



United States Department of Health and Human Services,  
Offices of Family Assistance and Child Support Enforcement  
and the Department of Labor, Employment and Training Administration



Collaboration Initiative

# Technical Assistance Teleconference Summary Report

## *San Antonio Non-Custodial Court Initiative*

August 19, 2009

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### Background

On Wednesday, August 19, 2009, the United States Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance (OFA) and Office of Child Support Enforcement (OCSE) and the United States Department of Labor, Employment and Training Administration (ETA) hosted a technical assistance teleconference for Newark, New Jersey's Workforce Investment Administration. As an outgrowth of the OFA-sponsored Collaboration Initiative, Newark requested additional technical assistance on an innovative non-custodial parent initiative being integrated into the child support enforcement and workforce administrations in San Antonio, Texas.

### Participants

The teleconference included participants of the Collaboration Initiative, Federal representatives from each partnering agency and representatives from Newark's WIA, Texas' Office of the Attorney General, and the Texas Workforce Commission. ICF International facilitated the teleconference, collected information, and provided this summary. Below is a list of the participants on the call.

- James Butler, Federal Project Officer, Office of Family Assistance
- Al M. Fleming, Office of Family Assistance
- Dail Moore, Office of Child Support Enforcement
- Chris Ollis, Employment and Training Administration
- Ben Kushner, Employment and Training Administration
- Arlene Steinbacher, Essex County, New Jersey Workforce Investment Administration (requestor)
- Bruce Nigro, Essex County, New Jersey Workforce Investment Administration
- Vicki M. Reece, Texas Workforce Commission (respondent)
- Loretta Robertson, Texas Workforce Commission
- Noelita L. Lugo, Office of the Attorney General, Child Support Division, Family Initiatives
- Collaboration Initiative Denver Team
- Louisa Fuller, ICF International
- Christina Techico, ICF International
- Damon Waters, ICF International
- Jackie Schmidt, ICF International



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### Opening

**James Butler, Federal Project Officer**, opened the call with introductions and a brief overview of the technical assistance request. He then turned the proceedings over to Vicki Reece and her team to discuss the program.

### Program Overview

**Vicki Reece, Noelita Luco, and Loretta Robertson** provided an overview of the program.

Since 2005, the Texas Office of the Attorney General (OAG) and the Texas Workforce Commission (TWC) have partnered on a demonstration project that links IV-D courts, Office of the Attorney General- Child Support, and local workforce development boards. The *Non-Custodial Parents Choices Program* connects unemployed or underemployed non-custodial parents with employment services so those individuals can better financially and emotionally support their children.

The program is administered in 38-39 of Texas' 62 statewide child support offices and it is currently active in 14 of Texas' 28 state Workforce Boards. An additional two offices are slated to be opened in the fall of 2009. Participants enrolled in the program averaged \$9.04/per hour and 8 out of 10 participants usually gain employment in eight weeks.

There are a number of sites around the state and the Texas Workforce Commission is the primary funding source for the project and it initiated the program. The program allows the Texas Workforce Commission to receive referrals directly from the OAG through court orders for individual non-custodial parents through TANF or Medicaid who may be looking for workforce services and are court ordered into their program. The Texas Workforce Commission has a special arrangement with the local court, and it has staff offices located in the courthouse that facilitates referrals via phone to staff. Non-custodial parents are moved into services once the initial contact is made.

From the perspective of the Office of the Attorney General, the program is seemingly a way to alleviate some of the challenges faced by child support enforcement administrators working within the traditional collection activities and handling child support enforcement cases in court. In that the non-custodial parent is not paying and the case is eligible for judicial enforcement the OAG has leverage to insist that judges enforce child support orders and compel non-custodial parents to either pay or begin serving jail time.

With the NCP Choices program, the OAG is able to connect with the Texas Workforce Commission and local workforce boards to have a third option for parents. The program allows for non-custodial parents to achieve more and to increase their participation in the lives of their



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children. The program is an excellent resource for non-custodial parents because it provides them additional options to achieve self-sufficiency.

For example, if the parent is unemployed, has an unstable work history, or is low-skilled, the program works with the court to facilitate a court ordered interaction with the workforce center. As a result, the non-custodial parent and the workforce representative can assess strengths and barriers of the client and determine appropriate next steps to remove barriers to employment in order to help the non-custodial parent find work, and in turn, be able to pay child support.

A key component of the program is the use of co-located staff. The program uses a group of co-located program staff assigned to various courts across the program area and this co-location streamlines the program process and provides a seamless transition for non-custodial parents from the courtroom to the workforce environment. Participants are able to receive “on the spot” referrals, which effectively limits the lag time and possibility that a significant number of parents do not receive services. This particular program is modeled on the TANF employment and training program (Choices) and both have similar choices and similar allowable activities using TANF funds.

### **Outline of Program Activities:**

- Targets nonpaying child support obligors associated at any time with a TANF or Medicaid case;
- Features suspended or deferred commitment orders requiring participation;
- Includes close monitoring and verification by workforce staff;
- Depends on regular compliance hearings; and
- Provides consequences, up to and including jail time, for non-compliance.

### **Eligible participants must be:**

- Non-custodial parents (NCPs) with unpaid child support orders in the Texas Office of the Attorney General Child Support Program;
- Associated with families who currently or previously received TANF or Medicaid;
- Residents in the geography served by the participating local workforce development board; and
- Unemployed or underemployed.

### **Overview of program:**



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- OAG identifies non-custodial parents in the TANF caseload that are noncompliant with their child support payments, whose children either are or have been on TANF, and/or who also reside in the designated workforce service areas.
- The IV-D Court, which is responsible for child support enforcement in Texas, sets an enforcement docket for the identified non-custodial parents.
- OAG staff prepares consent orders, or modified probation orders.
- Non-custodial parents either sign the consent order to participate and complete the Choices program, make the requisite child support payments, or go to jail.
- Contractor staff for the local workforce board attends the enforcement docket, enrolls non-custodial parents at the IV-D court, and explains the contract outlining non-custodial parent rights and responsibilities and the consequences of non-participation.
- Staff then set appointments for non-custodial parents to come to the area One-Stop centers to receive workforce services, which may include accessing labor market information, job counseling, and job placement services, and possibly even short-term job training.
- A 30-day compliance report regarding non-custodial parent program participation and/or reported employment is sent to OAG and the IV-D courts from the board's contractor staff.
- Non-custodial parent participation and employment is entered at a scheduled compliance hearing.
- *Capias*— court orders to take custody of the non-custodial parents.

## Questions and Answers

### **1) Since the program is administered by the Office of the Attorney General, does the program require any legislation to get the court order?**

No, we did not need to obtain special legislation. We were able to file contempt charges against non-custodial parents not paying child support. The parents are facing potential jail time, and they were already going to be taken to court. Usually the Assistant Attorney General includes program participation within an order suspending probation or suspending commission. If non-custodial parents agree to participate, the judge approves their participation and orders them to the program and requires that they periodically return to the court to update the judge on the status. Although the program looks involuntary because the judge orders a parent, the parent is given the opportunity to agree to participation—it is not mandated.

### **2) Have you included this program in your TANF State Plan to justify the use of TANF funds?**

Yes, it is included in our state plan just as other TANF initiatives are and is also in our annual report. It is a state initiative not a local initiative.



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### **3) What type of programs, trainings (GED, job search, etc.) are you most frequently using for the NCP program?**

It replicates the TANF Employment and Training program, in that job search, job readiness, GED, are all key components of the program. The same work activities in TANF are in this program and many NCPs are in job search initially.

### **4) So, would you recommend that we reach out to our Attorney General as the first step for this?**

It depends on which agency handles IV-D judges. If the New Jersey Attorney General is over child support then your program should work with the Attorney General's office to start the program. Also, a key component of the program is a compliance hearing that lays out a court ordered specific schedule for the parent to check in with the court and report progress. In the event that a parent does not comply, this also facilitates a smooth motion to revoke probation. So, definitely begin to work with the Attorney General's office to find judges willing to use this as a tool in their enforcement cases. There is a strong collaboration between our office and the workforce office, and it is important to note that without buy-in from the IV-D judges, it would not work.

### **5) How did you get IV-D judges to buy in?**

The program worked with the judges to help them see that this is a third option. One of the things that was helpful in Texas was finding IV-D judges willing and open to the idea. Judges, in some cases, are looking for another option other than incarceration. This program provides them with a third option, being able to think, "if the parent is in jail, they will not pay." So it allows judges to see that both parent and child are benefiting from the program.

### **6) Is there anything your staff might have seen from working with judges that shows why they buy in?**

The staff can not imagine a project like this working without the IV-D judge. If the judge does not believe in it, it will not have the same support or success. There are so many jail states, where the judge really does want to find a third option. It is also difficult to find space within jails. This provides another option and a better option. These are fantastic and helpful judges. They really do want to see these individuals get connected to workforce services, because having that caseworker in the courtroom, makes the judge really realize, especially with the success stories, that there is a better option than just telling them to go get a job. It provides the resources for that.

### **7) If there was a court ordered payment and they are not employed, is that suspended until they complete the program? How does that work?**

Because it is part of the child support enforcement order, they are already obligated to pay. Texas may modify or lower the amount, but it is not suspended.





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### **8) Do you find many of these are re-entry?**

Texas has evaluated the program over the last several years, and the research has told them that the parents ordered into the program are on average more likely to have had a criminal history than our average population. We are talking about parents that have serious barriers to employment, and a criminal history is just one of the barriers. Since this program mirrors the Choices TANF program the clients have the same characteristics, the same barriers; problems from mental illness, to substance abuse, to criminal backgrounds and we provide the same services to each.

Since this is program designed to help individuals gain employment, we don't look at long term trainings. We provide some retention services and we don't just drop them when they become employed because we want to ensure they stay employed and are willing to continue to support their children.

### **9) What is some additional information about your participants and your program that would be helpful?**

On the one hand, the typical non-custodial parent ordered into the program is 35 years old and male (35% of program participants are females, however), has a criminal history (over half have felonies), averages a 12th grade education, has a poor work history, has a limited work history, and owe an average of \$35,000 in back child support. On the other hand external research has found that the non-custodial parents in the program are paying more of child support, paying more consistently, and their income has increased two-fold compared to before program entry. Looking at parents ordered in and comparing them to similar parents who were not ordered in, it is apples to apples. The program has a real world impact for individuals and families and for the Office of the Attorney General and Workforce Center because we are able to meet our goals.

### **10) Do you have reports on those statistics?**

We have an evaluation from late last year and some data from a few months ago. I can email that to everyone who would like it. It backs it up with data. ICF will work with San Antonio to collect additional resources and distribute through the Collaboration Initiative listserv.

### **11) With economy the way it is, have there been changes in your success rate?**

That is another neat thing. We are waiting for data now that is showing what has happened this year. We met with the researchers, and the trend in terms of consistency of payments and we have actually been able to sustain payments even with this year's economy.

### **12) Are there any additional resources for someone wanting to get a similar program started, do you have a point by point handout, something to walk them through the process?**

We have a comprehensive field guide that talks about the program, practical ways child support offices can use and should be using the program. We don't, however, have something





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that lists the steps for launch. We don't have that written down, but we would be happy to have conversations from the child support side about that. We are in the process of having a guide for case management staff in the field. We should have that shortly.

### Close-Out

Arlene Steinbacher (requestor) thanked San Antonio for the information and thanked the Federal partners for facilitating the call and helping her get answers to her main concerns. She also hopes to see the evaluation reports and statistics from the program because that information will help her in persuading judges and other key players to move things along. Dail Moore of OCSE thanked ICF for putting the call together and thinks that this is an exceptional project and a great way to help solve the problem of non-custodial parents not paying child support. Chris Ollis of ETA thanked the participants and encouraged participants to share information with the Workforce3One (DOL) site. ICF will work OFA to determine appropriate next steps and then work with ETA to facilitate collaboration between the Initiative and Workforce3One.

James Butler thanked the participants on the call and closed the call by encouraging participants to reach out to the Collaboration Initiative by using the listserv located at [Collaboration\\_Initiative@icfi.com](mailto:Collaboration_Initiative@icfi.com). He thanked the Federal partners, ICF International and the participants on the call.



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### Appendix

### NCP Program Flow Chart

