

**MODIFYING ORDERS FOR D.C.  
PRISONERS**

**Office of Attorney General  
Child Support Services Division**

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# GRANT AWARD MODIFYING ORDERS FOR D.C. PRISONERS

- In 2006 The Child Support Services Division (CSSD) of the District of Columbia submitted a proposal to the Federal Office of Child Support Enforcement (OCSE) for a Section 1115 Demonstration Grant.
- CSSD was awarded the grant to implement a new approach to modifying child support orders for D.C. prisoners.



# Dramatic Rise in Incarceration

- In 2004, about 7 million people were in jail or prison, or on parole or probation in the United States, up from 4.4 million in 1990.
- In D.C., about 22,000 people were in jail or prison, or on parole or probation in 2004, representing about 5% of the adult population in D.C.



## High Incarceration Rate Negatively Affects Child Support Performance

- Obligor involved in the criminal justice system have lower compliance rates and higher arrears than obligors not involved in the criminal justice system. Thus, the rise in criminal justice involvement has negatively affected child support performance.



## Considerable Overlap Between Offender Population and Child Support Obligor

- Most Offenders are Parents of Minor Children.
- Between 25% to 30% of offenders are estimated to have an active child support order.
- Recent match with Court Services and Offender Supervision Agency (CSOSA) found 40% of parolees had a CSSD case; 30% had an active support order enforced by CSSD.



## New D.C. Legislation Creates an Opportunity



- In 2004, the D.C. Council passed a law that requires sentencing judges to inform individuals being sentenced to prison of their right to petition the court for a modification of their child support order.
- The law requires that sentencing judges provide offenders with pro se petitions for modifying their child support orders and allow offenders to file this petition at their sentencing hearing.

# New Law is Currently Underutilized

- Very few obligors are filing petitions for modification at their sentencing hearings.



- D.C. Superior Court reported that they had 3,500 felony pleas in 2005, yet less than 50 modification petitions were filed.



## **Goals and Objectives of the 1115 Modification Project**

1. Develop a new approach to implementing the new order modification law for newly sentenced offenders;
2. Review orders of obligors already in prison to reduce the backlog of cases needing modifications;
3. Develop a better approach for reinstating orders once inmates are released from prison; and
4. Modify 1,200 orders for incarcerated obligors over a two year project period.

## **Goal 1.**

### **Develop a better approach to implementing the new order modification law for newly sentenced offenders**

- CSSD is hoping to receive a daily list from the Superior Court of offenders who have been scheduled for their sentencing hearing. Project staff will ascertain which of these offenders have child support orders enforced by CSSD. This information will then be given to the Court prior to the sentencing hearing.

## **Goal 2.**

### **Review orders of obligors already in prison to reduce the backlog of cases needing modifications**

- CSSD hopes to use Federal data from Social Security Administration (SSA), called SVES (State Verification and Exchange System), to determine who is in a Bureau of Prisons (BOP) facility that has an order enforced by CSSD. BOP reports regularly to SSA who is incarcerated in their facilities via these data. Once CSSD knows who is in prison, project staff will pursue order modification on these cases.

## **Goal 3.**

### **Develop a better approach for reinstating orders once inmates are released from prison**

- Under the new modification law, CSSD adds a condition to the modification that requires the offender to contact CSSD within 30 days of being released from prison to have his/her order reinstated.
- Research shows that offenders do not reliably contact the child support program upon release from prison.
- CSSD plans to develop an approach to reinstate orders that avoids relying on offenders to notify CSSD of their release.

## **Goal 4.**

### **Modify 1,200 orders for incarcerated obligors over a two year project period**

- CSSD will conduct outreach to BOP and Department of Correction (DOC) facilities.
- CSSD will conduct informational seminars on modifying orders and review child support cases for interested inmates.





# Where to Begin?



- Modifying Orders for DC Prisoners Kick-off Meeting & Press Conference
- On April 27, 2007 key stakeholders met to formally launch the project. The represented agencies included:
  - Court Services and Offender Supervision Agency (CSOSA)
  - D. C. Department of Corrections (DOC)
  - D. C. Superior Court, Family Division
  - D. C. Superior Court, Criminal Division
  - U. S. Parole Commission
  - U. S. Attorney Office, D. C.
  - Criminal Justice Coordinating Council
  - Pretrial Services Agency
  - Public Defender Service (PDS)
  - Office of the Attorney General, CSSD

# Progression of Efforts

## Data Collection – Bureau of Prisons

- CSSD receives a quarterly report from the Bureau Of Prisons facilities listing incarcerated persons. The latest list included over 7,000 prisoners.
- CSSD is matching the BOP data with the DC Child Support Enforcement System (DCCSES) to determine which prisoners have CSSD cases.
- **Next Step:** After identifying the prisoners with CSSD cases efforts will be taken to review the posture of the case to determine what case action should be taken (i.e. establish paternity or modify/suspend child support order).



# Progression of Efforts

## Data Collection – DOC

- CSSD receives a monthly report from the Department of Corrections (DOC) listing the prisoners in DC custody. This list contained over 3,000 prisoners.
- CSSD performed a data match with DCCSES to determine that 20% of the prisoners have a child support case.
- **Next Step:** After identifying the prisoners with CSSD cases efforts will be taken to review the posture of the case to determine what case action should be taken (i.e. establish paternity or modify/suspend child support order).



# Progression of Efforts

## Data Collection – DC Superior Court

- CSSD receives a daily report from the DC Superior Court Criminal Division identifying the persons who are being sentenced in a criminal proceeding.
- This daily report verifies that the current notification process is not working efficiently.
- **Next Step:** Developing procedures to file modifications/suspensions for persons not offered the opportunity at sentencing.

