically handles collection fee calculation/deduction (if selected)
- Assigns support for AFDC recipients to the local Welfare agency
- Distributes payments in accordance with due dates established in each court order.
- Provides information needed to track incentive reimbursements.

In addition, the following types of receipt and disbursement situations are handled automatically by C.A.S.E.:

- Various payment frequencies (i.e. weekly, bi-weekly, semi-monthly, and monthly)
- Specified pre-payments (i.e., payments made by a payor for an entire year to be disbursed according to court ordered due dates for payee)
- Payments made by a payor both of a continuing nature and with regard to paying off a fixed obligation.
- Printing of checks to payees on a due date basis as well as complete check reconciliation processes and reports.
- Generation of a single disbursement check for multiple payments to the local Welfare Agency along with a detailed listing of the payments included within this single check

Support Enforcement

Defined as activities and information requirements associated with identifying delinquent payors and enforcing compliance with court orders.

C.A.S.E.:

- Monitors case status and generates exception reports/forms:
 - Late payment notices
 - 5, 10, 30 day default listings
 - Form letters to payee explaining default enforcement rights and remedies
 - Counseling notices and reports

Administrative Accounting

Defined as all activities required to track program cost (direct and indirect) and all federal reporting and audit requirements.

C.A.S.E.:

- Provides valuable management information including:
 - Case status and activity
 - Fiscal status and activity
 - Enforcement work load analysis

- Maintains complete accounting controls
 - Batch balanced payment posting procedures
 - Detailed payment registers
 - Complete check creation
 - Detailed disbursement register
 - Detailed check register
 - Check reconciliation procedures

Summary of C.A.S.E.

System	Subsystem/Applications	Benefits	
		Tangibles	Intangibles
C.A.S.E.	<ul style="list-style-type: none"> ● Collection and distribution of Child Support and Alimony Payments. ● Parent Location. ● Counseling. ● Cashiering. ● Finance. 	<ul style="list-style-type: none"> ● Reduce non-compliance with court ordered payments. ● Prevent possible public assistance. ● Better cash management. ● Better collections. ● Assure accurate accounting procedures. ● Increase Title IV D incentives to county. ● Increase compliance by monitoring and issuing of late payments. ● Centralize collection and distribution of payments. ● Reduce collection costs and increase collection revenues. ● Encourage payment thru location and follow-up counseling. ● Ability to attach and monitor wages. ● Reduce filings of non-support thus reducing docket. ● Professional/Management Productivity. 	<ul style="list-style-type: none"> ● Decrease errors. ● Increase delivery of payments. ● Better control of revenue. ● More accurate, timely and complete information. ● Auditing tool. ● Increase response to judicial and customer inquiry. ● Standardize judgements (all pay thru court). ● Better Management of county funds. ● Leadership shown to other counties. ● Generate respect for court orders. ● Keep parent responsible for support instead of public sector. ● Increase flexibility of staffing. ● Improve planning. ● Improve resource utilization. ● Improve tax payer services.

CHILD SUPPORT ENFORCEMENT SEMINAR
National Conference of State Legislatures
October 1979

Guide to Handout Materials

Seminar Agenda

List of Seminar Participants and Faculty

Designation of Participants into Groups for Workshops

Concurrent Session-Guidelines for Discussion Groups

Seminar Evaluation Form

Technical Assistance Request Form

NCSL Child Support Enforcement Project Announcement

National Institute for Child Support Enforcement Brochure

Child Support Enforcement Resources

Office of Child Support Enforcement Program Description

National Child Support Enforcement Reference Center Information

Office of Child Support Enforcement Newsletter "Child Support Report"
August, 1979

Information Sharing Index, OCSE Reference Center

Third Annual Report to Congress, September 30, 1978, HEW, OCSE

Demographic Factors in Child Support Enforcement

Discussion Papers, prepared by Robert E. Keith for the NCSL
Child Support Enforcement Seminar

"The New Clout in Child Support Enforcement," Dennis C. Cooper and
Mary Volgyes, State Legislatures, October 1979

"Men Who Know They Are Watched: Some Benefits and Costs of
Jailing for Nonpayment of Support," David L. Chambers, Michigan
Law Review, April-May, 1977

Uniform Marriage and Divorce Act

Uniform Parentage Act

Revised Uniform Reciprocal Enforcement of Support Act

Uniform Child Custody Jurisdiction Act

Tourist Information

CHILD SUPPORT ENFORCEMENT RESOURCES

National District Attorneys Association, Child Support Enforcement Project,
666 North Lake Shore Drive
Suite 1432
Chicago, Illinois 60611
312/944-4610

- a. Newsletter, terminated - back issues available
- b. Legal Clearinghouse - Extensive bibliography, Case Law Index and Several Other Resources

National Reciprocal and Family
Support Enforcement Association
503 East Fifteenth Street
Des Moines, Iowa 50316

- a. Newsletter
- b. Annual Conference

Office of Child Support Enforcement
Reference Center
6110 Executive Blvd.
9th Floor
Rockville, Maryland 20852
301/443-5106

- a. Index of government publications and reprints of relevant publications
- b. Newsletter
- c. Bibliography in topical areas of child support enforcement

National Institute for Child Support Enforcement
1601 North Kent Street
Suite 1101
Arlington, Virginia 22209
703/522-3010

- a. Technical Assistance for IV-D agencies
- b. Training courses for IV-D personnel

Child Support Enforcement Project
National Conference of State Legislatures
1405 Curtis Street
Suite 2300
Denver, Colorado 80202
303/623-6600

- a. Legislative Seminars
- b. Technical assistance, state workshops
- c. Information Clearinghouse for legislators and staff
- d. Legislator's Guide to Child Support Enforcement

DEMOGRAPHIC FACTORS
IN CHILD SUPPORT ENFORCEMENT

Family Characteristics

- The average family size has decreased from 3.67 persons in 1940 to 2.81 in 1978, while the fertility rate has fallen to near the replacement level.
- The divorce rate is the highest among those of industrialized countries, at 5.1 per thousand. (The U.S. is followed by Australia (4.3), U.S.S.R. (3.4), and Sweden (2.7). 38 percent of all marriages in the U.S. will end in divorce. 56 percent of these divorces involve children.
- One-parent households now comprise 14.4 percent of all families. Of one-parent families, 85 percent are headed by a woman. While employment of such women has increased from 45 percent in 1960 to 58 percent in 1978, 65 percent of those who are employed hold low-paying clerical, blue-collar, or service-type jobs.
- The proportion of children living with both of their natural parents to the total child population has decreased from 75 percent in 1960 to 63 percent today. Further, by 1990 only one-half of all children will be living with their natural parents. (These families include one-parent households, families in which there is a step-parent, and other custodial arrangements.)
- The illegitimate birth rate has increased. 500,000 children were born out of wedlock in 1978, accounting for 15 percent of all births.

AFDC Caseload Characteristics

- Children in families receiving AFDC comprised 11.5 percent of the child population in 1978, down slightly from 12 percent in 1975.
- Within the AFDC population, the number of families receiving assistance because of the father's absence from the home (as opposed to other reasons) decreased from 6.7 million in 1976 to 6.2 million in 1978, after a 30-year long rise.
- The proportion of AFDC cases involving children of unwed parents has increased greatly, from 22.6 percent of AFDC cases involving children living with one parent in 1970 to 33.8 percent of such cases in 1978.

(Statistics compiled from: Bureau of Labor Statistics Monthly Labor Review
Census Bureau Population Bulletin Vo. 32 No. 5
Monthly Vital Statistics Report PHS Vol. 27 No. 5)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF CHILD SUPPORT ENFORCEMENT
ROCKVILLE, MARYLAND 20852

INFORMATION MEMORANDUM

OCSE-IM-79-9

May 8, 1979

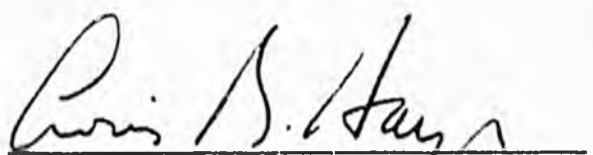
TO : STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT
PLANS APPROVED UNDER TITLE IV-D OF THE SOCIAL SECURITY
ACT AND OTHER INTERESTED INDIVIDUALS

SUBJECT : The National Child Support Enforcement Reference Center's
Information Sharing Index

ATTACHMENT : Attached is the Information Sharing Index prepared by
the National Child Support Enforcement Reference Center.
The Index enumerates materials available from the
Reference Center and describes other materials pertinent
to the Child Support Enforcement program.

SUPERSEDED
MATERIAL : OCSE-IM-79-2 dated January 17, 1979 and OCSE-IM-78-24
dated September 26, 1978

INQUIRIES TO : The National Child Support Enforcement Reference Center


Deputy Director
Office of Child Support Enforcement

NATIONAL CHILD SUPPORT ENFORCEMENT REFERENCE CENTER
INFORMATION SHARING INDEX

Department of Health, Education and Welfare
Office of Child Support Enforcement
6110 Executive Boulevard - 9th Floor
Rockville, Maryland 20852

May 1979

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	
I. State Plans	1
II. State Operating Procedural Manuals	1
III. Office of Child Support Enforcement Action Transmittals	2
IV. Office of Child Support Enforcement Information Memoranda	8
V. Research, Demonstration and Model Products	12
VI. Management/Training	14
VII. Systems	15
VIII. Legislation/Regulations	17

INTRODUCTION

The Information Sharing Index is prepared quarterly by the National Child Support Enforcement Reference Center. The Index enumerates materials available from the Reference Center and describes other materials pertinent to the child support enforcement program.

To request materials from the Center, please forward the following information:

1. The topic area (example: case prioritization, fee schedules).
2. Title of specific publication and quantity desired.
3. The address to which the Center is to send the material.
4. The name and telephone number of an individual who may be contacted for clarification or follow-up.

If you would like to contribute materials or have specific materials added to the Reference Center, please contact Mrs. Barbara Olivero. The address of the Center is:

The National Child Support Enforcement Reference Center
6110 Executive Boulevard - 9th Floor
Rockville, Maryland 20852
(301) 443-5106

I. STATE PLANS

The Reference Center has copies of each State's plan -- The plan is a description of how each State will operate the IV-D program in accordance with existing federal regulations.

II. STATE OPERATING PROCEDURAL MANUALS

The Reference Center has copies of the following procedural manuals. These manuals provide a somewhat detailed description of how the functions inherent in the operation of the IV-D program are conducted. The manuals are intended as resource materials and copies are not available through the Center.

Alabama Operational Manual
 Alaska Child Support Enforcement Procedures
 Arizona Child Support Enforcement Procedures
 Arkansas Child Support Enforcement Manual
 California Parent Locator Service Investigative Resources Manual
 Florida Child Support Enforcement Manual
 Georgia Child Support Enforcement Manual
 Hawaii Child Support Enforcement Manual
 Idaho Procedures Manual
 Illinois Child Support Enforcement Handbook
 Indiana Child Support Manual for Circuit Clerks
 Indiana Child Support Manual for County Welfare Directors
 Indiana Child Support Manual for Prosecuting Attorneys
 Kansas Location and Support Manual
 Louisiana Support Enforcement Manual
 Maryland Child Support Enforcement Manual
 Minnesota Child Support Enforcement Title IV-D Manual
 Mississippi Manual of Policies and Procedures
 Missouri Support Enforcement Manual
 Montana Child Support Enforcement Manual
 Nebraska Child Support Materials
 New Hampshire Child Support Enforcement Manual
 New York Administrative Directives
 North Dakota Child Support Enforcement Program Procedures Manual
 Oklahoma Child Support Enforcement Internal Procedures Manual
 Oregon Manuals of Procedures
 Puerto Rico Operation Manuals of IV-D Units
 Rhode Island Bureau of Family Support Operational Manual
 South Dakota Operations and Procedures Manual
 Texas Child Support Handbook
 Utah Office of Recovery Services Manual

Virgin Islands IV-D Manual
Virginia Support Enforcement Manual of Policy and Procedure
Washington Support Enforcement Manual
West Virginia Policy and Procedural Manual
Wisconsin Child Support Enforcement Manual
Wyoming Child Support Enforcement Manual

IIA. OTHER OPERATING PROCEDURAL MANUALS

Family Support and Welfare Fraud Forms Manual for Fresno County,
California
Paternity and Child Support Procedures for the Juvenile Court of
Memphis and Shelby County, Tennessee

III. OFFICE OF CHILD SUPPORT ENFORCEMENT ACTION TRANSMITTALS (currently in effect)

1975

Title IV-D of the Social Security Act: Child Support Enforcement Program (State plan)*	OCSE-AT-75-2 6/26/75
Quarterly Statement of Financial Plan	OCSE-AT-75-4 8/8/75
Incentive Payments to Political Subdivisions under Section 458(a) of the Act and 45 CFR 302.52	OCSE-AT-75-5 10/2/75
Guidelines for costing Title IV-D services purchased from public agencies or obtained through cooperative agreements	OCSE-AT-75-6 9/26/75
Payments to States for expenses incurred during July 1975	OCSE-AT-75-7 11/12/75
Safeguarding Information and Operation of the Child Support Enforcement Program in the Absence of an Assignment (plan preprint)*	OCSE-AT-75-9 11/10/75
Cost Allocation-Child Support Enforcement Program under Title IV-D of the Social Security Act (Plan preprint)*	OCSE-AT-75-11 12/12/75

1976

Applications for Certification for Collection of Child Support by the Internal Revenue Service	OCSE-AT-76-2 2/11/76
Requests to the Federal Parent Locator Service for Information as to the Whereabouts of Absent Parents	OCSE-AT-76-3 2/13/76

III. Continued

1976

Instructions for the Distribution of Child Support Collections and the Payment of Incentives to States and Political Subdivisions Making Child Support Collections OCSE-AT-76-5
3/11/76

Payment of Internal Revenue Service Collections and Fees OCSE-AT-76-7
5/24/76

Application by States to use the Courts of the U.S. to Enforce Child Support Orders (Revision to Page 3) OCSE-AT-76-8
5/24/76

Applications for Child Support Services by Individuals not Otherwise Eligible OCSE-AT-76-9
6/09/76

First Annual Report to Congress on the Child Support Enforcement Program OCSE-AT-76-10
7/1/76

Eligibility Determination in Cases of Continued Absence: Agency Responsibility and Federal Matching Rate OCSE-AT-76-14
9/13/76

Exchange of Successful Program and Administrative Practices OCSE-AT-76-18
11/9/76

Incentive Payments to Political Subdivisions Under Section 458(a) OCSE-AT-76-22
12/21/76

Instructions for Allocation of Incentive Payments Among Jurisdictions Pursuant to Section 458(b) of the Act OCSE-AT-76-23
12/21/76

1977

Proposed Instructions for Interstate Collections and Incentive Payments Under Title IV-D of the Social Security Act OCSE-AT-77-1
1/3/77

State Employment Offices to Supply Data to Assist in the Administration of the Child Support Enforcement Program OCSE-AT-77-2
1/4/77

III. Continued

1977

Documentation Required to Support Claims for Federal Financial Participation Made Pursuant to Cooperative Agreements	OCSE-AT-77-3 1/28/77
Instructions for Allocation of Incentive Payments Among Jurisdictions Pursuant to Section 458(b) of the Act (revised page 3)	OCSE-AT-77-5 3/1/77
Restriction on FFP for Publicly Owned Buildings	OCSE-AT-77-8 7/28/77
Affirmation of Continuing Reporting Requirement for Quarterly Statements of Financial Plan (OCSE-OA-25)	OCSE-AT-77-9 8/3/77
Requests to the FPLS for Address Information on Absent Parents	OCSE-AT-77-10 9/9/77
Instruction for Preparation of Quarterly Statement of Expenditures for the CSE Program Approved under Title IV-D of the SSA	OCSE-AT-77-11 10/14/77
Tax Reform Act of 1976	OCSE-AT-77-13 10/27/77
Availability of Federal Financial Participation (FFP) for the Reimbursement of State Agencies Providing Address Information	OCSE-AT-77-14 11/3/77
Federal Parent Locator Service Implementation of an Automated Search for Absent Parent Social Security Numbers	OCSE-AT-77-15 11/30/77
Incentive Payment Under Title IV-D of the Social Security Act*	OCSE-AT-77-16 12/9/77

III. Continued

Preparation of Requests for Proposals/ Support Services for the Procurement of Automated Child Support Enforcement Information Systems	OCSE-AT-77-17 12/9/77
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1978

Revised Instructions for Form SRS-OA-41, Quarterly Statement of Expenditures Summary Sheet	OCSE-AT-78-2 1/25/78
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Federal Parent Locator Service Implementation of an Automated Address Information Exchange with the National Personnel Records Center	OCSE-AT-78-3 2/14/78
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Submittal Procedures for Financial Reports	OCSE-AT-78-5 3/7/78
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Statistical Report on Child Support Activities and Staff, Form OCSE-3	OCSE-AT-78-6 3/15/78
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Reconsideration of Disallowances Under the Public Assistance Programs	OCSE-AT-78-7 3/28/78
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Good Cause for Refusing to Cooperate (Program Instruction)	OCSE-AT-78-8 4/5/78
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Affirmation of Continuing Reporting Requirements for Quarterly Statements of Financial Plan (OCSE-OA-25)	OCSE-AT-78-9 4/13/78
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Bonding of Employees and Handling of Cash Receipts in the Child Support Enforcement Program	OCSE-AT-78-10 4/13/78
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III. Continued

1978

Administration of Grants	OCSE-AT-78-13
Notice of Proposed Rule Making- Implementation of Section 11 of Public Law 95-142-Medical Support Enforcement	OCSE-AT-78-14 9/12/78
General Policies and Procedures on Grants to States for the Child Support Enforcement Program	OCSE-AT-78-15 10/3/78
Procedures for Implementing Changes to 45 CFR 302.35, 302.70, and 303.3, Affecting Access to the Federal Parent Locator Service	OCSE-AT-78-16 10/16/78
State Plan Preprint Amendments Parent Locator Service*	OCSE-AT-78-17 10/16/78
Changes in Submitting Requests for Address Information to the Federal Parent Locator Service (PLS)	OCSE-AT-78-18 10/27/78
State Plan Preprint Amendments- Good Cause for Refusing to Cooperate*	OCSE-AT-78-20 10/31/78
Introduction of Form OCSE-4134, the Quarterly Statement of Total AFDC and Non-AFDC Child Support Collections Under Title IV-D of the Social Security Act	OCSE-AT-78-21 11/8/78
Conditions for Federal Financial Participation in the Costs of Automatic Data Processing Under Medical and Public Assistance Programs	OCSE-AT-78-22 11/17/78

1979

FY 1979 Matching Payments to States for Non-AFDC Families	OCSE-AT-79-1 4/6/79
Affirmation of Continuing Reporting Requirements for Quarterly Statements of Financial Plan (OCSE-OA-25)	OCSE-AT-79-2 4/13/79

*State Plan Materials - available only for the State IV-D Agency

IV. OFFICE OF CHILD SUPPORT ENFORCEMENT INFORMATION MEMORANDA (currently in effect)

1975

Accounting for the Child Support Enforcement Program (Title IV-D)

OCSE-IM-75-3
12/1/75

1976

Accounting for the Child Support Enforcement Program (Title IV-D)

OCSE-IM-76-6
4/2/76

Accounting for the Child Support Enforcement Program (Title IV-D)

OCSE-IM-76-10
10/1/76

Federal Parent Locator Service Terminal Interface Instructions

OCSE-IM-76-11
10/4/76

1977

Exchange of Successful Program and Administrative Practices

OCSE-IM-77-1
1/5/77

Child Support Enforcement Collections and Expenditures During FY76

OCSE-IM-77-4
3/31/77

Use of Revenue Sharings Funds as the Non-Federal Share

OCSE-IM-77-5
4/6/77

Research Report on "Techniques and Procedures to Establish the Paternity of Children Born Out of Wedlock"

OCSE-IM-77-6
4/19/77

Compilation of Child Support and Related Regulations 45CFR Chapter 300 and Selected Regs from Chapter 200

OCSE-IM-77-7
5/19/77

Title IV-D, Social Security Act: Nondiscrimination Against the Handicapped

OCSE-IM-77-8
5/19/77

Amendments to Title IV-D of the Social Security Act

OCSE-IM-77-10
6/15/77

Research Report on "Using Blood Tests to Establish Paternity"

OCSE-IM-77-11
6/27/77

IV. Continued

"Guide for Determining the Ability of an Absent Parent to Pay Child Support"	OCSE-IM-77-12 6/29/77
Continuation of FFP for Child Support Activities for Non-AFDC	OCSE-IM-77-13 7/12/77
Supplemental Report to Congress on the Child Support Enforcement Program	OCSE-IM-77-15 7/25/77
IV-D Technology Transfer Model	OCSE-IM-77-16 8/18/77
Massachusetts Phone Power Project	OCSE-IM-77-17 9/9/77
Collections and Expenditure Tables, August 1, 1975	OCSE-IM-77-18 10/5/77
HR3 - Medicare-Medicaid Anti-Fraud and Abuse Amendments	OCSE-IM-77-19 10/28/77
Garnishment of Executive Branch (including the government of the District of Columbia) Pay for Child Support	OCSE-IM-77-20 11/4/77
Compilation of Child Support and Related Regulations	OCSE-IM-77-21 11/9/77
<u>1978</u>	
Second Annual Report to Congress on the Child Support Enforcement Program	OCSE-IM-78-1 1/17/78
The Texas Training Film and Manual for the Trial of Contested Paternity Proceedings	OCSE-IM-78-2 1/17/78
Article by David L. Chambers Entitled "Men Who Know They are Watched: Some Benefits and Costs of Jailing for Non-Payment of Support"	OCSE-IM-78-3 1/31/78
Paternity Case Processing Handbook	OCSE-IM-78-4 2/9/78

IV. Continued

FY77 Collections and Expenditures	OCSE-IM-78-5
Compilation of Child Support and Related Regulations	OCSE-IM-78-6 2/22/78
Federal Parent Locator Services - Schedule for Internal Revenue Service Processing of Address Requests	OCSE-IM-78-7 2/22/78
Second Annual Report to the Congress for the Period Ending September 30, 1977	OCSE-IM-78-10 4/25/78
Amendments to Title IV-D of the Social Security Act	OCSE-IM-78-11 4/25/78
Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces	OCSE-IM-78-12 5/17/78
Collecting on Child Support Arrearages by Intercepting Tax Refunds	OCSE-IM-78-13 5/17/78
Michigan's Support Specialist Training Manual	OCSE-IM-78-14 6/6/78
Procedures for Intervention in Divorce Cases	OCSE-IM-78-15 6/7/78
Beneficial Modifications to Wisconsin's Divorce Laws	OCSE-IM-78-16 6/14/78
Federal Parent Locator Service State History Data and Statistics	OCSE-IM-78-18 7/14/78
Requests for Address Information from the Immigration and Naturalization Service	OCSE-IM-78-19 7/14/78
Guidelines on Software Development Management for State Title IV-D Systems	OCSE-IM-78-21 7/17/78

IV. Continued

Compilation of Child Support and Related Regulations	OCSE-IM-78-23 9/6/78
Relocation of Headquarters Staff of the Office of Child Support Enforcement, HEW	OCSE-IM-78-25 11/14/78
URESA Agents in Canada	OCSE-IM-78-27 11/20/78
Indicators of Program Effectiveness for First Half of FY 1978	OCSE-IM-78-29 12/5/78
Use of the "Team Approach" in Management	OCSE-IM-78-30 12/13/78
<u>1979</u>	
Washington's Telephone Referral	OCSE-IM-79-1 1/9/79
Collection of Child Support Obligations	OCSE-IM-79-3 1/22/79
Annual Report to the Congress for the Period Ending September 30, 1978	OCSE-IM-79-4 1/23/79
Sampling Manual for OCSE Statistical Reporting Requirements	OCSE-IM-79-5 2/16/79
Restriction on Garnishment	OCSE-IM-79-6 3/1/79
State IV-D Agency Listing	OCSE-IM-79-7 4/4/79
Annual Report to the Congress for the Period Ending September 30, 1978-Reprinting	OCSE-IM-79-8 4/10/79

V. RESEARCH, DEMONSTRATION AND OTHER MODEL PRODUCTS

Absent Parent Child Support Cost -- Benefit Analysis

2 Volumes: Volume I - Program Analysis
Volume II - Process Analysis

A study prepared by the Arthur Young and Company, under contract number SRS-74-56. The purpose of the study was to develop a cost-benefit model which can be used to help State and local governments structure an efficient and effective program to collect child support payments from absent parents. The Executive Summary and the Detailed Summary of findings are available through the Reference Center.

IV-D Technology Transfer Model

Report prepared by the National Reciprocal Family Support Enforcement Association which includes a list of recommendations critical to the operation of an effective and efficient program.

OCSE-IM-77-16 August 18, 1977

Guide for Determining the Ability of an Absent Parent to Pay Child Support

Prepared by the Community Council of Greater New York, the guide offers a well-defined list of considerations that may be used in determining the amount of a support obligation.

OCSE-IM-77-12 June 29, 1977

Model Administrative and Reporting System

Arthur Young's State IV-D Model Administrative and Reporting System for IV-D Collections and Expenditures. The model consolidates successful features from several existing programs in the areas of financial and case management. OCSE-IM-78-17 June 14, 1978

Office of Child Support Enforcement Warrant Unit Project Manual
June 1978

A project manual provided by New York for the demonstration project "The Cost Effectiveness of Enforcing Title IV-D Related Family Court Support Warrants." The manual includes project procedures, evaluation procedures, forms, the work flow chart, a fully executed agreement between the Department of Social Services and the New York Police Department, and Welfare Research Incorporated's Technical and Business Proposals.

Paternity Case Processing Handbook

A handbook developed by the University of Southern California's Center for Health Services Research. It contains a detailed description of effective methods for processing a paternity case through its various possible phases, including suggestions on when and how to proceed from one phase to another.

OCSE-IM-78-4 February 9, 1978

V. ContinuedSampling Manual for OCSE Statistical Reporting Requirements

A sampling manual prepared under contract by JWK International Corporation intended for use by States that choose to provide sampling estimates rather than actual data when completing the OCSE-3 statistical reporting form. Several sampling plans are explained along with guidelines for choosing a sampling plan that is appropriate for a particular organizational situation. The manual also describes procedures for constructing a sample, collecting data, estimating the desired items, and determining the precision of estimates.

Techniques and Procedures to Establish the Paternity of Children Born Out of Wedlock

A report prepared by the University of Southern California Center for Health Services Research. It includes discussions of paternity case processing systems, the use of blood testing and polygraph testing as paternity establishment techniques, the judicial acceptability of blood and polygraph test results and uniform laws concerning paternity establishment. These discussions offer potentially useful information to jurisdictions that are currently developing, or intend to develop, more effective procedures for the establishment of paternity.

OCSE-IM-77-6 April 6, 1977

Using Blood Tests to Establish Paternity

A report prepared by the University of Southern California's Center for Health Services Research describing the results of a study in which laboratories throughout the nation were surveyed to ascertain the existing capacity and capability for blood testing to determine paternity. The study includes considerations of the various blood factor systems and their usefulness in paternity determination.

OCSE-IM-77-11 June 27, 1977

VI. Management/Training Materials

Collecting Overdue Accounts

An instructional booklet on Phone Power. It describes the steps involved in making a collection call, including pre-call planning, the call itself, and the follow-up. Practice exercises are included.

Massachusetts Phone Power Project

An information memorandum describing the use of established telephone collection procedures for locating absent parents.

OCSE-IM-77-17 September 9, 1977

Michigan's Support Specialist Training Manual

A comprehensive training manual developed by Michigan's Department of Social Services in 1973 for training new child support enforcement personnel.

OCSE-IM-78-14 June 6, 1978

The Texas Training Film and Manual for the Trial of Contested Paternity Proceedings

The Texas Department of Human Resources has developed a training film and manual for the trial of contested paternity proceedings. The film outlines the basic steps in the paternity determination process including interviewing the client, jury selection, examining witnesses and making the closing statement. While both the film and manual emphasize prosecutorial strategy, the manual also stresses anticipated approaches by respondent's counsel and suggests tactics for countering them. A copy of the film and the manual can be borrowed from the Reference Center or from the appropriate Regional Office.

OCSE-IM-78-2 January 17, 1978

Model Administrative and Reporting System

A State IV-D Model Administrative and Reporting System for IV-D collections and Expenditures has been developed by Arthur Young and Company. The model consolidates successful features from several existing programs in the areas of financial and case management.

Use of the "Team Approach" In Management

A description of Utah's approach to case management-the team approach. It involves breaking down local office personnel into small work units, each of which has complete responsibility for the management of a set of cases from beginning to end. The team approach combines maximum control over cases with maximum flexibility in case handling.

OCSE-IM-78-30 December 13, 1978

VII. Systems

Conditions for Federal Financial Participation in the Costs of Automated Data Processing Under Medical and Public Assistance Programs

Regulations which consolidate and codify in a single part the Department's procedures in claiming Federal financial participation for the acquisition and use of automatic data processing equipment and services.

Guidelines for Documentation of Computer Programs and Automated Data Systems

Prepared by the National Bureau of Standards, these guidelines are intended to be a basic reference and checklist in planning and evaluating documentation practices.

U.S. Department of Commerce/National Bureau of Standards. Federal Information Processing Standards Publication. February 15, 1976

Guidelines on Software Development Management for State IV-D Systems

Guidelines prepared to assist State and local IV-D Administrators in planning, controlling and managing the development and operation of their computerized IV-D systems. It outlines the system development process, required documentation and the roles and responsibilities of program and technical staff.

OCSE-IM-78-21 July 17, 1978

Information Systems Workshop

Proceedings from the First Annual Information Systems Workshop held in Orlando, Florida in April, 1977. Workgroup topics were:

- data elements and file structures
- flow and processing of payments
- modules comprising a IV-D system
- IV-A/IV-D interface
- distribution of support payments
- interstate transactions

Information Systems Workshop

Proceedings from the Second Annual Information Systems Workshop held in Berkley, California in June, 1978. Workgroup topics were:

- program management
- best systems practices and techniques
- computer processing requirements of a IV-D System
- interstate payments and incentive processing.

Lessons Learned About .. Acquiring Financial Management and Other Information Systems

Booklet prepared by the Comptroller General of the United States "to disseminate the lessons learned by many Federal agencies and contractors in designing, developing, and implementing management information systems." August 1976

OCSE Model Child Support Enforcement System

- Requirements Document presents the required features for a Child Support Enforcement System for the State of New Mexico. In addition, the System is to be designed with the ability to be used in other States, specifically Nevada and Hawaii.
- General System Design presents the functional design specifications of a Child Support Enforcement System for implementation in New Mexico, Nevada and Hawaii.
- Detail System Design presents a detailed discussion of the design methodology and incorporated system features of the Model.
- Description Module Description presents to potential users of the model design philosophy and operating methodology incorporated within the Distribution Module. It is prepared for the system user rather than data processing personnel in that it discusses the distribution process in terms of IV-D functions and requirements rather than in terms of file and data manipulation methods.

VIII. Legislation/Regulations

Child Support - Data and Materials

Background information prepared by the staff for the use of the Committee on Finance. November 10, 1975

Child Support - Data and Materials

Information prepared by the staff for the use of the Committee on Finance. March 19, 1979

Compilation of Child Support Regulations

Regulations governing the child support program.

OCSE-IM-77-7		5/19/77
OCSE-IM-77-21	(revisions)	11/9/77
OCSE-IM-78-6	(revisions)	2/22/78
OCSE-IM-78-23	(revisions)	9/6/78

Good Cause Regulations - Public Hearings

Transcript of public hearings held on May 5, 1978 and additional statements and letters submitted for the hearing record.

1979 Suggested State Legislation (Volume 38)

Proposals for legislation prepared by the Council of State Governments. Included for 1979 is a suggested "State Parent Locator Act...designed to aid in the effective operation of State child support programs by enabling local social service districts to more readily recover child support payments."

Uniform Parentage Act

Legislation providing appropriate procedures and legal rules to establish paternity uniformly between the States.

Wage Garnishment, Attachment and Assignment, and Establishment of Paternity

Background information prepared by the staff for the use of the Committee on Finance. October 1975

THE REVISED UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT
(URESAs)

The table which follows is intended to assist the investigator in identifying the remedies available under the URESA laws of the other states. To interpret the table correctly, the responses therein are to the following questions:

1. Paternity - Is there a provision in the state's URESA law under which paternity can be adjudicated?
2. Civil - Is there a civil proceeding in the URESA law?
3. Criminal - Is there a criminal proceeding in the URESA law?
4. Support, Custody, Visitation - Is there a provision in the URESA law which makes it clear that disagreements between the natural parents concerning custody or visitation may not be claimed as defenses to the duty of support?
5. Registration - Does the URESA law contain a provision for registration of prior court orders?
6. Information Agency - What agency is designated as the State Information Agent to which petitions should be sent when the court with jurisdiction over URESA petitions is unknown?
7. Citation to Act - What is the statutory reference in the laws of the responding state containing the uniform reciprocal support laws?
8. Court of Jurisdiction - What court is designated under the URESA law to handle reciprocal support cases?

"Developed by the Virginia Department of Welfare"

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
ALABAMA 1977	NO	YES	YES 30-4-06 & 30-4-07	NO	NO	Department of Pensions and Securities 30-4-07	Code of Alabama Title 30, Ch. 4 30-4-00 30-4-98	Juvenile Ct. 30-4-80(a)
ALASKA 1977	YES 25.25.170	YES	YES 25.25.040 & 25.25.050	NO	YES 25.25.254 25.25.258	Child Support En- forcement Agency 25.25.150	Alaska Statutes Title 25, Chap. 25 25.25.010- 25.25.270	Superior Ct.
AMERICAN SAMOA	NO	YES	YES 951 & 952	NO	YES 1071-1073	Attorney General 17-906	Code of American Samoa, Title 901-1075	High Court of American Samoa
ARIZONA 1977	YES 12-1676	YES	YES 12-1654 & 12-1655	YES 12-1672	YES 12-1604 12-1609	Attorney General 12-1566	Arizona Revised Statutes Ann. Title 12, Ch. 9 Art. 10 12-1651 -12-1679	Superior 12-1659
ARKANSAS 1977	YES 34-2427	YES	YES 34-2405 34-2406	YES 34-2423	YES 34-2435 34-2440	State Welfare Departments' Attorney Office	Arkansas Stat- utes, Title 34 Ch. 24 34-2401 -34-2443	Chancery Ct 34-2410
CALIFORNIA 1977	YES 1695	YES 1670, et seq.	YES 1660-61	YES 1694	YES 1697-1698.3	Attorney General 1679	West's Ann. Calif. Codes, Civil Procedure Title 10a 1650- 1699	Superior Ct.
COLORADO 1976	YES 14-5-120	YES	YES 14-5-106 14-5-107	YES 14-5-124	YES 14-5-136 14-5-141	Department of Social Services 14-5-110	Colorado Revised Statutes, Title 14, Articles 14-5-101 thru 14-5-143	District Courts 14-5-111

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
CONNECTICUT 1970	NO	YES	NO	NO	NO	Executive Sec. Judicial Dept. 17-140	Conn. General Statutes Ann. 17-127-17-155	Court of Common Pleas 17-332
DELAWARE 1977	YES 630	YES 620	YES 610	NO	YES 639	Dept. of Health & Soc. Services	Delaware Code Ann. Title 13, Ch. 6, 601-630	Family Court 13-622
DISTRICT OF COLUMBIA 1975	YES 30-320	YES	NO	NO	NO	Corporation Council 30-313	District of Columbia Code Encyclopedia Title 30, Ch. J 30-101 - 30-32	Domestic Rela- tions Court 30-306
FLORIDA 1977	NO	YES	YES 88-061 & 88-071	NO	YES 88-321-88-371	Department of Legal Affairs 88-171	Florida Stat- utes Ann., Title VI, C. 88 88-011 thru 88-371	Circuit Court 88-101
GEORGIA 1977	YES 99-922 a.1	YES	YES 99-906 (a)	NO	NO	Department of Human Resources	Code of Georgi- a Ann. Title 99, Ch. 99-9A, 99-901(a) - 99-912 (a)	Superior Ct. 99-901(a)
GUAM 1974	NO	YES 1306, et seq.	YES 1304 & 1303	NO	NO	Attorney General 1515	Civil Procedure Code of Guam 1500 - 1531	Island Ct. of Guam
HAWAII 1976	NO	YES 576 - 21, et seq.	YES 576-11 & 576-12	NO	NO	Legislative Reference Bur. 576-10	Hawaii Revised Statutes, Title 31, Ch. 576, 576-1 thru 576-41	Circuit Ct. 576-1(3)

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
IDAHO 1977	YES 7-1074	YES	YES 7-1052 & 7-1053	YES 7-1070	NO (Previous Section repealed)	Commissioner of Public Asst. 7-1064	Idaho Code, Title 7, C. 10, 7-1040 - 7-1009	County Dist. Courts 7-1057
ILLINOIS 1978	YES 60-127	YES	YES 60-105 & 60-106	YES 123	YES 60-136 thru 60-140	State Department of Public Aid 60-117	Illinois Stat- utes Ann. Ch. 60, 101-160	Circuit Court 60-102(a)
INDIANA 1977	NO	YES	YES 31-2-1-5 & 31-2-1-6	NO	YES 31-2-1-32 thru 31-2-1-37	State Department of Public Welfare 31-2-1-17	Indiana Stat- utes Ann. Title 31, Art. 2, 31-2-1-1 thru 31-2-1-37	Circuit Court 31-2-1-10
IOWA 1977	NO	YES	NO	NO	NO	Dept. of Social Serv. Div. of Children's and Family Services 252.A.12	Code of Iowa Ch. 232A1 thru 25A.12	Any Court of Equity
KANSAS 1977	YES 23-476	YES 23-457 <u>et seq.</u>	YES 23-455 & 23-456	YES 23-472	YES 23-402 thru 23-400	Secretary of Soc & Rehabilitative Services 23-467	Kansas Statute Ann., Ch. 23, Art. 23.4 23-451 - 23-40	County Dist. Court 23-460
KENTUCKY 1977	NO 467.410	YES	YES 407.130	YES	NO	Department of Economic Sec. 407-240	Kentucky Rev. Statutes, Title XXIV, Ch. 407 407.010 - 407.440	Circuit or District Ct. 407-100(4)
LOUISIANA 1977	NO	YES 1661, <u>et</u> <u>seq.</u>	YES 1631 & 1652	NO	YES 1691-1696	State Department of Public Welfare 1669	Louisiana Stat- utes Ann., Title 11, Ch. 6 1641-1699	Juvenile Ct. 1642.4

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
MAINE 1977	YES 411	YES 392, et seq.	YES 361 & 362	YES 402-C	YES 413-419	Department of Health & Welfare 400	Maine Revised Statutes Ann. Title 19, Ch. 7 311-420	Superior or District Court 332.1
MARYLAND 1977	NO	YES 89C-7, et seq.	YES 89C- 5 & 6	NO	YES 31-36	Division of Child Support En- forcement of St. Soc. Serv. Adm. 17	Ann. Code of Maryland, Art. 89C 1-39	Circuit Court 89C 10
MASSACHUSETTS 1977	NO	YES	NO	NO	NO	None provided in the Act	Annotated Laws of Mass., Part IV, Title 1, Ch. 273A 1-17	DISTRICT COURT 273 A 6
MICHIGAN	NO	YES	YES 700.156 & 700.157	NO	NO	State Department of Social Well. 700.151 - 700.174	Michigan Com- piled Laws Ann Ch. 700 700.151 - 700.174	Circuit Court in Chancery 700.160
MINNESOTA 1978	NO	YES	YES 518.51	NO	YES 518-419	Not specified	Minn. Statutes Ann. Chapter 518 518.41 - 518.51	District or County Court 518.42(5)
MISSISSIPPI 1977	NO	YES	YES 93-11-11 thru 93-11-13	NO	NO	Attorney General 93-11-33	Miss. Code Title 93 Ch. 11 93-11-1 thru 93-11-65	Chancery Ct. 93-11-19
MISSOURI 1978	NO	YES	YES 454.010 & 454.060	NO	YES 454-290 thru 454.360	Division of Welfare 454.170	Annotated Missouri Stat- ute 3, Ch. 454 454.010 - 454.360	Circuit Court 454-100

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
MONTANA 1977	YES 93-2601-67	YES 93-2601- 47, <u>et</u> <u>seq.</u>	YES 93-2601-45	YES 93-2601-63	YES 93-2601-75 thru 93-2601-90	State Department of Social and Rehabilitative Services 93-2601-57	Revised Code of Montana 93-2601-41 thru 93-2601-82	District Court 93-2601-50
NEBRASKA 1977	YES 42-788	YES 42-768, <u>e</u> <u>seq.</u>	YES 42-766 & 42-767	YES 42-704	YES 42-796 thru 42-710b	Department of Public Welfare 42-770	Revised Statutes of Nebraska Ch. 42, Art. 7 42-762 thru 42-7104	District Ct. 42-771
NEVADA 1976	YES 130.245	YES 130.090 - 130-315	YES 130.070 & 130.080	YES 130-210	YES 130.370, <u>et seq.</u>	Attorney General 130.106	Nevada Revised Statutes, Title 11, C. 130 130.010 - 130.310	District Court 130.115
NEW HAMPSHIRE 1976	YES 546:26(a)	YES 546.7 thru 546.32(a)	YES 546.5 & 546.6	YES 546:23	YES 546:30	Division of Welfare 546.17	New Hampshire Revised Statu- tes Ann., Ch. 546 546.1-546.41	Superior Ct.
NEW JERSEY 1977	NO	YES 2A:4-30.7 <u>et seq.</u>	YES 2A:4-30.5 & 2A:4-30.6	NO	NO	Administrative Director of Courts 2A:4-30.23	N.J. Statutes Ann. 2A:4-30.1 thru 2A:4-30.22	County Juvenile and Domestic Relations Ct. 2A:4-30.2(d)
NEW MEXICO 1975	YES 22-19-53	YES	YES 21-19-32 233	YES 22-19-49	YES 22-19-61 thru 22-19-66	Department of Health and Soc. Services 22-19-44	New Mexico Stat- utes Ann., Ch. 22, Art. 19 22-19-20 22-19-60	District Ct. 22-19-37
NEW YORK 1977	NO	YES	NO	NO	NO	None Specified	McKinney's Consolidated Laws of New York, Ch. 14, Art. 3-A 10-43	Family Court 14-31

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
N. CAROLINA 1977	YES 52A-9.2	YES	YES 52A-6 & 52A-7	NO	YES 52A-25 thru 52A-30	State Div. of Soc. Services 12A-24	Statute of N. Car. Ch. 32A 12A-1 thru 12A-32	Any Court of Record
NORTH DAKOTA 1977	YES 14-12.1-27	YES 14.12.1. 07, et seq.	YES 14-12.1-05 & 14-12.1-06	YES 14-12.1-23	YES 14-12.1-46	North Dakota Public Welfare Board 14-12.1-17	North Dakota Code Title 14, Ch. 14-12.1 14-12.1-01 - 14-12.1-43	District Ct. 14-12.1-10
OHIO 1976	YES 3115.24	YES	YES 3115.04 & 3115.05	YES 3115.21	YES 3115.32	Attorney General 3115.15	Ohio Revised Code, Title 31 Ch. 3115 3115.01 - 3115.34	Any trial Ct. of Record 3115.08(D)
OKLAHOMA 1977	YES 1600-20 d	YES	YES 1600.6 & 1600.7	YES 1600.20(c)	YES 1600.32 thru 1600.37	Director, Dept. of Public Well. 1600.17	Oklahoma Stat- utes Ann., Title 12, Ch. 32 1600.1 - 1600.29	District Court 12.1600.10
OREGON 1975	NO	YES 110.161 et seq.	YES 110.051 & 110.061	NO	NO	Attorney General 110.161	Oregon Revised Statutes, Title 12 1115.01 - 1115.34	Circuit Court 110.091
PENNSYLVANIA 1977	YES 62-2043.29	YES 2043.9, et seq.	YES 2043.7 & 2-43.8	YES 2043.25	YES 2043.37 thru 2043.63	Department of Public Welfare 2043.19	Pa. Statutes Ann, Title 62	Court of Common Pleas 62-2043-12
PUERTO RICO 1976	NO	YES 3313, et seq.	YES 3312 & 3312(a)	NO	NO	Office of Court Administrator 3313 u	Laws of Puerto Rico, Title 32 Ch. 262 3311-3313 u	Superior Court 3311(a)

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
RHODE ISLAND 1977	NO	YES	YES 15-11-10 thru 15-11-12	NO	YES (not binding) 15-11-14 thru 15-11-17	None listed in statutes.	General law of Rhode Island Title 15, Ch. 11, 15-11-1 - 15-11-17	Family Court 15-11-15
S. CAROLINA	NO	YES	YES 20-7-370	NO	YES 20-7-410 thru 20-7-460	Department of Social Services 20-7-140	Code of S.C. Title 20, Ch. 7, Art. 3 20-7-100 thru 20-7-470	Any court hav- ing jurisdic- tion to deter- mine child support 20-7-110(4)
S. DAKOTA 1977	NO	YES	YES 25-9-24 thru 25-9-26	NO	NO	Attorney General 25-9-1	S. Dakota cer- tified laws, Title 24, Ch. 25-9-1 thru 25-9-31	Circuit Court 25-9-2
TENNESSEE 1977	NO	YES	YES 36-905 & 36-906	NO	YES 36-929	Department of Human Resources 36-916	Tennessee Code Ann. Title 36, Ch. 9 36-901-36-1001	Circuit Court 36-902
TEXAS 1978	NO	YES	YES 21.21 <u>et seq.</u>	NO.	YES 21.61-21.66	State Department of Public Welfare	Texas Family Code, Title 2, Ch. 21 21.01-21.66	District Cts. 21.24
UTAH 1977	NO	YES	YES 77-61a-5	NO	YES 61-6-31 thru 61-9-37	Chairman of Pub- lic Welfare Commission 77-61-9-17	Utah Code Title 66, Ch. 61 a 77-61a-39	District Court 77-61a-10
VIRGINIA 1977	YES 15-415	YES 15-395 <u>et seq.</u>	YES 15-391	YES 15-411	YES 15-421 thru 15-428	Department of Social Welfare 405	Virginia Stat- utes Ann. Title 15, Ch. 7 155-428	District Court 306

STATE	PATERNITY	CIVIL	CRIMINAL	SUPPORT CUSTODY VISITATION	REGISTRATION	INFORMATION AGENCY	FULL CITATION TO ACT	COURT OF JURISDICTION
VIRGINIA 1977	YES 20-08:26.1	YES 20-00:10 et seq.	YES 20-00:16 & 20-00:17	YES 20-00:30	YES 20-00:30.5 & 20-00:30.6	State Department of Welfare 20-00.15.1	Michie's Code of Virginia (1950), Title 20, Ch. 5.2 20-00:12-20-88:31	Juvenile and Domestic Re- lations Dis- trict Cts. 20-00:20.2
VIRGIN ISLANDS 1976	NO	YES	YES 16-401 & 16-402	NO	NO	United States Attorney 16-420	Code of the American Virgin Islands, Title 16 341-429	Municipal Court Juvenile & Do- mestic Relation Division 16-392
WASHINGTON 1976	NO	YES	YES 26.21.040	NO	YES 26.21-221 thru 2621-270	Attorney General 26.21-106	Revised Code of Wash. Title 26, Ch. 26.21 26.21.010 - 26.21.910	Superior Ct. 26.21-010
WEST VIRGINIA	YES 48-9-76	YES	YES 48-9-5 20-9-6	YES 4-9-22	YES 4-9-34 thru 4-9-39	Attorney General 4-9-17	W. VA Code, Ch.43, Art. 9 48-9-1 thru 48-9-42	Criminal, Intermediate, or Circuit Ct. 48-9-10
WISCONSIN 1977	YES 52.10 (27)	YES	YES 52.10 (5) & 52.10 (6)	YES 52.10 (23)	YES 52.10 (35) - 52.10 (40)	Dept of Health and Soc. Serv. 52.10 (17)	Wisconsin Stat- utes Ann. 52 52.10 (1) - 52.10 (42)	Family Court Div. of Cir- cuit or County Court 52.10-2
WYOMING 1977	YES 20-4-123	YES	YES 20-4-105 & 20-4-106	YES 20-4-123	YES 20-4-134 thru 20-4-136	Attorney General 20-4-117	Wyoming Stat- utes, Ann. Ch. 31 20-4-101 thru 20-4-138	District Ct. 20-4-110

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MEN WHO KNOW THEY ARE WATCHED: SOME BENEFITS AND COSTS OF JAILING FOR NONPAYMENT OF SUPPORT

David L. Chambers†*

Suppose that by some mysterious process the police in your town received each Monday a list of all the robberies and burglaries committed during the preceding week and the names of the persons who committed them. Suppose further that the list itself was admissible in evidence at trial and generally led to conviction. And suppose finally that persons considering committing offenses knew that the police had such a list and used it, relentlessly tracking down the miscreants named on it. Under such circumstances, one would probably expect that many potential offenders in the town with the magical list would resist the temptation to rob or burgle stores.

For one offense, such a list does exist. For over fifty years, each county government in Michigan has maintained an agency called the Friend of the Court that is responsible for receiving all child-support payments from parents under orders of support after a divorce or adjudication of paternity. The agency knows on Monday if the parent under an order of support failed to make a payment the preceding Friday, and the parent under an order of support, almost always the father, knows that the agency knows. He is also aware

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† © David L. Chambers 1977. This article reports part of the findings of a study of child support conducted over a five-year period. The full results should be available in 1978. A grant from the National Science Foundation provided funds for several stages of the study, including the stage reported here. Additional funds were provided by the Center for Studies in Criminal Justice at The University of Chicago and the William W. Cook Research Funds of The University of Michigan Law School.

The study would have been impossible without the active cooperation of the Friends of the Court in the 28 counties we examined. To them, and especially to Robert Standal of Genesee County and Richard Benedek of Washtenaw County, I am immensely grateful. I am also grateful to the score of persons who have worked on the project at various times. Three require special mention here: Ray M. Shortridge, who served as my research associate from 1974 to 1976, and who shaped and oversaw the execution of much of the 28 county phase of the study; Terry K. Adams, who served as research associate in earlier phases and has advised me throughout; and Priscilla Cheever, who has performed nearly all of the computer work for the last several phases of the project. William Birdsall, economist on the faculty of The University of Michigan School of Social Work, assisted me greatly by his comments on the drafts of this article.

that, if he does not make the payment, he stands a risk of being arrested by the agency's own deputized officers and sentenced to jail by a judge for civil contempt for failing to obey the court order. Each year Michigan judges sentence thousands of men for nonsupport—in 1974 around 4000, and probably more today. On any given day in several Michigan counties, the number of men in the local jail under sentence for nonsupport commonly exceeds the number under sentence for all other jailable offenses combined.

How do fathers behave in places with such a list and an ardent enforcement staff? If all fathers who can pay do so without prodding because of their affection for their children, even an omniscient and industrious police force would have no effect on payments. Nor would the police have an effect if those men who do not pay are men so angry or bitter that even fear of jailing would serve as an inadequate prod.¹ Unless love or anger is so powerful, however, one would expect that knowledge that an agency is aware of their nonpayment would cause some fathers to pay who otherwise would not, and the additional knowledge that the agency acts forcefully against nonpayment would lead even more to pay. The system should have effects.

For five years, a number of associates and I have been recording and analyzing data from the files of Michigan's Friends of the Court. We find, sad to say, that love alone fails to propel most parents into regular payment. On the other hand, we find that a well-oiled enforcement process capped by a substantial reliance on jail seems to lead significant numbers of men to pay who otherwise would not, although we cannot say with certainty whether the link between payments and jail is through fear of being jailed or some more subtle process of conveying through the use of jail the seriousness of a social obligation.

How we reached our conclusions about jail's effects on payments is the subject of this essay. For readers unfamiliar with research on deterrence, I hope the study can serve, as it has for the author, as a palatable introduction to a form of inquiry often reported in unnecessarily obscure terms. For those familiar with such research, the study may still have value, for the nature of the offense and the

1. The angriest account of the divorce process from a male perspective that I have read is M. FRANKS, *HOW TO AVOID ALIMONY* (1975), an altogether nasty book. A fine, tempered book is J. EPSTEIN, *DIVORCED IN AMERICA* (1974). An early study of women after divorce that remains impressive and timely despite its age is W. GOODE, *WOMEN IN DIVORCE* (1965), originally published as W. GOODE, *AFTER DIVORCE* (1956).

thoroughness of the public records have permitted us to measure the effects of a jailing policy with considerably greater precision than is usually possible. For both groups, the study may reveal a process—the enforcement of child support—about which most people know very little.

Many states are moving swiftly to improve their systems for collecting child support in welfare cases. They are doing so to conform to recent federal legislation that conditions full reimbursement of welfare costs to the states on their making much more organized efforts than in the past to secure and enforce support orders against absent fathers.² Our findings, if read too hastily, might lead some people to conclude that payment levels can be improved simply by jailing a large number of nonpayers. Our findings do not support this conclusion; rather, they suggest that jailing makes a significant difference in collections if, but only if, it is coupled with a well-organized and visible system of other efforts to collect. There are no easy shortcuts.

More than money is at stake when we jail people. After reporting our findings on the deterrent effects of jailing, we will share some of our doubts about the wisdom of relying heavily on jail even if it does yield more dollars than it costs. We will then examine briefly an alternative to the use of jail that may be more effective even when measured solely by the return in dollars collected.

I. THE NATURE OF THE RESEARCH

Research on deterrence often focuses on persons on whom a particular sanction has been imposed to learn whether they commit the same acts again. Parts of our research included such an inquiry, but in this article we do not report on these men. Here we will deal with the effects of the use and threat of jail on the whole population who may commit an offense, the so-called "general deterrent" or "general preventive" effects. We will look, that is, at how the punishment of some fathers affects the behavior of all fathers, including those who are never arrested or jailed. Measuring these effects is a vexing task.³ When large numbers of men who have been

2. See Title IV(D) of the Social Security Act, 42 U.S.C. §§ 651-6 (Supp. V 1975). Throughout this article, the term "welfare" refers to the program of Aid to Families with Dependent Children established by Title IV of the Social Security Act.

3. Among lawyers and social scientists, three persons have been largely responsible for providing a theoretical foundation for deterrent research and for cataloguing its pitfalls. The first is Johannes Andenaes of the University of Oslo. See, e.g., Andenaes, *General Prevention—Illusion or Reality*, 43 J. CRIM. L.C. & P.S. 176

jailed make lump-sum payments immediately preceding their release and immediately after release begin a period of regular payments for the first time in years, we can be fairly confident in most cases of a causal link between the jailing and the payments. When we look, however, at the records of men never jailed and find steady payments year after year, we cannot say anything about whether fear of jail, rather than affection for the child or something else, produced their payments.

To look for such "general deterrent" effects of jailing on the behavior of a group who might commit an offense, social scientists typically use either of two risky methods of inquiry.⁴ Under one method, a single place—a state, a county—is followed through time to examine the relationship between changes in the incidence of the undesired behavior and changes in the rates of imposing certain sanctions. As the jail rate or hanging rate increases, does the crime rate decline? This was the method employed by Isaac Ehrlich in his recent and much-discussed study of the general deterrent effects of the death penalty.⁵ Under the other model, several places—several states or counties—are examined, typically during a common period of time, in an effort to see whether the places that jail or execute more offenders have a lower incidence of the undesired behavior. Thorsten Sellin employed this method in an earlier and no less celebrated study of the death penalty.⁶ It is also the method used in the study reported here.

That the two death penalty studies reached opposite conclusions on the same issue suggests the difficulties deterrence research en-

(1952); Andenaes, *General Deterrence Revisited: Research and Policy Implications*, 66 J. CRIM. L. & C. 338 (1975). The other two are Franklin Zimring and Gordon Hawkins, authors of F. ZIMRING & G. HAWKINS, *DETERRENCE—THE LEGAL THREAT IN CRIME CONTROL* (1973). Economists have also become interested in deterrence research. See, e.g., Becker, *Crime and Punishment: An Economic Approach*, 76 J. POL. ECON. 169 (1968); AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH, *ECONOMICS OF CRIME AND PUNISHMENT* (Rothenberg ed. 1973).

4. See F. ZIMRING & G. HAWKINS, *supra* note 3, at 249-93.

5. Ehrlich, *The Deterrent Effect of Capital Punishment: A Question of Life and Death*, 65 AM. ECON. REV. 397 (1975). A series of responses and comments to Ehrlich have been published recently in the *Yale Law Journal*. See Baldus & Cole, *A Comparison of the Work of Thorsten Sellin and Isaac Ehrlich on the Deterrent Effect of Capital Punishment*, 85 YALE L.J. 170 (1975); Bowers & Pierce, *The Illusion of Deterrence in Isaac Ehrlich's Research on Capital Punishment*, 85 YALE L.J. 187 (1975); Ehrlich, *Deterrence: Evidence and Inference*, 85 YALE L.J. 209 (1975); Ehrlich, *Rejoinder*, 85 YALE L.J. 368 (1976); Peck, *The Deterrent Effect of Capital Punishment: Ehrlich and His Critics*, 85 YALE L.J. 359 (1976). See also Zeisel, *The Deterrent Effects of the Death Penalty: Facts v. Faiths*, 1976 SUP. CT. REV. 317.

6. T. SELLIN, *THE DEATH PENALTY* (1959).

counters. All such research depends upon accurate counts of comparable data. It must begin with reasonably precise figures, either across locations or through time, of the incidence of the undesired behavior and of the sanction the impact of which one is seeking to gauge. Usually the frequency of imposing a certain sanction can be counted by poring through court records, but for many offenses, such as drug sales or larceny, it is much more difficult to determine the actual incidence of the undesired behavior. Figures on citizen complaints or police arrests may reflect quite unevenly across time or locations the actual incidence of the behavior.

After obtaining accurate information about the crime and the punishment, one can see whether there is less of the undesired behavior in places that make substantial use of penal sanctions. Half the job remains, however, for one must then determine whether the relation between sanction and conduct is actually a mirage:⁷ whether, that is, some aspect of the enforcement process other than the incidence of sentences to jail—for example, the swiftness in sending reminders that payments are due—more adequately or wholly explains the relation between punishment and crime. Or, apart from any aspects of the enforcement process, perhaps what appear to be the effects of enforcement are properly attributable to differences in the characteristics of the population or to changes in the same population over time, differences that might affect attitudes toward the conduct or responsiveness to the same enforcement efforts. It is this latter part of the undertaking that has most bedeviled researchers into deterrence and has most bedeviled us.

II. THE TWENTY-EIGHT COUNTY STUDY

A. *Michigan's Friends of the Court and the Enforcement of Support*

Among American jurisdictions, Michigan's Friend-of-the-Court system is quite unusual. In most states, if a parent under an order of support fails to make payments, the custodial parent discovers that, unless she is a recipient of welfare benefits, there is no agency comparable to the Friend of the Court to which she can turn for assistance in enforcing the order. She must hire her own attorney to search for the father and bring him to court by civil processes. In Michigan, by contrast, a Friend of the Court in each county oversees all aspects of the child-support process in divorce, separate

7. The opposite phenomenon can also occur: a relationship between crime and punishment does not appear initially but emerges after controlling for other variables.

maintenance, and paternity cases.⁸ The agency begins each case by gathering financial information from the parents and advising the judge on the appropriate size of the support order. After an order is entered, it collects all payments and forwards them to the appropriate receiver, either the custodial parent or the welfare department. Finally, it pursues the parents who fail to pay. In nearly all cases in which a support order is entered, payments are handled through the agency. Its responsibilities extend equally to welfare and non-welfare cases.

To carry out these tasks, a few small counties have only one or two full-time employees. By contrast, the Friend of the Court in Wayne County, the core of the Detroit metropolitan area, has a staff of over three hundred. Most agencies of any size have computerized payment records and full-time enforcing officers, many of them deputized by the county sheriff, who go into the field to arrest men who have not paid.

Jailing plays a part in this process because the willful or negligent failure to make payments ordered by the court is treated as a form of contempt that, by special state statute, can lead to a sentence in jail of up to one year, subject to earlier release upon the defendant's paying his full arrearage or working out some lesser arrangement satisfactory to the court.⁹ Most men jailed do in fact purchase their early release by paying an amount less than full arrearage.

The steps taken before jailing and the extent of reliance on jail vary from county to county, but in every county the agency mails warning letters to delinquent fathers, and nearly all agencies issue orders to show cause directing the men to appear in court to explain their delinquency. Even in the counties that rely most upon jailing, the number of collection efforts short of jail dwarfs the number of sentences; in one that we examined particularly closely, for example, warnings mailed to men in the caseload exceeded jail sentences imposed by twenty-five fold. For men who fail to appear in response to warnings and orders to show cause, the agency staff secures and, in many counties, serves arrest warrants and then acts as prosecutor before the courts in delinquency hearings. After a hearing, if the man is sentenced, the same staff arranges deals with jailed men who wish to secure their early release from jail on payment of less than the full arrearage.

8. Michigan's legislature authorized the creation of Friends of the Court in 1919, 1919 Mich. Pub. Acts 412, and then made them mandatory in 1921, 1921 Mich. Pub. Acts 147. The provisions of current law that provide for Friends of the Court and fix their duties are found in MICH. COMP. LAWS § 552.251-255 (1970).

9. See MICH. COMP. LAWS § 552.201 (1970).

Our study of jailing for nonsupport was undertaken because we found that rather like the biologist's fruitfly or guinea pig, nonsupport lends itself to closer inquiry than is possible with most other forms of behavior treated as criminal. As watchdogs over custody and support, the agencies maintain records of every aspect of the process: their files include information on family characteristics, weekly payments, and enforcement efforts. Their records and their cooperation made our inquiry possible.

B. *The Research Design and Findings*

As our first step, we drew a random sample of divorce cases in each of twenty-eight Michigan counties. The counties we picked were those in the southern half of Michigan that had reported caseloads of at least 1,000 in 1973.¹⁰ Stretching from the eastern to western edges of the state, the counties contained all the cities in the state with 1970 populations of more than 50,000 and included all but one of the counties with populations of more than 100,000. On the other hand, four of the counties had populations under 50,000 and ten had populations under 80,000. Our research thus examined data sources ranging from the intensely urban southeastern corner through counties of farms and small towns.

The samples we drew in each county averaged 430 cases, for a total across the twenty-eight counties of about 12,000 cases. In each county, we drew a random¹¹ selection of all cases in which a final decree of divorce had been entered and an order of support had been in effect during the entire period we measured. Thus men paying every week were included, as well as men whose cases had been open for many years but who had never paid anything. For each case in each county, we recorded only a few pieces of information: the amount each person paid, the total amount he was under an order to pay during a fixed period, and whether the children covered by the support order were currently receiving welfare benefits. In most

10. The counties studied were Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Eaton, Genesee, Gratiot, Ingham, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Macomb, Midland, Monroe, Oakland, Saginaw, St. Clair, St. Joseph, Shiawassee, Van Buren, Washtenaw, and Wayne. Two other counties, Muskegon and Ottawa, had caseloads meeting the numerical criterion we set. However, scheduling difficulties prevented our studying their files.

11. In all but a few counties, payment records were maintained in alphabetical order. To produce our random samples for these counties, we simply ordered the size of the caseload and selected an interval (e.g., every seventh case or every twelfth case) that would permit us to cull about 450 cases by moving once through the alphabet.

counties the period we used was calendar 1974 or a one-year period including some months in 1974, depending on the way the counties' bookkeeping records were kept. From this information, we computed how much each man had paid of all that he was supposed to have paid during the period—his batting average, so to speak.¹²

We then computed three payment figures for each county: the overall average of the individual payment rates within the county, a figure that is close, though not identical, to the portion collected by the county of all the dollars it was supposed to collect;¹³ the portion of men in the county paying nearly nothing during the period (we put into this group men paying 10% or less of the ordered amount); and the portion of men paying everything due or close to everything due (we put into this group men paying 80% or more of everything due).

Checking the records of a county for any given one-year period, one would probably expect to find that most men either paid nothing or paid regularly, leaving few men in the middle. And in fact that is what we did find. The striking differences among our counties were in the portions of payers at the bottom and the top. Across the counties, the proportion of men in the high-paying bracket varied from one-third to two-thirds of the caseload; the proportion in the low-paying bracket ranged from one-tenth to one-half. Accordingly, across the counties the average portion paid by men of their amounts due varied widely—from a low in two counties of only 45% and

12. In most counties, we used the following formula: $\frac{d}{tw}$, where d = dollars paid during period, t = number of weeks in period, and w = weekly order in dollars. In some counties, where the records provided only a running total of the arrearage and no total of the dollars paid during a period, we used a different formula: $\frac{tw - (a_2 - a_1)}{tw}$ where a_2 = arrearage at end of period, a_1 = arrearage at beginning

of period, and t and w represent the same values as above. So long as there were no artificial adjustments in the arrearage during the period, the two formulae yield identical results. Because there were in fact some such alterations in the arrearage not reflecting actual payments, usually to the payer's advantage (for example, when a credit was given because the noncustodial parent kept the children for an extended visit), we made a small adjustment downward in the payment figures for the counties in which we had to use the second formula. The adjustment was based on our experience in two counties, Washtenaw and Genesee, in which we had computed individual payment records by both formulae.

13. The figures would be identical if all orders were of the same size. Within our samples in Genesee and Washtenaw, there were, of course, variations in the size of orders, and there was in fact a very slight positive correlation between order size and payment rate, so that it is probable that the figure we use, the mean of individual payment rates, is quite close to (but slightly lower than) the portion the agency collected of everything due under all its orders.

46% of the ordered amounts to a high in two other counties of 85% and 87% of everything due. Nearly half the counties collected between 61% and 70% of the amounts due. Table 1 reveals the distribution of collections in the counties. We found that the portion at the bottom and the top correlated so overwhelmingly with the mean level of payments that we have used the county's mean for reporting almost all of our findings.¹⁴

TABLE 1

MEAN PORTIONS COLLECTED OF EVERYTHING DUE FROM
DIVORCED PERSONS UNDER ORDERS OF SUPPORT
IN TWENTY-EIGHT MICHIGAN COUNTIES
DURING SURVEY PERIOD, 1974-1975

Counties Collecting a Mean of	No. of Counties	% of Counties in this Range	% of Fathers Paying 10% or Less	% of Fathers Paying 80% or More
41-50% of amount due	2	7%	47%	32%
51-60% of amount due	5	18%	38%	42%
61-70% of amount due	13	47%	24%	50%
71-80% of amount due	6	21%	16%	60%
81-90% of amount due	2	7%	8%	72%
	28	100%	25% (mean)	51% (mean)

When we speak, as we will shortly, of some counties as high-collecting, we need to remember that, even in the two counties with the highest mean payments, nearly 30% of the men paid less than 80% of the total amount due.¹⁵ Thus, even in the high-collecting counties, many women and children already in precarious financial condition¹⁶ went without needed income. Throughout, when we speak of high collections, we intend solely to convey relative levels of payment.

After determining the levels of collections for each county, our goal was to determine why some counties collected so much more

14. The product-moment correlation between the overall mean and the portion of the caseload paying less than 10% of everything due was $-.935$. The product-moment correlation between the mean and the portion of the caseload paying more than 80% was $+.899$.

15. In 1974, unemployment was at disastrously high levels throughout Michigan. Our findings suggest that nearly all the counties would have somewhat higher collection rates during periods of lower unemployment. See note 25 *infra*.

16. See generally W. GOODE, *supra* note 1; H. ROSS & I. SAWHILL, *WOMEN IN TRANSITION* (1975).

than others, despite the fact that all counties had Friends of the Court charged with enforcing orders. We were primarily interested in measuring the impact of the use of jailing as a technique of enforcement. To this end, we counted for each county the number of persons sentenced to jail during calendar year 1974. A few Friends of the Court maintained their own logs of all persons sentenced; more frequently we were forced to turn to the logs of the judges of each Circuit Court and scour the year's records of all court business for postings of sentences for nonsupport.

We found, as we had expected, a range of reliance on jail in 1974 from almost no jailings in a few counties up through several hundred jailings in a few others. Table 2 reveals the frequency of sentences to jail in absolute numbers and in terms of the rate of jailing for every 10,000 persons in the county (a figure that closely parallels the number of jailings as a portion of the Friend of the Court caseload).¹⁷ Nearly all the Friends of the Court reported that the numbers jailed in 1974 had been much the same in the immediately preceding year or two.

TABLE 2

INCIDENCE IN TWENTY-EIGHT MICHIGAN COUNTIES OF
SENTENCES TO JAIL FOR CONTEMPT OF COURT
FOR FAILURE TO PAY SUPPORT IN 1974

Number of Men Sentenced to Jail for Nonpayment in 1974	Number of Counties	Per cent of Counties
Under 10 men	6	21%
11-30 men	9	32%
31-100 men	7	25%
100-300 men	3	11%
Over 300 men	3	11%
	<hr/> 28	<hr/> 100%
Number of Sentences to Jail for Nonsupport in 1974 Per 10,000 Persons in County* (1970 census)		
0-1 per 10,000	8	29%
2-3 per 10,000	8	29%
4-6 per 10,000	6	21%
7-10 per 10,000	3	11%
11 or more per 10,000	3	11%
	<hr/> 28	<hr/> 101%

Total Sentences to Jail in 28 Counties (1974)—3046 men (of a total caseload of around 290,000)

* Roughly equivalent to the number of jailings for every 250 persons in the Friend-of-the-Court caseload in 1974. See note 17.

17. The size of the caseloads of the Friends of the Court and the populations of the counties correlate very highly, largely because the divorce rate varies remarkably little among the Michigan counties in our sample. In fact, the correlation is

We found a substantial positive correlation (+0.492) between the counties' rates of jailings and their rates of collections: in general, the more they jailed, the more they collected.¹⁸ But this finding, though striking, was the merest beginning. Our task then was to develop measures of all the other factors that might also affect performance and then learn whether the apparent relationship between jailing and collections still held.

As a starting point, it was possible that jailing had a relation to collections through a more subtle link than the bare jail rate alone. For example, men might have been affected not by the mere incidence of jailing but rather by the sentencing rate among those summoned to appear at a hearing for nonpayment, or they might have been affected by some combination of the sentencing rate and the length of sentences commonly imposed. We accordingly developed indices to test for these possible causal links.

It was also possible that the jailing rate had nothing directly to do with payment rates at all. Counties that jailed more might well have had enforcement agencies that tried harder in other respects—sent more warnings, held more hearings, used larger enforcement staffs—and one or more of these other factors and not the jailing rate might actually best explain variations in performance. Accordingly, we gathered as much information as we could about all aspects of the counties' collections and enforcement systems—staff-caseload ratios, the use of computerized records, the rate of use of orders to show cause, and so forth.

so high that we were unable to test whether awareness of the possibility of jail, and thus the deterrent effect, depends on the size of the caseload or on the population. Within the counties in our study, the ratio of the county's population (in 1970) to number of men (or families) making up the caseload (in 1974) ranged from about 35:1 to 40:1. Thus our figure of the "number of jailings per 10,000 population" is roughly equivalent to the "number of jailings per 250 men in the caseload." We have consistently used the population figure as the denominator because in a few counties we were never confident that we had a precise count of the caseload of orders still in effect.

18. Here is another view of the relationship between collections and the rate of jailing:

RELATION OF JAILING TO COLLECTIONS IN
TWENTY-EIGHT MICHIGAN COUNTIES

Number of Jailings per 10,000 persons in County:	Number of Counties:	Mean rate of collections: (mean of average portion collected of amounts due)
0-1 per 10,000	8	.60
2-3 per 10,000	8	.63
4-6 per 10,000	6	.67
7 or more per 10,000	6	.75
	<hr/> 28	<hr/> .655 (mean)

Additional factors had to be taken into account. Payment performance could be affected by factors that varied from county to county but had no direct connection with the enforcement system. More fathers might have paid in County A than in County B—and a higher proportion of nonpayers jailed—because the people in County A felt more strongly about obligations of support or about their general obligations to obey the law or to adhere to social convention. Lacking county-by-county polls of citizen attitudes, we coded a wide range of possible, but quite indirect, indicators of attitude, such as the portion of county population living in a rural setting, total population and population density, conservative voting patterns, general crime rates, and formal church membership. We also recorded the results of our own survey of the attitudes of each county's Friend of the Court toward the functions of the enforcement process and toward possible legislative changes in the enforcement system.

We lastly coded information about income and unemployment rates because it was plausible, indeed likely, that men in all counties were not equally able to pay. For this we drew on 1970 census information about median incomes and portions of the population above and below various income levels and on census and Michigan Employment Security Commission figures regarding levels of unemployment.

It was during the phase of the study that we sought to control for the multitude of factors apart from jailing that might have affected payments that we skated on thinnest ice. We ourselves had computed parents' payment rates and developed confidence in our accuracy. We had similarly counted with care the exact number of men sentenced to jail during a common time period. But for the remaining factors other than the incidence of jailing that might have affected payment rates, we encountered the problems that have plagued all social scientists performing research on deterrence.¹⁹

Certain problems stood out above the others. First, for many plausible factors that might have affected payments—especially, as we have said, those bearing on people's attitudes toward their obligations—we often had to resort to the most oblique sorts of evidence. Even unemployment data was available only for residents of each county as a whole and so may not have accurately reflected actual rates of unemployment among men under orders of support.

19. See F. ZIMRING & G. HAWKINS, *supra* note 3, at 264-66, 269; Baldus & Cole, *supra* note 5, at 177-83.

Secondly, when there was information that we could code, we had to worry about the comparability of the information across counties. For example, the seemingly simple task of counting the size of county "enforcement staffs" forced us to grapple with many different definitions given the term "enforcement" by the agency heads we interviewed and with multiple uses of individual staff members.

Finally, some sorts of information that were available and reliable displayed so little variation among the counties that we were unable to assess the significance of certain elements of the enforcement process or of the demography of the population of supporting fathers. For example, in setting orders, the counties made use of quite similar schedules that took into account men's earnings and the number of dependent children. (In nearly all, for example, the size of the support order for a family with two children was about one-third of the father's take-home earnings.) Because of the similarity across counties, we were unable to test for differences in collections that might have accrued from larger or smaller orders in relation to incomes.

After gathering all the relevant information that we could, we used multiple regression analysis to determine which factors best accounted for the differences in collections among the counties. Regression analysis is a technique used by social scientists and others to estimate the relationship between factors through the use of numerical data.²⁰ Complex in formula, yet readily accessible through computer programs, it permits one to estimate the relation between some phenomenon one wishes to understand (here, the level of payments across counties) and other measured factors that might have a bearing on that phenomenon (jailings, median incomes, and so forth). It permits learning the direction and strength of the relationships among the factors used in the analysis.

When we completed a long series of analyses of our own data, three factors stood out among all others as powerfully related to the levels of collections of support. The first was an aspect of the enforcement process: fourteen aggressive Friends of the Court, which we will call "self-starting," watched for a few weeks of missed payments or the accumulation of an arrearage of a certain number of dollars (say \$100) and then sent a warning notice to the nonpaying parent. These counties that had a practice in nonwelfare cases of initiating enforcement efforts without waiting for complaints from

20. An explanation of regression analysis readily accessible to most lawyers is Finkelstein, *Regression Models in Administrative Proceedings*, 86 HARV. L. REV. 1442 (1973). A helpful basic text is H. BLALOCK, *SOCIAL STATISTICS* (1960).

the mothers collected more than those that relied on complaints.²¹ The second significant factor was the rate of jailing. Even after controlling for other factors, counties that jailed more men in relation to their population still collected more. The third factor was population—the larger the county, the lower the collections. For example, none of the seven highest collecting counties had populations greater than 70,000. Nine of the ten lowest collecting counties had populations greater than 100,000.²² Table 3 summarizes our findings with regard to these three factors, doing so at the cost of simplifying for display the true variations in population and rates of jailing.

These three factors were interrelated to some degree. The self-starting enforcement policy brings more men into the enforcement system, which in turn brings more men before judges for possible sentencing; similarly, large counties were somewhat less likely to be self-starters. Nonetheless, each of the three factors had independent explanatory importance. The three principal factors alone account for about 60% of the variation in payment rates among the counties.²³ Put another way, if you knew any Michigan county's population, whether its agency was self-starting, and its frequency of jailing, you could within our sample predict, typically within a few percentage points, how much the county actually collected of the total amount owed.²⁴

21. In the regression analysis we used a simple binary variable that captured whether or not the agency had an established practice in nonwelfare cases of initiating enforcement efforts without awaiting complaints.

22. Not surprisingly, the relation between population and collections is not what social scientists would call "linear." A rise in county population from 30,000 to 130,000 will have far more impact on collections than a rise from 1,030,000 to 1,130,000. In our analysis, we used the \log_{10} of population as a more plausible indicator of the relation of population to performance.

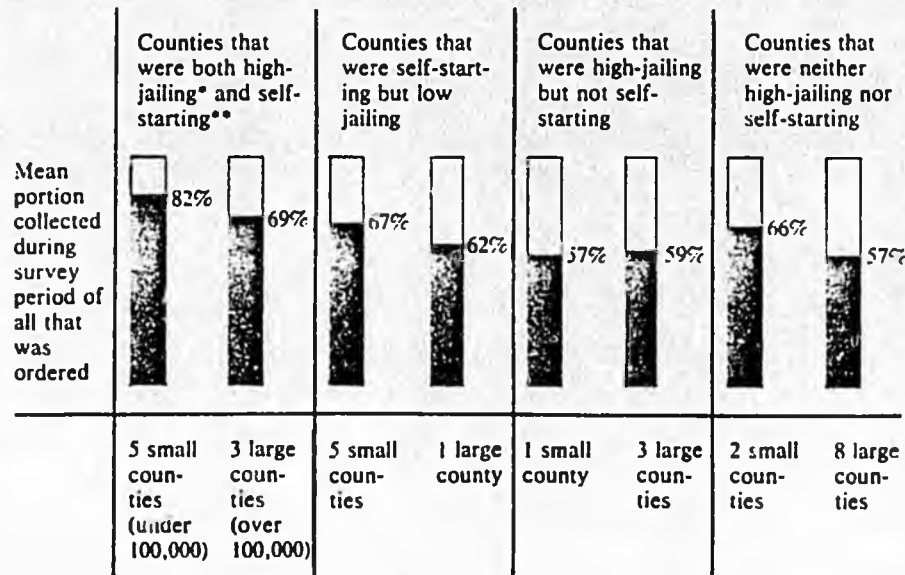
23. A list of all variables analyzed may be obtained by writing the author directly. In a regression analysis with the three factors only, the three explained 62.4% of the variance (unadjusted) and 57.7% of the variance (adjusted). See Appendix at the end of the article.

When we created a binary variable that contrasted all counties that were self-starting and high-jailing (four or more jailings per 10,000 population) with all other counties not having both enforcement policies, we accounted for 71.9% of the variance (unadjusted) and 69.7% (adjusted) with this variable and the population variable alone. See Appendix at the end of the article.

24. When we calculated what a county should be expected to collect within our sample using the regression coefficients for population, the jail rate and the "self-starting" factor, the actual collections varied from the predicted collections by more than six percentage points for only nine counties. For eleven counties, the prediction was off by less than three percentage points. Only one county, our highest collecting county, collected over ten percentage points more than would be predicted. That county impressed us even before surveying its records as the most thoroughly organized of all. Conversely, only one county, one of our two lowest collecting, collected more than ten percentage points less than was predicted. This county seemed about the least well organized for collections. It was the only county in our sample with a

TABLE 3
INTERRELATION OF THREE MOST IMPORTANT
FACTORS RELATING TO COLLECTIONS IN
TWENTY-EIGHT MICHIGAN COUNTIES

How much the county jails, whether Friend of the Court initiates enforcement without awaiting complaints, and county population



Mean collections:

- 13 small counties (under 100,000)—72%
- 15 large counties (over 100,000)—60%
- 12 high-jailing counties*—71%
- 16 low-jailing counties—61%
- 14 self-starting counties**—71%
- 14 non-self-starting counties—60%
- 5 small, high-jailing, self-starting counties—82%
- 8 large, low-jailing, non-self-starting counties—57%

* A high-jailing county, for our purposes, was one that jailed 4 or more men for nonsupport during 1974 for each 10,000 persons in the county population in 1970. The mean jailing rate for the high-jailing counties was 6.0 per 10,000. The mean rate for the low-jailing counties was 1.7 per 10,000. See further explanation in Appendix A.

** A self-starting county was a county that had had for some years a policy of initiating enforcement efforts in delinquent nonwelfare cases without waiting for complaints.

One other factor helps slightly in explaining differences in collections. When unemployment rates are higher, collections are lower. It is not, of course, surprising that payments should be lower in places where unemployment is high. It was surprising to us only

population over 100,000 whose agency head had only a part-time appointment. Later in this article, we discuss Washtenaw County, a low-jailing, non-self-starting county. The ill-organized county to which we are referring in this footnote is not Washtenaw.

that unemployment rates did not account for more of the differences among the counties. By adding in the unemployment factor, we could account for differences among the counties only to a slightly greater degree than we could using the three dominant factors alone.²⁵ An appendix at the end of this article provides for the reader who is interested more detailed statistical information on the findings.

The rate of jailing makes a difference in collections, but how much of a difference? Table 3 and our own analysis indicate that, for purposes of measuring the difference, it makes little sense to separate the jail rate from the factor of a self-starting enforcement process. The two work together.²⁶ Counties that have both a high jail rate and a self-starting system collect more than those that have neither and more than those that have one or the other but not both. And those that have one or the other but not both collect only very slightly more than those that have neither. When they are linked together and population and unemployment are taken into account, counties with both a high jailing rate and a self-starting policy collected an average of 25% more per case than was collected by the counties that did not have both.²⁷

C. *The Significance of a Self-Starting Enforcement Process, the Rate of Jailing, and Population*

We have dismembered a complex and emotional process—the payments of divorced parents toward the support of their children.

25. The mean and median unemployment rate in our 28 counties was 10%. In nine of our counties the rate was 12.0% or more. In only eight was the rate less than 8.0%. Oddly, these rates were not useful in accounting for any of the difference, whereas the 1970 rates, when unemployment rates were lower but still checkered, were able to explain some of the variance in county collections.

With the four variables we could explain 65.6% of the variance (unadjusted) and 59.7% (adjusted). The addition of unemployment figures does produce a realignment of the ranking of important factors: population and the jail rate are now somewhat more significant than "self-starting" enforcement. See details in the Appendix at the end of the article.

26. As explained in note 23 *supra*, a single variable that combines the "self-starting" factor with the jail rate accounts for more of the variance than the sum of the two taken individually.

27. In a regression on the performance index using as controls (1) the variable that combined "self-starting" and the jail rate into a single binary factor, (2) \log_{10} population, and (3) the unemployment rate, the combined self-start/jailing factor had a coefficient of 14.77. Since the performance index is coded in percentage collected, the coefficient of 14.77 indicates that a county that had both a self-starting system and a high rate should collect after controls 14.77 percentage points more than those that did not have both. Since the mean collection rate among our counties was 65%, an added 14.8 percentage points collected would represent about a 25% increase in collections for counties pushed from a mean collection rate of several percentage points below 65% to a mean rate of several points above.

Payments go down with a larger population, up with a self-triggering warning system, down with more unemployment, and up with more jailings. Though our findings have surface plausibility, those who cherish life's complexity will be pleased that, when we peered deeper into our pool of data, we found the waters muddier than they initially appeared. The significance of the unemployment rate does seem to signify just what one would expect: those who are not working are likely to pay less or not at all. The significance of the three more powerful factors is less clear, however.

Our finding that counties with Friends of the Court that initiate enforcement without awaiting complaints collected more money than other counties is, at first glance, hardly perplexing. One anomaly nonetheless persists about this "self-starting" factor. We defined a "self-starting" county as one in which the Friend of the Court initiated enforcement efforts in nonwelfare cases without awaiting complaints from the custodial parent. We excluded welfare cases from the definition because all Friends of the Court had self-triggering systems for initiating enforcement in welfare cases, since the custodial parent in welfare cases is not the receiver of support payments and often does not know whether payments are being made. Given our definition, one would have expected that, when we analyzed the welfare cases from our samples in the 28 counties, the "self-starting" factor would not have helped sort the high- and low-collecting counties. In fact, however, the "self-starting" factor is nearly as significant an explanatory factor of the variations in the collections in the welfare cases as it is in the caseload as a whole, suggesting that the counties that are self-starting simply collect support in both welfare and nonwelfare cases more effectively, for reasons related to but distinct from the self-starting attribute alone. Several other attributes of the enforcement process—efficiency of bookkeeping, size of the enforcement staff in relation to caseload, and so forth—correlate mildly with performance and with the self-starting factor. It appears that "self-starting" may simply capture best the sum of the attributes of an efficient and persistent organization.

That organization to collect and the rate of jailing work hand in hand is also unsurprising. Under a self-starting enforcement system more men who falter are told to "pay up." The high rate of jailing seems to add, "and we really mean it." All rather tidy. We had expected, however, that the rate of jailing would not have been the only way to say "we really mean it," but at least within our study no other aggressive aspect of the enforcement system served anywhere nearly as well to explain the differences in overall collections.

We looked, for example, at the use of orders to show cause, the orders to appear at hearings that are issued when men fail to respond to warning letters. We had a reasonably accurate count of such orders during the same period for which we counted jailings, and we found that counties varied widely in their rate of use of such orders and in the ratio of orders to subsequent sentences to jail. We had hypothesized that the rate of orders themselves, with their stern directive to appear in court, might well have served as a more effective indication than the sentencing rate itself of the seriousness of the enforcement agency. We found, however, that neither the rate of orders to show cause nor any combination of the show-cause rate and jail rate (to measure the conviction rate among those ordered to appear at hearings) helped sort the higher from the lower collecting counties nearly as well as the jail-rate alone.²⁸ Within the range of measures that were readily available to us, the incidence of that which men actually fear—jail itself²⁹—appears to communicate most effectively the necessity of paying their support obligations.

It is possible, nonetheless, that some unmeasured aspect of the enforcement process short of jailing better explains what the jailing rate appears to explain. We were, for example, unable to count the number of warning letters mailed in the twenty-eight counties during 1974 or any other year. We thus could not calculate the rate at which the agency sent warnings either in relation to the number of cases in the caseload or in relation to the number of cases with payments in arrears at some point during the year. The only information we could obtain about the average time between the development of an arrearage and the mailing of a warning was the agency head's statements regarding the policy of the office. While we believe it highly probable that our "self-starting" factor would correlate strongly and positively with each of these measures had we been able to develop them, the self-starting factor's form is not subtle—every county either was or was not "self-starting" in our definition. There were no gradations. It is thus possible that one or more of these other dimensions of the enforcement process would account

28. Whereas the product-moment correlation of the jail rate and the collections rate was $+0.492$, the correlation between the order-to-show-cause rate and the collections rate was only $+0.121$. When used with other variables or combined into other indices with the jailing rate, the show-cause rate offered virtually no explanatory power. Similarly, the combination of the sentencing rate with mean sentence length provided far less explanation of variations in payments than the sentencing rate alone and offered no significant explanatory power when used in a regression run with the jail rate as one of the other independent variables.

29. We used the jail rate in unaltered form and in logarithmic form, with closely similar results. See Appendix at the end of the article.

for all or some part of the differences in collections that we have attributed to the rate of jailing.

A problem for analysis would persist even if we were to find within our twenty-eight counties that the jailing rate added nothing to the explanation of the variations in collections among counties, but that measures of milder enforcement efforts were powerful explainers of variation. Since the form letters of warning in nearly all counties carried threats of judicial action that many men probably read as a threat of jailing, a finding that nonpenal enforcement efforts, but not the jail rate, were a significant explainer of performance could have either of two very different meanings: it could mean that the threat of jail was truly irrelevant and that men can be propelled toward payments by reminders alone, or it could mean that letters threatening judicial action are sufficient in themselves to create the fear of jail, regardless of the actual rate of jailing. If the latter were the case, then, even though the actual jail rate was not a factor in collections, collections might well still decline if jail were removed as a legally permissible sanction and parents under orders of support learned of the change in the law.

The final significant factor apparently affecting collections was the county's population. Our findings suggest that, if two counties have a self-starting system of enforcement, jail at the same rate, and have the same rate of unemployment, the county with fewer residents³⁰ will still collect more money. Why should this be so? The lower collections in highly populated areas cannot be attributed to higher poverty there. On the contrary, the portions of the population living in poverty were higher, and median incomes appreciably lower, in the smaller Michigan counties than in the larger ones.³¹

The relevance of high population seems rather to lie either in attitudes of city dwellers about obligations to pay or, more likely, in a greater insulation of city dwellers from the enforcement process. In several of the small counties but none of the large, the director of the Friend of the Court knew personally most of the men in his county's caseload, a fact that probably affected some of the men

30. Since the counties in our sample vary little in geographic area, absolute population and population density correlated overwhelmingly.

31. For example, in the six counties in our sample with the smallest population, the median income (in 1970) and the unemployment rates during the months we surveyed averaged \$9600 and 12.5% respectively. By contrast, during the same periods median income and unemployment for the six largest counties averaged \$11,900 and 10.8% respectively. Similarly, in the six smallest counties the average portion of families living on incomes below the poverty line was 8.6%, whereas the average portion in the six largest was 5.9%.

under orders. I walked with one agency head into a coffee shop on the town square in his county seat. He exchanged good-morning banter with several persons and then leaned over to me and whispered, "Now I'm not telling you who, but three of the men in here with us now are under orders in my office." The difference for the parent under an order in the smaller county is probably not merely that someone whose esteem he may value knows whether he is paying. It is also likely that he believes—correctly—that he is easily located. Staffs of the Friend of the Court in populous counties often reported severe problems of finding nonpayers, even when the defaulters had remained within the county.

III. A PEEK INSIDE: HOW DOES AWARENESS OF THE POSSIBILITY OF JAILING AFFECT PAYMENTS WITHIN A COUNTY?

Within our samples, ardent agencies collect more than the less vigilant. But how does this factor exert its effect? Even in places with the laxest enforcement some men pay all the time. Even in places with the most terrorizing enforcement some men never pay at all.

Among questions that the reader may already be asking is whether the difference between the higher-collecting counties and the lower-collecting counties lies solely in the jailed men themselves: the high-collecting counties jail more men, jailed men pay better after release than they did before, and unjailed men pay at about the same mean rate in all counties. And if a fresh inspiration of those actually jailed does not account for the differences in collections among counties, how does the prospect of jailing work its black magic on the men who are never jailed?

We cannot fully answer these questions, but our close inquiry into two counties, one an ardent enforcer and the other not, permits us to say a good deal more than we otherwise could. When the remainder of our study is published, much of it will deal with the men within these two counties—their families, their financial situations, their payments, their treatment at the hands of the agency and the court, and their responses to all manner of enforcement efforts. Here we will address a couple of the questions especially invited by the discussion of general deterrence.

One of the two counties, Genesee County, where Flint is located, had a population in 1970 of 444,000. Its Friend of the Court has long had a "self-starting" enforcement process, and its courts have long favored jail to punish defaulters. During 1974, Genesee County

judges imprisoned 224 men for failing to pay support, a rate of 5 per 10,000 persons in the county, making Genesee one of the high-jailing counties. In a random sample we drew of over 400 divorced men whose cases were open in 1970, the men had paid an average of 74% of the total amount due over the lives of their decrees up to the point that we coded, a mean of seven years. Only 14% of the men had paid less than 10% of all amounts due under their decrees.

The other county, Washtenaw County, the county of Ann Arbor and Ypsilanti, was rather different. For most of this last decade, its Friend of the Court has expended a higher portion of its budget than any other Michigan county on social workers and other professionals concerned with marital counseling and child-custody matters.³² A much smaller portion of staff efforts was addressed to collections. Thus, it is perhaps not surprising, even if somewhat disheartening, that a random sample of about 400 men under support decrees in Washtenaw had paid on the average only 56% of everything due, over 25% less than the average portion paid by the Genesee men. This was true despite the fact that median earnings are higher in Washtenaw, unemployment lower, and the county population only slightly more than half as large.³³ Over twice as many Washtenaw men (30%) had paid less than 10% of their amounts due.

The enforcement systems in the two counties differed greatly. Two such differences are familiar to the reader. For several years up to and including the years we studied, Washtenaw had not been a "self-starting" county: a woman not receiving welfare benefits had to phone in a complaint before a form notice of arrearage was sent to the father and had to complain again, this time in writing, before a nonresponding father was sent an order to show cause. Moreover, though many Washtenaw men in the caseload had been arrested for nonsupport, often through the serving of a warrant when arrested for an altogether different offense like a traffic violation, Washtenaw's judges jailed far fewer persons for nonsupport. In the year that Genesee's judges sentenced 224 men, Washtenaw's sentenced only five.

32. The special orientation of Washtenaw's Friend of the Court is indicated by the scholarly writing that the head of the agency, Richard Benedek, has undertaken with his wife, Elissa, a psychiatrist. See, e.g., Benedek & Benedek, *Postdivorce Visitation: A Child's Right*, 16 J. AM. ACAD. CHILD. PSYCH. 256 (1977).

33. Median income in Washtenaw in 1970 was \$12,300, whereas it was \$11,300 in Genesee; unemployment during the months we surveyed was under 5% in Washtenaw but over 11% in Genesee. In 1970, Washtenaw had a population of 234,000; Genesee a population of 444,000.

A. *The Role of the Jailed Men*

It is possible that men who are never jailed pay at nearly identical average rates in both high- and low-collecting counties and that the only reason one group of counties collects more is that men actually jailed, much more numerous in that group of counties than the other, are frightened into paying more regularly. This explanation, while plausible, does not appear to hold for our counties. The margin of difference in collections between the self-starting, high-jailing counties and others is too great to be accounted for by the small portion of the men in those counties who have both been jailed and begun and continued to pay after release.³⁴

Moreover, it is simply not the case that the never-jailed men in the higher-jailing counties are unaffected by the policy around them and pay at essentially the rate of the never-jailed men in the low-collecting counties. Everyone pays better in Genesee. Men sentenced, men arrested but never sentenced, and men never arrested all pay, as groups, significantly better in Genesee than their counterparts in Washtenaw.³⁵ Whatever it is about the system in Genesee that induces men to pay reaches the jailed and unjailed men with similar effect.

34. During the one-year period we studied in the 28 counties, only a small portion of the men in the sample, even in the counties that jailed most heavily, had been jailed in the recent past. Even if we assume that this previously jailed group paid at the unlikely mean rate of 60% during the year we surveyed and further assume that had they not been jailed they would have all paid nothing (equally unlikely), their numbers are not substantial enough to have boosted the collective average of the whole county by more than a third of the difference we have computed to be the effect of the jailing policy.

As a matter of fact, in Genesee, the payment rate for our sample of jailed men was .33 in the year after their release; a comparable sample of jailed men in Macomb County paid at a rate of .50. In the case of Genesee, the portion of the jailed men who maintained payments declined even further with the passage of time after release.

35. Our comparative data on Genesee and Washtenaw Counties, in table form, is as follows:

COMPARISON OF PAYMENTS OF MEN
IN TWO COUNTIES WHO WERE AND WERE NOT
EVER ARRESTED OR SENTENCED FOR NONPAYMENT
(Random Sample of Divorce Cases)

	<i>Washtenaw County</i>		<i>Genesee County</i>	
	N	Average Payment Rate Over Life of Decree	N	Average Payment Rate Over Life of Decree
Men Sentenced to Jail	8	.31	60	.55
Men Arrested but Never Sentenced	75	.46	57	.73
Men Who Were Never Arrested or Sentenced	327	.60	292	.80
	410	.57	409	.74

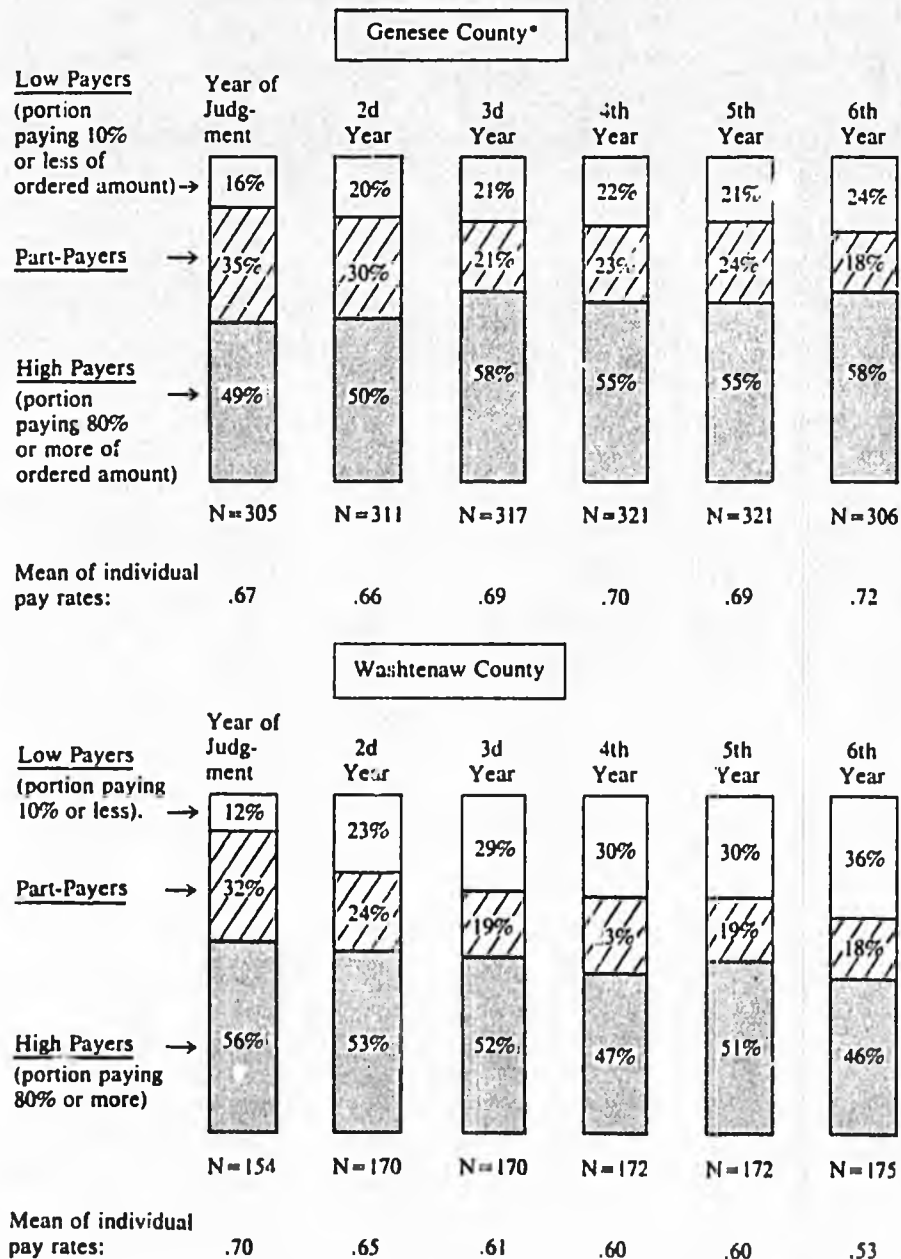
Why do the men who are arrested or sentenced pay so much better in Genesee than in Washtenaw? One might have expected that jail would be equally chastening in both counties. Again, we cannot be completely certain of the reason. A partial answer may lie in the fact that the men arrested in Genesee had a smaller arrearage at the time of arrest. Men chastened earlier may respond better. Or, perhaps, as economists would predict, many jailed men ask themselves after release much the same question that the canny non-payer asks who has never been jailed: not "how painful is jail?", but "how likely is it that I will soon (again) be arrested?" In Genesee, but not Washtenaw, the agency moved quickly against previously sentenced men who did not begin to pay. Indeed, when a Genesee man was in jail for the first time he would likely note that a significant portion of the other men there with him were persons who had been sentenced for nonsupport before;³⁶ only one person in our Washtenaw sample had been sentenced twice. To be sure, people who have been jailed are not in an identical position with the never-jailed—once jailed, a man no longer has to imagine the discomfort or embarrassment of jail—but the tendency to regard the jailed and never-jailed men as different species, though inviting, is misguided.

B. *The Effects of Enforcement on Payments over Time*

As time passes after the entry of an order of support, some men cease to pay, some begin to pay, and some pay at the same rate. A comparison of the patterns of payment performance of fathers in Genesee and Washtenaw over the lives of their decrees sheds more light on the effects of a zealous enforcement process. Consider first Table 4, which shows for our random samples of men in each county the portion of men paying nearly nothing, paying nearly

36. In a sample we drew in Genesee County of 191 men jailed in 1969 and in the first nine months of 1970, more than a quarter had been previously sentenced for nonsupport. On any given day, the portion of men in jail for nonsupport who had been previously sentenced was likely to have been even higher because the previously jailed men were typically held for longer terms.

TABLE 4
COMPARISON OF PAYMENT RATES IN
GENESEE AND WASHTENAW COUNTIES THROUGH
SIXTH YEAR OF ORDER
(FOR CASES OPEN FOR AT LEAST THAT LONG)



* In this table, we have made an adjustment for a small group of low-paying cases opened prior to 1966, when the Friend of the Court in Genesee put its payment

everything, or paying, somewhere in between year by year after the entry of the decree.

In the first year in each county most men pay either nearly everything or nearly nothing, and over the years, quite predictably, more and more men are found at the extremes. The difference between the two counties, subtle but distinct, lies in the portions paying at high and low rates. In Genesee in the first year, of every twelve men, six are high payers and two are low payers. By the sixth year, seven are high payers and three are low payers.³⁷ The mean level of payments rises slightly over the years, up to .72. In Washtenaw, the pattern is better than Genesee in the beginning but worse at the end. In the first year, seven of every twelve men are high payers and only between one and two are low payers. By the sixth year, however, the portion of high payers has declined to five of twelve and the portion of low payers has risen to over four in twelve. The mean level of payments in Washtenaw falls somewhat every year, ending at .57. Were we able to control for population and unemployment, the earlier results suggest that Washtenaw, both smaller and with less unemployment, would appear even worse.

The distribution of payments in the two counties over time suggests that in each county a substantial number of men consciously or unconsciously test the enforcement system in the early years. In Genesee a significant number are "burned" and move toward full payments. In Washtenaw, many who paid nearly in full or in part in the first year move toward nonpayment after finding either that a period of haphazard payments is ignored or followed by hollow threats or that, even if they are arrested, they are soon released and forgotten. Our findings regarding the use of warning letters and the responses to warnings in Genesee corroborate these conclusions.

Standing next to Genesee's system, Washtenaw's may seem largely ineffectual. In fact, however, the presence in Washtenaw of a full-time agency has significant effects on collections that can be appreciated by comparing Genesee and Washtenaw with a jurisdiction in

records on computer. By examining all orders set by the courts in 1960 and 1963, we have determined that about 7% of cases opened in those years had been closed by 1966 for consistent nonpayment without request for enforcement. In the adjustments we have made, we have increased the total cases to reflect an additional number of cases presumably closed and placed all such assumed closed cases in the "no payments" column. The effect is slight. For the six years reprinted here, the actual number of files prior to the adjustment is 15 fewer than reported above in the first and last years and 16 fewer than reported above for the years in between.

37. The patterns in each county were actually somewhat more complex than these figures suggest since the figures represent only net movement. Few men, however, shifted from one bracket to another and back again.

which there is no systematic enforcement system at all. In the mid-1960s, Kenneth Eckhardt conducted a study of child-support collections in Dane County, Wisconsin.³⁸ This county, containing both the state capital and the main campus of the state university, was as prosperous as Washtenaw and Genesee and was substantially smaller than Genesee in its population.³⁹ In Dane, though an office of the court collected child-support payments and forwarded them to the wife, the agency played no routine role in enforcing orders and had no staff devoted to reminding men of their default. The mother who was not receiving payments had to find an attorney and pursue private remedies. Most defaulters were left completely alone. On the other hand, substantial numbers of men were prosecuted and jailed for nonpayment not as a capstone of a well-focused effort to enforce support but largely, it appeared, as a part of the enforcement of other laws: most of the jailed men seem to have been wanted by the prosecutor for committing other offenses not as easily proved.⁴⁰

Table 5 contains information on the payment levels in the Wisconsin county and how they changed over time. The differences from our Michigan counties are startling. In Dane, as in our Michigan counties, a large portion of the men paid nearly all amounts due in the first year, but, whereas this full-paying group shrank only slightly over time in Washtenaw and grew over time in Genesee, the full-paying group in Dane shrank steadily and rapidly. By the sixth year only 17% of the caseload was paying in full. Moreover, the portion of men paying nothing began at a much higher level in Dane—nearly 40% paid nothing in the first year, in contrast to the nonpayment rate in the first year of around 15% in each of the two Michigan counties. By the sixth year, the group paying nothing in Wisconsin grew to 71% of the caseload.

38. K. Eckhardt, *Social Change, Legal Controls, and Child Support: A Study in the Sociology of Law* (unpublished dissertation, University of Wisconsin 1965). Parts of the results of his study are also to be found in Eckhardt, *Deviance, Visibility and Legal Action: The Duty To Support*, 15 *Soc. Prob.* 470 (1968).

39.

1970 CENSUS FIGURES

	Dane County, Wisconsin	Genesee County, Michigan	Washtenaw County, Michigan
Population	290,000	444,000	234,000
Per cent of labor force unemployed	2.9%	5.3%	5.0%
Median family income	\$11,300	\$11,300	\$12,300
Portion of workers- white collar	59%	38%	56%

See UNITED STATES BUREAU OF THE CENSUS, *COUNTY AND CITY DATA BOOK*, 1972 at 234, 236-37, 522, 524-25 (1973).

40. K. Eckhardt, *supra* note 38, at 261-65.

TABLE 5
DISTRIBUTION OF PAYMENTS BY DIVORCED FATHERS
IN DANE COUNTY, WISCONSIN THROUGH
SIXTH YEAR AFTER DIVORCE*

	1st year	2nd year	3rd year	4th year	5th year	6th year
Portion of Fathers Making No Payments	42%	52%	59%	67%	67%	71%
Portion of Fathers Making Partial Payments	20%	20%	14%	11%	14%	12%
Portion of Fathers Paying in Full	38%	28%	26%	22%	19%	17%
	N=163	N=163	N=161	N=161	N=160	N=158
Mean of individual payment rates**	.50	.40	.34	.29	.27	.24

* Data from K. Eckhardt, *Social Change, Legal Controls and Child Support: A Study in the Sociology of Law* 226 (unpublished dissertation, University of Wisconsin 1965).

** Computed by ascribing 100% as payment rate of full payers, 0% as payment rate of nonpayers, and 60% as the rate of partial payers.

Because of the similar socioeconomic conditions in the three counties, two conclusions are invited by a comparison of their rates of collections. The first is that the presence of a full-time enforcement agency in Washtenaw, ready, if requested, to make efforts at enforcement, exerts significant and sustained effects on many fathers' payments throughout the lives of their orders.

Our conclusion that even a minimal, full-time enforcement system such as Washtenaw's Friend of the Court has a significant impact on collections is corroborated by the information collected annually by the Department of Health, Education, and Welfare on support payments in welfare cases in each of the fifty states, many of which, until recently, made no organized effort to collect support even in welfare cases. Year after year, up through the mid-1970s, Michigan apparently collected an average of more per case than any other state in the country.⁴¹

41. See, e.g., STAFF OF THE SENATE COMM. ON FINANCE, 94TH CONG., 1ST SESS., CHILD SUPPORT: DATA AND MATERIALS 151 (Comm. Print 1975). Washington and

The second conclusion suggested by comparing the Michigan and Wisconsin data concerns the effects of jail as an instrument of enforcement. We found within Michigan that, in the absence of a self-starting enforcement system, a heavy jailing rate makes little difference in collections. The experience of the Wisconsin county, collecting so little but jailing as many men as Genesee, bolsters our own tentative conclusion about the futility of jail as an instrument of collection unless it is perceived by potential offenders as likely to occur to them, a belief that apparently arises not from the mere occurrence of jail but from an effective reminder system well marked with road signs pointing toward confinement.

IV. IMPLICATIONS OF THE STUDY FOR COLLECTION OF CHILD SUPPORT

An aggressive enforcement system, capped by jailing, induces many men to pay who otherwise would not. Working men who willfully refuse to support their children are widely considered immoral. On these two grounds alone, most Americans would probably consider jailing for nonsupport justifiable, even desirable. Before embracing jail too warmly, however, several further questions need answers: Do the dollar costs of a self-starting enforcement policy that relies in part on the use of jail exceed the dollars in added returns? Are there other costs to a jailing policy that cast doubt on the wisdom of relying on it? And finally, are there alternative systems not relying on jailing that can yield results that are as good as or better than those generated by jailing?

A. *The Dollar Costs and Benefits of Ardent Enforcement*

The answer to the first question—do dollar costs of especially aggressive enforcement exceed dollar benefits—seems to be a clear “no.” The financial costs of a self-starting, high-jailing system—of extra enforcement officers, extra court time, jail operations, and so forth—are considerable, but the additional amount of support collected is simply greater. As we discussed above, within the Michigan study, counties with both a self-starting enforcement policy and a substantial reliance on jailing collected on average 25% more than counties that did not have both, after controlling for population and unemployment. Thus, in Genesee County the marginal dollar costs of the arresting, jailing, and self-starting policy in 1974 might

California also have highly organized systems for collection in welfare cases. Because some data are missing, it is possible that in some years Washington collected as much or more on the average as Michigan.

conceivably have been as high as \$500,000,⁴² but the amount of collections attributable to these enforcement efforts might have been nearly \$3.5 million of the more than \$17.3 million collected by the agency that year.⁴³

We have so far been comparing costs and benefits among counties with full-time agencies, some more strident than others. If we compare instead the probable costs and returns of two jurisdictions, one having a full-time aggressive agency and the other having no agency at all and leaving each parent to private devices, by hypothesis, the savings in enforcement costs would be even greater for the latter. Yet, as the Dane County, Wisconsin, study suggests,⁴⁴ we would almost certainly find that the foregone collections would be vastly greater yet.⁴⁵

Our calculations do not include conceivably determinable losses of wages by the men jailed or losses of tax revenues from them, but these losses, while not trivial, need not necessarily be great. If, as

42. More work remains to be done by us on the marginal costs of a jailing policy. As usual, numerous factors complicate the calculations. For example, each Genesee judge spent a few hours a week on child-support cases, but removal of these cases from the dockets would not have led to a reduction in the number of judges. The long average jail terms in Genesee must have inflated enforcement costs, but a portion of these costs were probably avoidable without any loss in collections since, within the counties in our study, neither the length of the sentence nor the amount of time served affected county collections. Our calculation that Genesee incurred marginal costs of \$500,000 in order to sustain an aggressive, high-jailing system is based on a generous estimate of the expenses. *Viz.*, we assumed that a shift to a passive enforcement system would have allowed a reduction of one-half in the size of the enforcement staff and a savings of \$100,000 in court time. We further assumed that the average jail term served would be 60 days (far longer than that in most high-collecting counties) and that the costs of jailing were \$10 per inmate per day, the figure used by the Genesee sheriff in preparing his 1974 budget. Even with these highly inflated figures, costs barely totaled \$400,000, while in 1974 Genesee's Friend of the Court collected \$17.3 million.

43. Given our finding that a high-jailing, self-starting enforcement system boosts collections by roughly 25%, *see* text at note 27 *supra*, Genesee's collections in 1974 would have been about \$13.8 million, rather than the \$17.3 million actually collected, but for this system.

44. *See* text at and following notes 38-40 *supra*.

45. *See also* COMPTROLLER GENERAL OF THE UNITED STATES, COLLECTION OF CHILD SUPPORT UNDER THE PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN (1972) (report to the House Committee on Ways and Means).

A study of child-support collections that has been done for the Department of Health, Education and Welfare in five places with ardent enforcement procedures in welfare cases (including Genesee County, Michigan) found that in all of them the returns in dollars collected vastly exceeded the dollar cost of the enforcement efforts. *See* U.S. DEPT. OF HEALTH, EDUCATION AND WELFARE, ABSENT PARENT CHILD SUPPORT COST-BENEFIT ANALYSIS (1975). The study was conducted by Arthur Young & Company. This study did not compute the costs of jailing. On the other hand, it included all the costs of a bookkeeping and enforcement system in both divorce and paternity cases.

other parts of our study suggest, the deterrent effect of the sentencing rate turns not at all on the length of sentences imposed nor on the number of days served (some of the highest-collecting counties imposed the shortest sentences), most men could be held only a day or two with loss of little, if any, of the general deterrent effect.

We must remember when we are comparing costs and benefits that we are often referring to costs to the taxpayers to produce benefits to individual families. Only in welfare cases does the government both bear the costs and reap the gains and, even in the welfare setting, federal, state, and local governments bear uneven shares of the costs in relation to their shares of the returns.⁴⁶ In nonwelfare cases, dollars collected by the state are sent on to the custodial parent. At any given time, most divorced parents with children are not receiving welfare benefits. Across our twenty-eight counties, an average of 30% of the families were receiving welfare at the time we sampled. For the 70% of families not on welfare, the relevant cost-benefit question differs from that appropriately asked when the government is collecting for itself: in a society that normally relies on private ordering, the question is whether public enforcement offers values over private enforcement sufficient to justify the expenditure of public funds. Because public enforcement is so much more effective and because so many dollars are at stake for the benefit of children, most Americans would probably answer "yes," but reaching such an answer does require more than simply counting dollars.⁴⁷

B. *Other Costs of a Jailing Policy*

Even if a jailing policy yields more dollars than it costs, there may well be other reasons for doubting the wisdom of reliance on jail as an instrument of enforcement. An initial doubt about jailing for nonsupport is jurisprudential in nature. We might well decide that even willful nonsupport is not one of those forms of human misbehavior appropriately dealt with by criminal sanctions. Though not one of the "victimless" offenses, it is nonetheless an intra-family offense often signifying the continuation after divorce of patterns of behavior that were a part of the marital relationship: withholding as a technique of communication. Divorced men often "forget" to pay

46. See, e.g., Title IV(D) of the Social Security Act, 42 U.S.C. §§ 655, 658 (Supp. V 1975).

47. To some degree the costs of public enforcement can be passed on to the "consumer." In Michigan, for example, each person subject to an order of support is charged \$18 a year to offset part of the agency's operating expenses.

not out of vicious disregard for their children but from more prosaic human failings of jealousy or anger. Divorced women may similarly "forget" that Tuesday was the day the father was coming to visit the children. Citing the "emotional stress" of the post-divorce period and child support's connection with "an intimate personal relationship," the Committee on One-Parent Families of Britain's Department of Health and Social Security thus recently recommended that Parliament eliminate jail as a permissible sanction for nonsupport.⁴⁸

Although the British Committee apparently assumed, contrary to our findings in Michigan, that neither jailing nor the threat of jailing produces beneficial effects on parents' payments, the Committee's judgment about the inappropriateness of penal sanctions in this context has appeal nonetheless. To be sure, the fact that behavior occurs between family members should not by itself place it beyond the reach of the criminal law. Few would recommend removing penalties for the killing of one spouse by another, even though it is connected with "an intimate personal relationship" and committed under "emotional stress." To most people, however, killing and nonpayment of support are simply not of the same order of seriousness. Thus, recognizing the emotional stress that lies behind the failure of many men to pay support may undercut our sense that the act should be considered criminal and the offender marked with our most severe form of public condemnation, even though the same degree of stress would alter only slightly our sense of the heinousness of murder.

Examining the men who end up in jail provides a second source of misgivings about using it widely. Most of us have probably growled over news accounts of a physician or insurance agent earning \$60,000 but failing to make his support payments. Well, few doctors or insurance agents languish in Michigan jails for failing to pay child support. The hundreds of men found in Michigan's jails on any given day typically have unsteady work histories as unskilled workers. A high portion have alcohol problems.⁴⁹

48. 1 DEPARTMENT OF HEALTH AND SOCIAL SECURITY, REPORT OF THE COMMITTEE ON ONE-PARENT FAMILIES 128-32 (1974).

49. In our sample of 191 men sentenced to jail in Genesee County in 1969 and 1970, over two-thirds had indications in their file—wife's complaints, arrests for alcohol offenses—of some sort of alcohol problem. Half of this group had two or more such indications in their files. In a mail survey of the 28 Friends of the Court in our study, 18 answered a question asking whether there were any "recurrent patterns" among the men sentenced to jail for nonsupport in their county: 13 of these mentioned alcoholism or alcohol problems as one recurrent characteristic among their jailed men.