

# A Collaboration and Strategic Planning Guide for States:

## Child Access and Visitation Grant Programs



**Department of Health and Human Services  
Administration for Children and Families  
Office of Child Support Enforcement**

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## Child Access and Visitation Grant Programs

### Introduction

Since 1997, the Federal Office of Child Support Enforcement (OCSE) has managed the “Grants to States for Access and Visitation” Program, as administered by 54 states (including the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands). Approximately \$80 million has been made available over the course of the past eight years (\$10 million per year) to “. . . enable states to establish and administer programs to support and facilitate noncustodial parents’ access to and visitation of their children,” as mandated by Congress.

In 2003, OCSE retained Policy Studies Inc. (PSI) and the Center for Policy Research (CPR) to prepare a report that would assist states in planning for the most effective use and expenditures of Access and Visitation (AV) grant funds. The purpose of *A Collaboration and Strategic Planning Guide* is to encourage states to re-evaluate their AV program and funding priorities by equipping them with (1) tools (needs and service assessment instruments); (2) a process for soliciting the input of and establishing partnerships with other key players (*e.g.*, judges, state and family court representatives, child support and faith- and community-based agencies); and (3) a format for convening AV-related program planning meetings. In addition, this report will assist states in:

- ▶ Maximizing the utilization of existing AV grant funds;
- ▶ Planning for the use of new AV grant funds anticipated in pending Federal legislation;
- ▶ Avoiding duplication of and gaps in services;
- ▶ Promoting collaboration among child support enforcement (CSE), courts, public agencies, and faith- and community-based organizations (FBOs/CBOs) to augment services;

- ▶ Targeting the populations most in need of services; and
- ▶ Exploring all possible funding mechanisms and opportunities for supplementing AV services.

To develop a *Guide* that is grounded in the actual experiences and needs of states, PSI/CPR worked with three states (Colorado, Tennessee, and Texas) to conduct prototype planning and assessment processes dealing with services to promote access and visitation. The three states selected to work with PSI/CPR have small, medium, and large funding levels for AV programs, respectively. They also had different arrangements for administering the AV grant, with Tennessee administering it through the child support agency and Colorado and Texas administering the grant under the aegis of the state's Administrative Office of the Courts.

All three selected states had court and child support leaders who were genuinely interested in examining the current status of their AV programs and assessing where to go in the future. As such, they were committed to:

- ▶ Conducting a broad examination of AV services and client needs;
- ▶ Collaborating with other relevant agencies and organizations;
- ▶ Developing a roadmap for more comprehensive service delivery; and
- ▶ Changing program priorities if the information collection and planning process warranted these actions.

**At every site, the planning effort involved:**

- ▶ Identifying key partners;
- ▶ Deciding on a planning process including data collection activities and meetings;
- ▶ Collecting and analyzing information on AV client needs and services;
- ▶ Convening key partners to communicate, review, and discuss gathered information; and

- ▶ Developing a document that communicates longer-term direction and strategies for the AV program.

**The PSI/CPR team assisted participating states by:**

- ▶ Meeting with the leaders of the planning process (“Executive Team”) to outline a meeting schedule, identify individuals to serve on a planning committee, and discuss planning objectives;
- ▶ Designing a series of instruments that each state used to inventory the availability of various AV services, the populations served, and unmet needs;
- ▶ Analyzing the information that states collected in order to identify gaps in services, underserved populations, and geographical areas that are neglected;
- ▶ Facilitating a meeting with the planning committee to review collected information and make decisions about AV priorities and future allocations; and
- ▶ Assisting states with preparing a plan that reflects the agreements reached during the planning process.

This *Collaboration and Strategic Planning Guide* outlines the steps that PSI/CPR took in Colorado, Tennessee, and Texas to conduct an assessment of each state’s AV program and to develop a plan for future direction. It shows how states can examine their AV programs critically in order to define or revise their overall mission.

Conducting a planning process has many benefits for the courts and child support agencies that administer the AV grants. The planning process:

- 1. Clarifies future directions;**
- 2. Specifies funding priorities;**
- 3. Develops a coherent and defensible basis for future funding decisions;**
- 4. Identifies new resources available for AV grants;**
- 5. Builds collaboration for the provision of AV services;**
- 6. Creates stronger commitment to the resolution of AV problems;**

7. **Monitors existing funding and improves performance and accountability;**
8. **Identifies the most effective use of limited resources; and**
9. **Positions the court and child support agency to act on new opportunities in the AV area.**

Of course, the planning process places demands on the participating courts and child support agencies. **The main resources needed are:**

- ▶ **Support of and commitment from the Executive Team;**
- ▶ **Time commitment from Planning Group participants;**
- ▶ **Experience with strategic planning;**
- ▶ **Facilitation skills (either in-house or contracted); and**
- ▶ **Experience with data collection and analysis.**

There are consequences of neglecting to conduct a planning process:

- ▼ The AV grant program's purpose and priorities may be unclear and unspecified;
- ▼ Opportunities for collaboration and service enhancement may go undiscovered;
- ▼ Service duplication, gaps, and other inefficiencies may go undetected;
- ▼ Some sources of political and financial support may go unexplored; and
- ▼ The issue of access and visitation may lack the visibility necessary to garner important interagency partnerships, and state legislative and judicial support, for the state's AV program.

Using a planning process, courts and child support agencies will acquire direction and a broader context for making difficult funding decisions in a competitive grant environment. As a result, applicants will view the grant-making process as more fair and the scope and

quality of AV services may be expected to improve.

The remainder of this *Guide* discusses in detail the 10 steps in the planning process. The appendices contain materials used by the three states involved in the project. Taken together, this report provides a comprehensive collaboration and strategic planning guide that any state can use to improve its AV program and partnerships among Child Support Enforcement, the courts, and other entities (including faith- and community-based organizations) involved in AV referrals and service delivery.

## Step 1: Identify an AV Executive Team



The Access and Visitation Executive Team is comprised of the individuals in the court and child support agency who have key responsibilities for administering the State Access and Visitation Program. Their primary roles in the planning process are to:

- ▶ Authorize and generate support for the planning effort;
- ▶ Identify and invite participants to the planning meeting; and
- ▶ Oversee the planning process.

The size of the Executive Team may vary, but it always includes at least one senior-level administrator in the child support agency and one in the court.

The following individuals served on the Executive Teams assembled for the planning process in the three states participating in this project.

### Colorado (“small state”):

- ▶ Child Support Enforcement Coordinator, Colorado Judicial Department
- ▶ Director, Office of Dispute Resolution, Colorado Judicial Department
- ▶ Family Court Facilitator, Denver District Court

### Tennessee (“medium state”):

- ▶ Deputy Director, Administrative Office of the Courts
- ▶ Program Manager, Administrative Office of the Courts
- ▶ Director of Field Operations and Management, Tennessee Child Support Division

### Texas (“large state”):

- ▶ Manager, Collaborations, Fatherhood and Family Initiatives, Child Support Division
- ▶ Director, Texas Office of Court Administration
- ▶ Access and Visitation Coordinator, Child Support Division

Through a series of conference calls, PSI/CPR and the Executive Teams made various decisions about the structure of the planning process. The decisions were guided by the following considerations:

- ▶ While all three states were interested in creating an interagency group with a broad and balanced understanding and appreciation of problems about access and visitation and their remedies, none

wanted to burden senior-level personnel with numerous planning meetings or involve them in the details of how to collect information about AV activities and needs.

- ▶ Although the states were heavily invested in involving the most qualified individuals in the planning process, they did not want to include AV grantees who had understandable biases and whose participation might threaten the integrity and independence of the planning process.

The states were also committed to making informed planning decisions and to conducting a needs assessment with key audiences and stakeholder groups. Thus, the Planning Groups that were assembled at each site to review the information that was collected about the AV program and to generate a plan for future allocations were guided by the following principles:

- ▶ **Inclusiveness:** The Planning Group included administrative and operational-level personnel in the courts and the child support agency, as well as a representative of faith- and community-based service providers.
- ▶ **Expertise:** The Planning Group was interdisciplinary and included judges, lawyers, child support workers, and mental health professionals who work with custodial and noncustodial parents and are familiar with their issues and concerns.
- ▶ **Independence:** The Planning Group did not include any recipient of an AV grant award, although it did include representatives of the Judicial Department in Colorado and Tennessee that receive and administer AV grant funds.
- ▶ **Efficiency:** The Planning Group was convened only once, to conduct a single planning session. All preparatory work was conducted by the Executive Committee and the consultant. It was a one-time event rather than an ongoing process.
- ▶ **Information:** The Planning Group was guided by information generated in assessments of needs conducted with key audiences and stakeholder groups. The Executive Committee and the consultant also gathered and analyzed information about past use of AV grant funds, as well as areas of unmet need.

The approach used by the Planning Group involved several elements of a strategic management and planning effort, such as:

- ▶ **Issue Focus:** The emphasis of the planning process was on the single issue of access and visitation rather than a broader look at an organization and development of a vision of what it could or ought to be.
- ▶ **Opportunity Seeking:** The emphasis of the planning process was on thinking through how current organizations and programs address problems associated with access and visitation and ways of enhancing service delivery by considering alternative directions and possibilities.
- ▶ **Systematic Analysis:** The emphasis of the planning process was on conducting a disciplined effort to make fundamental decisions that will shape and guide the allocation of AV grant resources.
- ▶ **Interactive Process:** The nature of the planning process was interactive, with participants reviewing, discussing, and responding to information that was provided, as well as making suggestions about the principles to guide future allocations of AV grant awards.
- ▶ **Plan Orientation:** The goal of the planning process was to determine the direction that AV grant-making should take in the future in light of the decisions adopted by the Planning Group. Another goal of the planning process was to identify the concrete steps that need to be taken to move in that direction.

## Step 2. Find a Facilitator-Researcher



The Executive Team may want to retain an outside consultant to help with facilitation and research or use an in-house facilitator/researcher. In selecting this individual, the Planning Group should look for someone who is:

- ▶ Independent and not a potential AV grant recipient;
- ▶ Skilled in leading groups in a systematic, interactive planning process to understand the current allocation of AV resources, analyze AV client needs, and consider future possibilities;
- ▶ Skilled in designing a data collection process and equipped with the technical expertise to analyze the information that is collected;
- ▶ Familiar with access and visitation issues, programs, and funding opportunities and able to inform the discussion with specific examples of how other jurisdictions and states are handling these issue allocation decisions; and
- ▶ Knowledgeable about the organization or the context in which AV programs operate, which typically involves courts, child support agencies, and community-based organizations that provide social, legal and/or alternative dispute resolution services.

**The following is a series of steps the Executive Team should take when choosing a facilitator/researcher in order to make an informed choice:**

- ▶ Check whether the facilitator/researcher is familiar with the terminology. How knowledgeable is he or she with terms like access and visitation, parenting-time, mediation, supervised visitation, visitation enforcement, alternative dispute resolution, and child support?
- ▶ Define clearly the scope of work. Will it only involve facilitation? Will it include collecting and analyzing data? Will it include report writing or distilling the results of the planning meeting into writing?
- ▶ Request a tentative proposal from potential consultants. What does the consultant propose to do and how much will it cost? If you have a set budget, identify the amount and ask consultants to describe the services and products they are prepared to provide for that fixed amount.
- ▶ Spell out the specific duties that the consultant will perform, facilitation activities, written products and deliverables, time frames, and payment arrangements.

### Step 3. Identify Members of the Planning Group



One of the main duties of the Executive Team is to identify the types of people and/or specific individuals who should be included in the planning effort. The following characteristics are important for Planning Group members:

- ▶ They are committed to the issue of access and visitation and want to assist noncustodial parents who are experiencing problems with it;
- ▶ They can think critically and reach consensus decisions;
- ▶ They have the ability to provide direction to the program; and
- ▶ They will be enthusiastic participants in a planning effort.

The Planning Group should include different types of people representing the network of organizations involved with the access and visitation issue. While the Executive Team will oversee the planning process and lead the process of collecting information and compiling it for other members, the Planning Group should consist of individuals with a broad knowledge base and diverse backgrounds, interests, and skills.

The Planning Groups assembled in Colorado, Tennessee, and Texas reflected this breadth and diversity.

#### **Colorado**

The Planning Group in Colorado was comprised of judicial, administrative, and service personnel at the court level and child support representatives at various levels, as well as a representative of community service providers and interest groups.

- ▶ Chief Judge, Denver Juvenile Court
- ▶ Family Court Facilitator, Jefferson County
- ▶ Director, Colorado Division of Child Support Enforcement
- ▶ Coordinator, Parent Opportunity Program, Policy Studies Inc., El Paso County, Colorado
- ▶ Child Support Enforcement Coordinator, State Court Administrator's Office
- ▶ Family Court Facilitator, Adams County
- ▶ IV-D Attorney, Jefferson County

- ▶ Magistrate, Arapahoe County
- ▶ Director, Office of Dispute Resolution, State Court Administrator's Office
- ▶ Private Mediator, Parent Education Trainer and Special Advocate and former director of the Access and Visitation Grant for the Office of Dispute Resolution, State Court Administrator's Office

## Tennessee

The Planning Group for Tennessee was comprised of court personnel and child support representatives at various levels, as well as a law professor who led a multi-year planning effort dealing with access to justice for unrepresented litigants.

- ▶ Deputy Director, Administrative Office of the Courts
- ▶ Program Manager, Administrative Office of the Courts
- ▶ Circuit Court Judge, Eleventh Judicial District
- ▶ University of Tennessee School of Law
- ▶ Juvenile Court Judge, Rutherford County
- ▶ Director of Tennessee Child Support Field Operations and Management
- ▶ Director of Tennessee Child Support Policy

## Texas

Texas' Planning Group consisted of child support and court personnel at different levels and a representative familiar with the advocacy and service community.

- ▶ Manager, Collaborations, Fatherhood and Family Initiatives, Child Support Division, Texas Office of Attorney General (OAG)
- ▶ Director, Texas Office of Court Administration
- ▶ Access and Visitation Coordinator, Child Support Division, Texas OAG
- ▶ Associate Judge, Houston, Texas
- ▶ Associate Judge, Georgetown, Texas
- ▶ Presiding Judge, 360th District, Fort Worth, Texas
- ▶ Director, Travis County Domestic Relations Office, Austin, Texas
- ▶ Director, Harris County Domestic Relations Office, Houston, Texas

- ▶ Regional Administrator, Child Support Division, OAG, Arlington
- ▶ Public Policy Director, United Ways of Texas

Top decision-makers, middle managers, and frontline personnel play different roles in the planning process, but all are important.

**Top decision-makers such as the chief judge, court administrator, and the IV-D agency director need to be involved because they:**

- ▶ Usually control the resources needed for the planning effort and have the prestige to attract others to participate;
- ▶ Likely will be formally responsible for implementing any changes that might result from the planning effort;
- ▶ Usually are most responsible for linking with other units of government and non-governmental agencies;
- ▶ Often are able to bring a longer-term perspective to a planning effort and the external environment; and
- ▶ Are key players whose support is needed to ensure successful outcomes.

**Middle managers need to be involved because they:**

- ▶ Most likely will be responsible for implementing most of the decisions resulting from the planning effort;
- ▶ Likely will have to defend the decisions and changes that result from the planning effort and deal with resistance and opposition; and
- ▶ Often are the ones who know how systems and programs “really” work.

**Frontline personnel play a critical role in the planning process because they:**

- ▶ Have extensive contact with parents and are aware of their needs;
- ▶ Know day-to-day procedures and practices and can assess whether certain services or programs are practical; and
- ▶ Are in a position to provide information and referral services to parents.

Since courts and child support agencies are intimately connected with other organizations — including advocacy groups (*e.g.*, fatherhood organizations) and faith- and community-based service providers — it is important to arrange for input from those who have a key stake in

the organization and delivery of services pertaining to access and visitation. It is also important to have the experiences of court and child support agency clients.

In Colorado, Tennessee, and Texas, input from frontline workers, court users, and child support clients was elicited from surveys and by having representatives of public advocacy groups serve on the Planning Groups.

A copy of the letter sent to members of the Texas Planning Group inviting them to participate and explaining its purpose appears in Appendix A. Similar letters were used in Colorado and Tennessee.

## Step 4: Assess the AV Needs of Various Groups



A key step in the planning process is to identify the main problems that parents face with respect to child access and visitation, the types of interventions that are perceived to be most helpful, and the major population groups that are not currently being served.

All three states decided to use surveys to elicit stakeholder views on these issues. The groups that were targeted for data collection were:

- ▶ Judges, associate judges, and magistrates who hear matters pertaining to child support and access and visitation;
- ▶ Court clerks, case managers, and other court staff who assist parents with child support and child access matters;
- ▶ Child support administrators, middle managers, and line staff; and
- ▶ Custodial and noncustodial parents who visit the court and/or child support agency.

It was decided that the surveys would cover a number of topics that were deemed important to identifying areas of unmet need and setting priorities for the AV grant program. Examples of these surveys can be found in Appendix B.

### Court Survey

The topics addressed in the surveys administered to **court** audiences included:

- ▶ The frequency with which various access and visitation problems are raised by parents;
- ▶ The adequacy of the court's response to various groups with respect to their access and visitation problems;
- ▶ The availability of key access and visitation services to parents served by the court and the extent to which parents are referred for services;
- ▶ The perceived utility of many forms of access and visitation services to divorcing and never-married parents; and
- ▶ The desirability of pursuing a few basic reform measures to improve the access and visitation situation that parents face and their ability to obtain relief.

### Child Support Survey

Many of the same topics were included in the surveys for **child support workers**, although there were some differences focusing on:

- ▶ The frequency with which various access and visitation problems are raised by parents;
- ▶ The typical response of child support workers to parents who complain about access and visitation;
- ▶ The role that child support workers should play in helping parents with access and visitation problems, and the perceived benefits and drawbacks to this type of intervention;
- ▶ The perceived utility of providing access and visitation information and referral services to parents served by the child support agency; and
- ▶ The familiarity of child support workers with various types of access and visitation services, and their availability for child support clients.

### Parent Survey

Brief surveys were designed for use with **parents** seen at the court and the child support agency. They included items that deal with:

- ▶ The presence of various types of access and visitation problems;
- ▶ The actions parents have taken to address these problems; and
- ▶ The perceived utility of access and visitation services actually or potentially funded by AV grants.

In addition to questions on these topics, the surveys elicited a limited amount of demographic information on respondents and their professional experiences.

The consultant developed draft surveys for each group that were reviewed by the Executive Teams at each site. Revisions were made pursuant to input by the Executive Teams.

### Survey “Checklist”

Below is a checklist for the development of planning group surveys:

- ▶ Does the survey use terminology that will be easily understood by the various audiences being assessed?

For example, visitation in Colorado courts is known as “parenting time.” Child support workers and parents themselves, however, still refer to it as visitation. Accordingly, the Colorado survey for court personnel refers to “parenting time,” while the surveys for child support workers and parents use the term “visitation.”

- ▶ Will the survey be understandable to major language groups?

In Colorado and Texas, the surveys for parents were translated into Spanish. Dual-language surveys were circulated at the court and child support agency, with English questions on one side and Spanish on the other.

- ▶ Is the survey likely to yield the information that the Planning Group wants?

At all three sites, we used fixed-choice questions on the survey. In our experience, respondents rarely write extensive answers to open-ended questions and the most useful information comes from questions and answers in a multiple-choice format.

- ▶ Is the survey clear and concise?

At all three sites, the surveys were formatted to maximize ease of use. Fonts, shading, columnar tabbing, and boxes were used to enhance clarity. The surveys looked crisp and professional.

### **Distribution of Surveys**

Once they were developed and revised, the surveys were administered using different techniques. The Executive Teams were responsible for administering the surveys and returning completed surveys to the consultant for data analysis. Each site adopted an opportunistic approach and utilized a variety of formats.

- ▶ **E-mail Blasts:** Surveys were sent to child support workers in Colorado and Texas as Word attachments to an e-mail from the State Child Support Director. Workers were instructed to complete the survey online, save it, and e-mail it back to a contact person at the child support agency. Alternatively, they could download the form and complete it manually, then convey it directly to researchers or a contact at the agency for conveyance to the consultant.

- ▶ **Mass Mailings:** Surveys were sent to judges and court clerks in Colorado and Texas as part of a mass mailing, with a cover letter signed by the chief justice of the state supreme court.
- ▶ **Conference Distribution:** Surveys were distributed to judges in Tennessee at a judicial conference. Surveys were also distributed to child support workers at the state child support conference. It is important to collect surveys right after they are distributed and not expect people to mail or fax them back at a later date.
- ▶ **Office Distribution:** Surveys were sent to managers of child support offices in Tennessee, who subsequently circulated them to workers at unit meetings. Drop-off boxes were established in each office to collect completed surveys while preserving the privacy of respondents.
- ▶ The questionnaires to **professionals** were distributed with an introductory letter signed by an administrator at the highest level possible. For child support workers, the introductory letter was sent by the State Child Support Director. For judges, court clerks, and other court professionals, the letter was sent under the signature of the chief justice of the state supreme court.
- ▶ Surveys to **parents** were distributed by child support workers at the agency and the court during a designated week. A drop-off box was established at each office to facilitate on-the-spot administration and collection of surveys in a private manner. Appendix C contains a draft introductory letter for child support professionals and court audiences.

## Step 5: Analyze and Present Survey Results



Once the surveys are completed, they must be entered, analyzed, and presented in an accessible, user-friendly manner. In Colorado, Tennessee, and Texas, these duties were performed by the consultant. A series of tables and charts that summarized major findings and data trends were prepared for each state. (See Appendices D1, D2, and D3 for tables for Colorado, Tennessee and Texas, respectively.) They provided context for subsequent discussions about how AV grant funds should be spent. The key displays that were prepared for each site include the following:

- ▶ **Characteristics of Court Staff Respondents:**  
This table summarized the number of responding court workers, their role in the court system, and their exposure to domestic relations versus child support cases.
- ▶ **Characteristics of Child Support Respondents:**  
This table summarized the number of responding child support workers, their tenure and role in the child support system, and the type of cases they routinely handle.
- ▶ **Characteristics of Parent Respondents:**  
This table summarized the number of mothers and fathers who completed the survey, the reason they were at the court or child support agency, the residential/custody status of the children, and the marital status of the parents.
- ▶ **Problems That Court and Child Support Workers Hear from Parents:**  
This bar chart compares court staff and child support workers on the frequency of different problems with access and visitation reported by parents. The most common complaint they report hearing is that the custodial parent does not allow the noncustodial parent to see the children. The second most common complaint is that the noncustodial parent does not visit often enough.
- ▶ **Court Personnel Rate How Well They Serve Various Groups with AV Problems:**  
This table shows that court personnel generally feel that the best-served groups are custodial parents and those who are divorcing or are divorced. The groups that are less well served include never-married parents, poor or indigent families, unrepresented parents, and noncustodial parents.

► **What Child Support Workers Say About Helping Parents with AV Problems:**

This table shows that child support workers strongly believe that they should be giving parents with AV problems referrals to community services. They are also very willing to refer parents to a specialized worker at the child support agency who can help them with these issues. Addressing AV problems is perceived by workers to be helpful in increasing collections and showing noncustodial parents that the child support agency is unbiased and child-centered.

► **AV Services Reported as "High Priority" for Parents by Court Staff:**

Court staff tend to favor preventive and early, non-adversarial interventions such as classes on co-parenting, conflict resolution and mediation and having court personnel (*e.g.*, facilitators, parent coordinators) on staff who can help parents negotiate a visitation plan and file it with the court. They also tend to favor simple, written materials on visitation and classes or workshops for unrepresented parents on how to file in court. Court staff typically favor similar interventions for divorced and never-married parents.

► **Services Reported as "Very Useful" by Child Support Staff:**

Since child support staff typically tell parents to go to the court to address their visitation problems, it would be useful to have someone at the court to help parents. Child support staff also like the idea of a telephone hotline that parents can call for legal information, advice, and referrals; and simple, written materials on visitation enforcement and how to file in court. More than half also support mediation services and classes on co-parenting and conflict resolution.

► **Services That Parents Say Might Help with Their Problem:**

Parents want to get into court and so they favor simple, written materials and/or classes on how to file in court, and the opportunity to talk to a lawyer. They would also like *pro se* assistance at the court and someone to help them fill out forms.

► **Actions That Court Staff Say the State Should Explore:**

Across the sites, there is strong support for making mediation mandatory in cases with contested custody or visitation. There is also strong support for simplifying the process to establish and/or

enforce visitation or parenting time. Tennessee and Colorado were interested in exploring the Texas system of routinely awarding a standard, presumptive parenting-time order, so that never-married parents have a legal right to visitation. Although court personnel want more services, they do not want to raise filing fees or levy special taxes to pay for them.

In addition to preparing tables and figures, it is helpful to prepare a simple narrative that summarizes key findings. The heavily bulleted narrative provides an opportunity for Planning Group participants to absorb the results of the needs assessments “At a Glance.” It is also possible to differentiate between responses for mothers and fathers, workers in rural versus urban areas, and staff with different levels of experience.

## Step 6: Determine Trends in AV Funding



The coordinator of the AV grant is in the best position to compile information on past funding decisions. The exercise enables the Planning Group to consider how resources have been allocated since the inception of the program and to note patterns of change and continuation. Do the awards have a demonstrable direction over time? (See Appendix E for an example of Colorado's analysis of AV funding over time.)

Table 1 shows initial grant allocations in Colorado, Tennessee, and Texas. It focuses on awards during Fiscal Year 2002. Each site had a distinct grant profile.

### **Colorado**

Colorado allocated most of its grant (60%) for mediation services for low- income and indigent parents, the majority of whom were involved in divorce and post-divorce matters. It devoted nearly 40 percent of its award to developing parent education curricula for divorcing parents in rural, underserved areas.

### **Tennessee**

Tennessee devoted all of its grant funds to supporting parenting plan coordinators. Their job was to review court files to ensure that divorcing parents had attended parent education classes and had participated in mediation or filed a permanent parenting plan prior to their court hearing.

### **Texas**

Texas dedicated 83 percent of its grant to supervised visitation services. Most of the remaining funds were devoted to legal information and enforcement services, and a few small grants were dedicated to mediation and parent education.

**Table 1: AV Grant Funding Activities For Colorado, Tennessee, and Texas in Fiscal Year 2002**

Colorado	Tennessee	Texas
<ul style="list-style-type: none"> <li>▶ Mediation services for low-income and indigent divorcing, post-divorce, and never-married parents (\$66,979).</li> <li>▶ Parent coordination for low-income and indigent parents in post-decree (divorce) cases (\$5,895).</li> <li>▶ Developing parent education curricula for divorcing parents in rural areas and training seminar presenters (\$44,495).</li> <li>▶ Organizing statewide supervised visitation conference (\$1,743).</li> </ul>	<ul style="list-style-type: none"> <li>▶ Hired 8 parenting plan coordinators to review court files and ensure that divorcing parties with minor-aged children attended parent education class, participated in mediation, or prepared a permanent parenting plan prior to their court hearing (\$179,000).</li> </ul>	<ul style="list-style-type: none"> <li>▶ 14 awards for supervised visitation to serve approximately 902 families (\$400,000).</li> <li>▶ 4 awards for legal information and enforcement services (\$135,764).</li> <li>▶ 2 awards for mediation services (\$57,251), one of which was aimed at serving low-income, IV-D clients.</li> <li>▶ 1 award for parent education (\$36,711).</li> </ul>
<b>Total Award:</b> \$119,061	<b>Total Award:</b> \$179,000	<b>Total Award:</b> \$621,000

In addition to identifying funding trends, the AV coordinator should explain the underlying factors that gave rise to particular funding decisions and/or changes in funding over time. Again, we look to Colorado, Tennessee, and Texas for examples of change over time.

## Colorado

In the past, most of Colorado’s AV grant funded mediation services for low-income and indigent parents, the majority of whom are divorcing and divorced, rather than never-married parents.

As a result of a recent decision by the legislature to provide state funding for the Office of Dispute Resolution (ODR), the program anticipates additional funds will be generated for indigent mediation in family and dependency and neglect cases, which will release AV grant funds for possible use with never-married parents.

In October 2004, Colorado received a demonstration and evaluation grant from OCSE (90FD0096) to place specialized staff in child support offices to assist parents in the IV-D system with access

problems by providing agency-based facilitation services and referrals to mediation, parent education, and *pro se* legal assistance.

## Tennessee

In 2002, marriage license fees were increased by \$60, of which \$7 was earmarked for a fund to pay parenting plan coordinators. The fund yields approximately \$175,000 per year, which supports parenting plan coordinators and provides for the costs of court-ordered mediation, parenting education programs, and any related services to resolve conflict in divorce and post-divorce matters.

The development of a permanent funding mechanism for parenting plan coordinators and services for parents in divorce or post-divorce cases freed up AV grant funds for reallocation. This coincided with the initiation of a statewide initiative dealing with unrepresented litigants. In June 2003, the state received a grant from the State Justice Institute to conduct a conference on unrepresented litigants. Following the conference, the Access to Justice Committee drafted an extensive array of *pro se* forms and an explanatory booklet.

AV awards in 2004 focused on assisting unrepresented parent litigants with child access and visitation issues, and included the creation of resource centers at courthouses, legal education clinics, classes on parenting plans, and mediation services.

## Texas

The tremendous volume of calls to the OAG about visitation matters prompted the agency to increase its award to Legal Aid of Northwest Texas in 2003 so that the Access and Visitation Hotline could provide callers telephone access to attorneys three hours per day, five days per week.

A 2004 evaluation showed that the Hotline was handling approximately 40 calls per day from men and women throughout Texas. Although many callers wanted more legal advice, high proportions reported that their situation had improved as a result of calling the Hotline.

In addition to increasing funds for the Hotline, the OAG made its first award in 2003 to the Harris County Domestic Relations Office (DRO) to resolve visitation issues by providing attorney consultations, parent conferences, family mediation, and legal enforcement services. Domestic Relations Offices serve 15 district courts in Texas and offer

a variety of investigation, mediation, coordination, and enforcement services to parents with divorce filings.

In 2004, Texas received a demonstration and evaluation grant from OCSE to experiment with referring non-paying IV-D cases to the Harris County DRO for interventions aimed at addressing problems with visitation and to monitor whether such efforts result in increased child support payments.

Based on these developments, the states revised their AV grant awards; in 2004, they were comprised of the following:

**Table 2: AV Grant Funding Activities For Colorado, Tennessee, and Texas in Fiscal Year 2004**

Colorado	Tennessee	Texas*
<ul style="list-style-type: none"> <li>▶ Mediation services for low-income and indigent divorcing, post-divorce, and never-married parents (\$104,718).</li> <li>▶ Parent coordination for low-income and indigent parents in post-decree (divorce) cases (\$6,041).</li> <li>▶ Developing parent education curricula for divorcing parents in rural areas and training seminar presenters (\$6,182).</li> <li>▶ Organizing statewide supervised visitation conference (\$2,000).</li> </ul>	<ul style="list-style-type: none"> <li>▶ 7 awards to assist unrepresented parent litigants with child access and visitation.</li> <li>▶ Civil courthouse resource center to help <i>pro se</i> litigants (\$52,820).</li> <li>▶ Monthly classes on parenting plans (\$20,000).</li> <li>▶ Mediation of custody and visitation matters for cases referred from child support docket (\$88,526).</li> <li>▶ Liaison at Juvenile Court offering information and referral services (\$29,300).</li> <li>▶ Materials for never-married parents, including forms and instructions on how to petition the court and clinics (\$110,000).</li> </ul>	<ul style="list-style-type: none"> <li>▶ 4 awards for comprehensive visitation enforcement services, including mediation, parenting education, and legal help (\$185,600).</li> <li>▶ 1 award for access and visitation hotline that provides legal info (\$130,000).</li> <li>▶ 1 award for legal enforcement of visitation rights (\$36,800)</li> <li>▶ 6 awards for parenting education, supervised visitation and drop-off, and mediation (\$252,974).</li> <li>▶ Other projects dealing with AV education, mediation in child support offices, and a co-parenting video (\$46,626)</li> </ul>
<p><b>Total Award:</b> \$121,028</p>	<p><b>Total Award:</b> \$179,000</p>	<p><b>Total Award:</b> \$646,000</p>

\*Fiscal Year 2005

## **Other Important Considerations**

Finally, it will be important to consider whether certain national patterns or trends in demography, funding, and policy should be taken into account in making state AV awards. Several demographic, legal, and social factors may appropriately shape AV allocations and the decisions of the Planning Committee. They include the following:

- ▶ **Non-marital birth rates:** In 2004, 35.7 percent of all births were to unmarried women. The proportions were even higher among poor and minority populations: 46.4 percent of Hispanic and 69.2 percent of African-American births were out-of-wedlock (Hamilton, Ventura, Martin and Sutton, 2005). These families are at greater risk of poverty and family dissolution than married families. According to the U.S. Census, the proportion of children in mother-only households who lived in poverty was 38.6 percent –almost five times the poverty rate for children in married-couple family groups (U.S. Bureau of the Census, 2004).
  
- ▶ **Rising rates of self-representation:** Surveys of the adult population show that rates of legal representation in divorce cases have dropped dramatically. For example, in Maricopa County (Phoenix, Arizona), self-representation in divorce rose from 24 percent in 1980 to 88 percent in 1990 (Sales, Beck and Haan, 1992). Self-representation among never-married parents is even higher. Most legal services programs report that they only accept cases involving family law problems when there is domestic abuse. It is estimated that government-funded legal services plus private and *pro bono* services satisfy only about 20.5 percent of the total legal needs of Americans whose income falls below the poverty line (Spangenberg, *et al.*, 1989).
  
- ▶ **Focus on divorcing parents in traditional court-services:** Courts have turned to new approaches to deal with overburdened dockets; to protect children from the harmful effects of adversarial proceedings; and to accommodate the rising tide of allegations of domestic violence, substance abuse and child maltreatment, and the declining use of lawyers in family law cases. Alternative dispute resolution (ADR) services include mediation, parent education, supervised visitation, and enforcement interventions for high-conflict families. With few exceptions, however, these programs are designed to serve divorcing parents and the courts that handle their legal matters. Far less attention has been paid to never-married parents who typically enter the court system as a result of actions dealing with paternity and child support.

- ▶ **Lack of visitation rights for never-married parents:** With few exceptions, state law is silent on the issues of custody and visitation in cases involving non-marital births whose paternity is established. One exception is Texas, which routinely accords parents standard visitation rights regardless of their marital status. In other states, a noncustodial parent who acknowledges paternity and obtains a child support order must petition the court for visitation rights before he can legally exercise parenting time. The procedure varies from state to state, but it is arduous.

For example, in Colorado, a noncustodial parent who has a paternity determination must file a Petition for Allocation of Parental Responsibilities and pay a \$176 filing fee. If the other parent does not agree to file as a co-petitioner with the parent filing the form, the noncustodial parent must complete a Summons to Respond to Petition for Allocation of Parental Responsibility, and serve the other parent. Both parties may be ordered to go to parenting classes or mediation to develop a detailed parenting plan. After filing, they may be sent to a court facilitator for a status conference or to a judge for a hearing, where their documents will be reviewed and an order for allocation of parental responsibilities and parenting time may be granted (Colorado Division of CSE, 2006).

- ▶ **Strong relationship between child access and child support payment:** Many studies find strong connections between child access and the payment of support. For example, David Chambers (1979) found that fathers with little or no contact with their children after divorce paid only about 34 percent of their child support, while fathers in regular contact paid 85 percent. Judith Seltzer (1991) found that two-thirds of parents with frequent contact paid child support, while only one-fifth of those with no contact made payments. Finally, the U.S. Bureau of Census (2003) reports that 77.1 percent of parents with joint custody or visitation rights paid at least some child support, compared to 55.8 percent of their counterparts without visitation rights or joint custody.

Although no causal connection has been found, a study by the Office of the Inspector General (OIG, 2002) of 190 parents who received mediation services in four states found that 61 percent paid more child support after services and that payments rose from 52 to 70 percent of what was owed. CPR's study of 970 parents in nine states who received mediation, parent education, and supervised visitation services showed that parents paid more support following program participation and that payments for never-married parents rose from 59 to 79 percent of what was owed (Pearson, Davis, and Thoennes, 2005).

- ▶ **The benefits of child support to children:** As a result of the receipt of child support, an estimated one-half million children were lifted out of poverty and the gap between low-income and higher-income families was reduced (Sorensen and Zibman, 2000). Families headed by single mothers who receive at least some child support during the year have a lower poverty rate (22%) compared to families who receive no child support (33%) (U.S. Bureau of the Census, 1999). Child support is the second largest source of income for poor families receiving child support (next to mothers' earnings) and comprised 30 percent of total family income in 2001 among families below the poverty level (Sorensen, 2003).

A meta-analysis of the literature on child support payments and child outcomes shows that payments are positively associated with children's educational success and negatively associated with children's acting out (Amato and Gilbreth, 1999). Children of both sexes and all races whose nonresident fathers pay child support have higher school grades, fewer behavioral problems, and more years of school attainment (Marsiglio, Amato, Day and Lamb, 2000). There is also evidence that fathers who pay child support are more involved with their children, providing them with emotional as well as financial support (Seltzer, McLanahan & Hanson, 1998). Enforcing child support obligations is credited with reducing divorce rates and deterring non-marital births (Barnow, *et al.*, 2000).

- ▶ **Lower rates of child support payments among never-married parents:** While child support collection rates have more than doubled since 1996, with 50 percent of families in the program now receiving support (up from 20 percent in 1996) and collected dollars up by more than 75 percent (\$12 to \$21 billion), rates of collection for never-married parents continue to lag. For example, the proportion of never-married mothers reporting receipt of child support only rose from 15 percent in 1991 to 22 percent in 1997 (U.S. Bureau of the Census, 1991 and 2000).

## Step 7: Hold the Planning Meeting



In all three states, Planning Group participants were asked to attend a day-long meeting and were assured that they would have ample opportunity to participate in the planning process. Given their busy schedules, Planning Group participants appreciated the fact that they were only being asked to commit a limited amount of time to the effort and that the Executive Team would assemble the information needed for planning prior to the full group meeting.

The planning meetings were scheduled from 10:00 A.M. to 3:00 P.M. to avoid overnight travel and allow out-of-town participants the opportunity to travel on the day of the meeting. Although it often was not feasible, efforts were made to combine the Planning Meetings with other events that might attract some participants to the state capitol where the meetings were held.

In convening the planning meetings, the ethic was to keep the process simple, be flexible, use whatever works, be responsive, and take advantage of unique opportunities.

Since members of the Planning Group only come together for a single session, it is important to organize and present all the material needed to explain the AV grant program, the rationale for the planning process, the results of the needs assessment, trends in AV grant funding, and the issues to be discussed. Clarity and brevity are keys to a successful planning effort.

A planning binder helps to achieve these goals. The binder contains an agenda with all relevant supporting material. By following the agenda and keeping to a pre-determined time frame, the Planning Group will be assured of building rapport, context, and background knowledge without sacrificing the goal of discussing key issues and developing a plan. The binder was distributed to members of the Planning Group at the meeting and reviewed with the assistance of the consultant.

### A. Introductions

The first item on the agenda is an introduction of Planning Group members and the consultant (if one is used). In addition to knowing the names of all those at the table, it is important to know their connection to the access and visitation issue. Are they judges who hear domestic relations matters and generally see divorcing or previously divorced parents? Are they child support magistrates or associate judges who generally see unmarried parents in paternity or order establishment proceedings? Are they child support administrators who

are chiefly responsible for ensuring that their workers establish and enforce child support orders within prescribed time frames and performance targets? Each person's perspective about the AV grant will be shaped by the population to which he or she is routinely exposed. It is critical to understand the populations with whom Planning Group members are both familiar and unfamiliar. If a consultant or facilitator is participating, he or she needs to be introduced and his or her connection to the access and visitation issue must be highlighted.

## B. Agenda

The day's goals should be stated. This primarily involves developing priorities for allocating existing and future AV grant funds. Other objectives are to identify (1) potential collaborations and funds to increase AV services; (2) ways to maximize utilizations of AV services; (3) ways to simplify the AV process; and (4) key AV objectives and performance measures.

## C. Background

Here, the goal is to explain the AV Grant Program and its objectives, as posited by Congress. To build context and understanding, the consultant or Planning Group leader should summarize how other states have used their AV grant funds. The Executive Summary to the report *Child Access and Visitation Programs: Promising Practices (2004)* is useful in this regard. The presentation should emphasize the following points:

- ▶ States have flexibility in the services they provide with AV dollars. Permissible services include mediation, counseling, education, parenting plan development, visitation guideline development, visitation enforcement services, supervised visitation, and neutral pickup and drop-off services.
- ▶ The most common services funded by AV grants have been mediation, parent education, and supervised visitation.
- ▶ States have targeted different populations for AV services, including parents in IV-D cases with child support obligations, low-income parents, divorcing parents, high-conflict families with domestic violence issues, and incarcerated noncustodial parents.
- ▶ States deliver services in a variety of ways that include programs based in courts, child support agencies, faith- and community-

based organizations, and independent contractors and service providers.

- ▶ States use grants to achieve different objectives. Some use AV services to fill in “gaps” in the state’s service mix. For example, California uses its AV grant for supervised visitation services because it already provides other critical AV services such as court-based mediation and parent education through other funding sources. Other states use the grants to stimulate the introduction of AV services in underserved areas. For example, Iowa awards AV grants to new locales every year or two. States also differ in the intensity of the services they provide. While some states try to provide preventive interventions for large numbers of parents, others focus on the most troubled families and provide intensive services for them.

#### D. Overview of Research Rationale

Why is the Federal OCSE sponsoring a program that provides grants to states for AV services? What is the connection between parent-child contact and child support payment? There is a large body of research on these topics. Without getting into too much detail, the consultant or Planning Group leader might want to highlight two recent studies and circulate the Executive Summaries. They are *Effectiveness of Access and Visitation Grant Programs*, by the U.S. Department of Health and Human Services, Office of Inspector General, October 2002 (OEI-05-02-00300); and *Evaluation of Participant Outcomes in Access and Visitation Programs*, by the Center for Policy Research (CPR) (June 2005).

The OIG study of 190 parents in four states who received mediation through AV Grant Programs concluded that:

- ▶ Seventy-six percent generated mediation agreements;
- ▶ Forty-two percent of parents reported increased contact with their children;
- ▶ Sixty-one percent paid more child support, estimated at \$56 per month per case; and
- ▶ Payments rose from 52 to 70 percent of what was owed.

The CPR study of 970 parents who received mediation, parent education, and supervised visitation services through AV Grant Programs in nine states concluded that:

- ▶ Sixty-seven to 73 percent of those who mediated reported reaching an agreement;
- ▶ Fifty percent of education clients rated material on children as “very helpful;”
- ▶ Ninety percent of parents in supervised visitation felt it provided a safe environment;
- ▶ Thirty-six to 49 percent of noncustodial parents reported an overall increase in visitation;
- ▶ Parents paid more support, with the percent paying more standing at 64 percent, 93 percent, and 53 percent for mediation, education, and supervised visitation clients, respectively; and
- ▶ For never-married parents, payments went from 59 percent to 79 percent of what was owed.

**The study also found that:**

- ▶ AV programs serve a diverse population, with most reporting low incomes, high rates of unemployment, and non-marital relationships;
- ▶ Supervised visitation programs serve the poorest parents with an alleged or actual domestic violence history;
- ▶ AV programs serve parents who cannot afford and do not receive other types of help; and
- ▶ Most families are referred for AV services by the court and few by child support.

**Other Relevant Research or Demonstration Project Activity:**

If a state has conducted other relevant studies of its AV programs or grant awards, the findings should be presented to Planning Group members. For example, Texas commissioned a study of its Access and Visitation Hotline aimed at assessing the scope of Hotline activities, as well as reactions of callers and suggestions for improving its effectiveness. The study involved analyzing information on 3,224 calls received between March 15 and August 30, 2004, and conducting follow-up interviews with 132 callers approximately three months after they phoned. The results showed that:

- ▶ The Hotline handles 40 calls per day (10,000 per year) from men and women of all ages, races, and locations in Texas;

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- ▶ Most Hotline callers were referred by the child support agency (OAG) and had low levels of education and income;
- ▶ Fathers who called wanted help with visitation denial, understanding how visitation works, and locating their children;
- ▶ Mothers who called wanted help with how visitation works, child safety, and how to change standard visitation orders;
- ▶ Eighty to 91 percent of callers say that Hotline workers referred them elsewhere for help;
- ▶ Hotline workers told fathers (23%) how to keep a visitation journal;
- ▶ Hotline workers told mothers (19%) about standard visitation;
- ▶ Mothers were more apt than fathers to follow up on referrals given by the Hotline;
- ▶ None of those who said they called Legal Aid was accepted for full services;
- ▶ Only one mother and one father recalled looking at the AV website;
- ▶ Some fathers (33%) and mothers (46%) say their problem was resolved or was somewhat better;
- ▶ Fifty-one to 58 percent of callers feel the Hotline “definitely” or “probably” made a difference;
- ▶ Disappointed Hotline users want more legal help and less referral activity; and
- ▶ The callers who were judged by attorney researchers to have the worst outcomes had the lowest incomes, no child contact, or only received referrals.

Both Colorado and Texas received demonstration and evaluation grants from OCSE to conduct projects to integrate access and visitation services in normal child support case processing activity.

**Colorado's Parenting-Time Project involves:**

- ▶ The placement of special staff (Child Access Specialists) in targeted child support agencies to provide services and community referrals to parents with access problems;
- ▶ The provision of in-house facilitation by Access Specialists aimed at generating or clarifying parenting-time agreements;
- ▶ Referral to mediation, education classes on co-parenting, classes for *pro se* litigants, and other community services; and
- ▶ Consolidating parenting-time agreements with paternity and/or child support orders filed with the court, thereby avoiding the need to file separately and pay fees.

**In Texas, the Enforcing Access, Ensuring Support Project involves:**

- ▶ Identifying parents who complain about being unable to exercise visitation, particularly those who are delinquent in their child support payments;
- ▶ Referring parents to the Harris County Domestic Relations Office;
- ▶ Providing attorney consultations, parent conferences, and parent education services aimed at generating an agreement on visitation; and
- ▶ Providing qualifying parents limited legal assistance to pursue their matter in court.

**AV Grant Trends:**

The consultant or the Planning Group leader should summarize state trends in AV grant funding. The description should include any changes in direction that funding has taken over the life of the program and the reason for these changes. The following are summaries of grant expenditures in Colorado, Tennessee, and Texas based on the above noted trend analysis discussed in Step 6.

## E. State Trend Analysis

### Colorado

Colorado has made a consistent commitment to funding mediation services for low-income and indigent parents who are divorcing, divorced, and never-married.

Other major areas of funding activity have been:

- ▶ The development of curricula for parent education programs in underserved, rural areas;
- ▶ Training seminar presenters;
- ▶ Supporting parenting coordination for low-income and indigent parents in high-conflict, post-decree cases in Denver;
- ▶ Training domestic relations and juvenile judges;
- ▶ Supporting dependency and neglect mediation;
- ▶ Funding to edit and print a book entitled, *Connecting With Your Kids: A Guide to Establishing, Modifying and Enforcing Parenting Time in Colorado*;
- ▶ Training court investigators to serve as Special Advocates in high-conflict, domestic relations cases in unserved/underserved rural judicial districts;
- ▶ Sponsoring a statewide conference for supervised parenting time programs; and
- ▶ Staffing a Domestic Relations Multidisciplinary Committee of the Colorado Supreme Court that studied domestic relations case processing in Colorado and developed standardized domestic relations forms and instructions for all state courts.

The legislature's recent decision to fund the Office of Dispute Resolution with state funds may create some new funding opportunities for the AV program. The introduction of court facilitators to handle family and dependency and neglect cases throughout Colorado presents an attractive opportunity to coordinate the delivery of access and visitation services to parents in the juvenile court who are not currently being served. Colorado's AV Grant Program expenditures in 2004-2005 include the following activities:

- ▶ Mediation services for low-income and indigent divorcing, post-divorce, and never-married parents;

- ▶ Parent coordination services for high-conflict parents in post-decree cases in Denver;
- ▶ Training parent education presenters for rural and underserved districts;
- ▶ Training special advocates to conduct investigations for the court in high-conflict cases in rural and underserved districts; and
- ▶ Assisting in planning and coordinating a statewide conference for supervised parenting programs.

## Tennessee

For the first five years of the AV Grant Program, Tennessee used its award to pay for a pilot project dealing with parenting plan coordinators who were hired to review court files in order to ensure that divorcing parties with minor-aged children had attended a parent education class and had participated in mediation or prepared a permanent parenting plan prior to their court hearing.

The 2002 increase in marriage license fees, with earmarked funds for parenting plan coordinators and services for parents in divorce or post-divorce cases, freed up AV grant funds for reallocation. The timing for new awards coincided with the formation of a statewide initiative dealing with unrepresented litigants.

In June 2003, the state received a grant from the State Justice Institute to conduct a conference on unrepresented litigants (“Statewide Summit on Unrepresented Litigants”). Following the conference, the participants developed an instruction booklet and a uniform set of forms that unrepresented litigants can use in a variety of family law matters. AV grant program funds are now being used to assist unrepresented parent litigants with child access and visitation issues. The seven awards for 2004-2005 include the following types of services:

- ▶ Developing a resource center at the courthouse to help self-represented parents negotiate the court and petition the court for visitation and/or arrange for supervised visits;
- ▶ Conducting a monthly legal education and *pro se* clinics on parenting plans, modifications, and visitation issues;
- ▶ Mediating custody and visitation matters referred from the juvenile child support docket;

- ▶ Creating a liaison at the juvenile court providing information and referral services regarding parenting and child support issues to divorced and never-married parents;
- ▶ Developing materials about divorce, co-parenting, and support;
- ▶ Developing materials for never-married parents and coordinating with child support enforcement agencies for their distribution; and
- ▶ Reviewing court files for evidence of a visitation order in juvenile court cases and a permanent parenting plan in court files.

## **Texas**

Since the inception of the grant program (1997-1998), most of Texas' AV grant funds have subsidized supervised visitation. For example, during Federal Fiscal Year 2002, 14 supervised visitation programs received approximately \$400,000 in AV grant funds to serve 902 families. Most of these programs had been funded since Federal Fiscal Year 1997 or 1998.

In 2002, the State OAG also sponsored four awards totaling \$135,764 to provide legal information and enforcement services, including a \$50,574 award to the Legal Aid of Northwest Texas to help support the creation and operation of a statewide Access and Visitation Hotline. In 2002, the OAG awarded two grants that totaled \$57,251 for mediation services, one of which was aimed at serving IV-D and low-income clients. The grantee list for 2002 also included one \$36,711 award for parent education.

In 2003, the OAG increased its award to Legal Aid of Northwest Texas so that the Access and Visitation Hotline could provide callers telephone access to attorneys three hours per day, five days per week. The OAG also commissioned an evaluation of the Access and Visitation Hotline, which was completed in February 2004.

Finally, in 2003, the OAG made its first award to the Harris County Domestic Relations Office (DRO) to resolve visitation issues by providing attorney consultations, parent conferences, family mediation, and legal enforcement.

## Step 8: Discuss Issues and Make Decisions



Developing a plan to direct current and future funding involves answering some key questions about the structure and ideological foundation of the AV grant program. Planning Group members may find it beneficial to drop their assumptions about the program and its priorities, and consider what the program might look like with a fresh start.

The fundamental questions to be examined and discussed by Planning Group members are shown below.

► Target Population: AV funds can be structured to serve many different types of noncustodial parents and their former partners, including:

- General parent population;
- Noncustodial parents;
- Never-married population;
- IV-D agency population;
- Divorcing population;
- Custodial parents;
- Incarcerated parents;
- High-conflict families with safety concerns;
- Parents who relitigate about AV issues;
- Parents who live far apart or in different states;
- Unrepresented parents; and
- Indigent population.

Question:

**Which of the many groups in need of help should be targeted for service?**

- ▶ Level of Conflict: AV disputes can be classified along a conflict continuum of:

- **Low:** preventive interventions for all separating/divorcing parents;
- **Medium:** conflict resolution and co-parenting interventions for typical AV problems; and
- **High:** interventions for visitation denial, safety allegations, and repeat litigation.

Question:

**Should funds be targeted to low-, medium-, or high-conflict families?**

- ▶ Intensity of Services: AV grant funds are limited. A basic decision deals with length, duration, and format of funded services, which can involve either:

- One-time-only services to more people; or
- More time-intensive services to fewer people.

Question:

**Should the AV awards provide intensive services to a few people or briefer services to many?**

- ▶ Scope of Services: What is the geographical scope of AV service delivery?

- Statewide
- Major population centers
- Mix of urban and rural areas

Question:

**Which geographical areas should be targeted for services?**

- ▶ Target Problems: AV problems are extremely diverse and include:

- General disagreements about frequency, duration, and nature of visits and co-parenting;
- Parents who do not understand visitation laws/orders;

- Lack of visitation orders among never-married parents;
- Parents who will not allow visits or orders that need to be enforced;
- Visitation orders that need to be changed;
- Parents who do not believe children are safe during visits;
- Parents who do not know where the children live;
- Hitting and fighting between the parents; and
- Parents who live far apart or in different states.

Question:

**What types of problems/issues should the grants try to address?**

- Priorities of Other Funders: Avoid duplicating services that could be offered by other entities, or consider collaborating with other funders like:

- Courts;
- Child welfare agencies or child protective services;
- Foundations;
- Faith- and/or community-based organizations; and
- Responsible fatherhood organizations.

Question:

**Are there any other entities that can offer relevant AV services with other funds?**

- Types of Services: AV problems can be addressed in different ways, including:

- Mediation services;
- Parent education classes;
- Supervised visitation;
- Neutral pickup and drop-off services;
- Classes on how to file in court to get visitation;
- Legal services;
- Court facilitator or other personnel to help with *pro se* filings;
- Website with information on AV issues and court filings;
- Simple, printed information on AV issues and court filings;

- Telephone hotline to handle questions on AV issues; and
- Dedicated child support workers to help with AV issues.

Questions:

- 1. What types of services attract the greatest use?**
- 2. What types of services inspire the most confidence?**
- 3. What types of services build on existing, effective services?**

► Other Steps to Improve the AV Situation for Parents: In addition to grant-funded services, courts and child support agencies can take other steps to make access and visitation more available to parents and less problem-ridden, including:

- Screening for AV issues in all relevant court proceedings;
- Screening for AV issues in all child support and paternity cases;
- Training child support staff on AV referrals/resources;
- Training court staff on AV issues/resources;
- Simplifying procedures to establish visitation orders;
- Simplifying procedures to modify visitation orders; and
- Simplifying procedures to enforce visitation orders.

Questions:

- 1. What are some other steps that courts and child support agencies can take to improve the AV situation for parents?**
- 2. What changes require legislative approval or court action?**

Once the Planning Group has discussed and made decisions related to each of these issues, the decisions should be summarized and communicated back to the members.

Summarizing the decisions that are reached is a way of determining whether the plan achieves the objectives of the Planning Group and reflects their values and vision for the AV program. The following table presents the decisions that Colorado, Tennessee, and Texas reached on key planning issues at the meeting.

**Table 3: Decisions on Key Issues Reached by Planning Groups in Colorado, Tennessee, and Texas**

	Colorado	Tennessee	Texas
Target Population	Never-married parents, including but not limited to those served by the IV-D agency	Unrepresented parents in domestic relations cases, including the never-married	Parents involved with the IV-D agency (child support)
Level of Conflict	Low to medium	Low	Low to medium
Intensity of Services	Less intensive	Less intensive	Less intensive
Scope of Services	Statewide	Statewide	Statewide
Target Problem	Lack of court-ordered parenting time	Lack of access to courts to obtain visitation orders and detailed parenting plans	Understanding standard visitation orders and resolving general disagreements about frequency, duration, and nature of visits and co-parenting
Priorities of Other Funders	Funds generated from a \$1 surcharge on traffic violations may be used to pay for supervised visitation and exchange services	Coordinate with mediators and bar associations for <i>pro bono</i> mediation and legal services to satisfy ethics requirements	County-funded Domestic Relations Offices in major metropolitan areas provide a variety of investigation, mediation, coordination, and enforcement services to parents with divorce filings
Types of Services	Providing court facilitators to assist unmarried parents with <i>pro se</i> filings; providing mediation to discuss parenting time arrangements	Mediation and limited legal services, <i>pro se</i> filing forms and instructional booklets, classes on <i>pro se</i> filings	Co-parenting education, mediation, and other ADR interventions, easy materials on AV; telephone hotline

<p>Other Steps to Improve AV Services</p>	<p>Consolidating parenting-time matters with paternity and child support filings to avoid separate filing fees</p> <p>Create AV forms and booklets in Spanish; monitor existing grants on AV and child support and disseminate lessons learned to other court and regional child support offices</p> <p>Expand role of court facilitators to include never-married parents</p> <p>Create statewide directory of AV services for IV-D and court staff</p> <p>Simplify legal procedures regarding parenting time</p>	<p>Review <i>pro se</i> forms and explanatory booklets and disseminate them at conferences for judicial, child support, and mediator audiences</p> <p>Review AV grants with a focus on performance</p> <p>Convene court and child support staff in counties with grants to improve project visibility and service delivery</p> <p>Standardize AV procedures throughout Tennessee</p> <p>Apply for relevant grants to expand assistance to unrepresented parents</p>	<p>Train child support and court staff on AV issues and resources</p> <p>Explore ways to simplify order modification and enforcement</p> <p>Monitor existing grants on AV and child support and disseminate lessons learned to other court and regional child support offices</p>
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## Step 9: Document and Disseminate the Final Plan



Following the Planning Meeting, the leader or consultant must distill the plan to writing. To make the plan operational, it should include a set of planned actions to be taken to ensure its implementation.

Attached in Appendix F are copies of the Planning Meeting Memos that the consultant developed for Colorado, Tennessee, and Texas. Highlighted below are some of the action steps for these states contained in their Planning Meeting Memos.

### Colorado

Having decided to focus more exclusively on never-married parents, with the objective of helping them obtain court-ordered parenting time, the Planning Group agreed that the following measures need to be taken to achieve these goals:

► **Eliminate structural barriers never-married parents face to obtaining parenting time.**

Some magistrates and judges did not believe that they had the authority to address parental responsibility matters in some cases (although recent legislation clarifies that they do have authority, a process needs to be developed in some courts). And although paternity and child support matters are filed at no cost to the parties for those who have requested IV-D services or are in the IV-D agency caseload, actions regarding parenting time are generally filed separately under a different docket and require payment of a filing fee of \$176. The Planning Group agreed to ask the supreme court to clarify that magistrates' authority includes parenting time and to permit parenting time matters to be filed with juvenile court dockets dealing with paternity and child support to avoid a separate filing fee.

► **Augment opportunities for never-married parents to receive *pro se* assistance.**

The Planning Group agreed to meet with the bar association and law school personnel responsible for *pro se* classes and clinics to ensure that the presentations and materials address the needs of never-married populations and/or to determine whether materials need to be revised or developed.

- ▶ **Translate forms and create simple explanatory materials in Spanish and English concerning parenting time for never-married parents.**

The Planning Group agreed to translate legal forms such as the petition for allocation of parental responsibility and the parenting plan template into Spanish, and to develop simple instructional materials. Forms and materials need to be available at the court and the child support agency, and also should be used in classes and clinics for *pro se* litigants.

- ▶ **Expand the purview of existing court facilitators to include never-married parents and/or obtain support for new facilitators to serve this purpose.**

The Planning Group decided that court facilitators have the best opportunity to help never-married parents develop parenting plans and incorporate them with their other juvenile court filings dealing with paternity and child support. Courts should explore the feasibility of adding juvenile cases to the purview of existing court facilitators as well as retaining new facilitators to serve the juvenile court. A variety of possible funding mechanisms should be explored, including new grant funds from the state AV grants, state funds for court facilitators, and Federal and state incentive funds from the child support program.

- ▶ **Monitor the existing demonstration project to integrate access and visitation services in child support case processing and disseminate results and lessons learned to courts and child support agencies in other counties and judicial districts.**

The Colorado Parenting Time Project, a demonstration project being conducted in Adams, El Paso, and Jefferson counties with demonstration project funds from the Federal Office of Child Support Enforcement, seeks to examine ways of assisting parents with access and visitation issues in the course of processing their child support case. The Planning Group needs to review the progress of the demonstration project and the results. Promising models of service delivery should be identified and implemented.

- ▶ **Strengthen ties among court facilitators, the Office of Dispute Resolution, and child support agencies, and develop procedures to make access services more visible and available.**

The Planning Group recommended that the Office of Dispute Resolution cultivate stronger ties with child support agencies at the county level, and develop appropriate referral mechanisms in order to extend the delivery of mediation services to parents in the child support system. Although the development of a comprehensive service delivery model cannot occur until the Colorado Parenting Time Project ends and the results of the evaluation are assessed, jurisdictions can begin to develop collaborative relationships between courts and child support agencies in the area of parenting time.

- ▶ **Develop a statewide directory of AV services that can be readily accessed by child support and court workers at the county level.**

To facilitate referral activity among child support workers and court facilitators, the Planning Group recommended that Colorado develop an Internet-based resource directory of AV services that child support workers, court personnel, and parents themselves could readily access to identify services in any geographical setting.

- ▶ **Simplify and standardize parenting-time procedures on a statewide basis and apply for relevant local and national funding opportunities.**

The Planning Group supported the notion of simplifying the process to establish, enforce, or change parenting-time orders. It was also interested in exploring the feasibility of developing a standard, presumptive parenting-time arrangement that could be incorporated in paternity orders and/or child support establishment and enforcement orders for never-married parents.

## Tennessee

Having decided to focus on trying to enhance access to justice for unrepresented parents, the Tennessee Planning Group determined that the following steps needed to be taken:

- ▶ **Elevate the committee working on access to justice and AV planning issues to a Commission of the Tennessee Supreme Court.**

The Planning Group agreed that it should be combined with the committee working on access to justice issues and elevated to the status of a Supreme Court Commission, with the joint goal of helping

unrepresented parents in domestic relations cases who have access and visitation problems, including never-married parents.

- ▶ **Create an assessment and evaluation subcommittee to review the AV grantees and the *pro se* forms and explanatory brochures.**

A subcommittee of the Commission should be created to review and assess the *pro se* forms and the seven AV grant awards for projects to promote access and visitation.

- ▶ **Have the AV grantees use the *pro se* forms and explanatory brochures, and provide feedback on their effectiveness and needed changes.**

The AV grantees are obvious settings in which to test the *pro se* forms developed by the access to justice committee and elicit information on needed revisions. The use of a standard set of forms and an explanatory brochure could also avoid duplication among the grantees, since several grantees include the development of explanatory materials and forms as part of their objectives.

- ▶ **Conduct a review of the AV grants, with a focus on performance patterns and recommended methods of strengthening service delivery.**

The evaluation sub-committee (or its designee) should hold conversations with the seven grantees to discuss how the grants are being implemented. The review process should identify problems encountered in implementation, changes to the original plan, and needed revisions, including ways to strengthen referral mechanisms and service delivery.

- ▶ **Conduct site visits to each grantee.**

The purpose of the site visit is to convene judges, court clerks, parenting plan coordinators, child support administrators, and service providers in counties that have received an AV grant to review the target population, develop referral procedures, and make the projects more visible.

► **Review the role of parenting plan coordinators.**

The Commission (or its designee) should initiate a discussion with parenting plan coordinators, judges, and clerks about expanding the range of duties that coordinators perform to include distributing *pro se* brochures and explanatory materials, and referring appropriate families to the AV grantees. The Commission should explore whether awarding small AV grants to help pay for parenting plan coordinators will make it possible for them to coordinate with child support agency workers and distribute materials to unrepresented parents who are sent to the court to pursue a filing for visitation rights and to develop a parenting plan.

► **Disseminate *pro se* forms and brochures, the AV grants, and other initiatives of the Supreme Court Commission at relevant conferences for judges, clerks, lawyers, child support workers, and mediators.**

The Commission should develop a plan to disseminate its materials and initiatives to relevant professional communities and to enlist the support of lawyers and mediators in providing free and reduced-rate legal and mediation services.

► **Publicize the availability of *pro se* forms and brochures, classes for unrepresented parents, and other resources to the general public.**

The Commission should obtain the advice of advertising personnel on how to orchestrate a public information and awareness campaign using free and donated services. It should consider public service announcements on television and radio, advertisements on buses, and business sponsorships.

► **Simplify, standardize, and use procedures affecting access and visitation on a statewide basis and apply for relevant local and national funding opportunities.**

The Commission should advocate for simplifying the process to enforce or change AV orders. It should also explore the feasibility of developing a standard, presumptive AV arrangement that could be incorporated in paternity orders and/or child support establishment and enforcement orders for never-married parents.

## Texas

Having decided to re-focus the AV grant awards on early and preventive interventions for parents in the IV-D system at the low to medium levels of conflict, the Texas Planning Group adopted a variety of action steps designed to achieve these objectives including:

▶ **Continue to support and strengthen the Access and Visitation Telephone Hotline.**

The Planning Group strongly recommended that the Access and Visitation Telephone Hotline continue to be funded. They also suggested that it be strengthened by adopting some of the recommendations included in a recent evaluation of the Hotline. This included suggestions to: train Hotline workers to provide more concrete advice rather than simply making referrals to other programs and services; mail follow-up information to callers rather than relying on them to use the Internet for information and materials; and assist legal services programs around Texas to provide periodic classes for unrepresented parents on visitation enforcement.

▶ **Create simple explanatory materials in Spanish and English concerning access and visitation issues and resources.**

Many parents in the child support system lack access to the Internet or are uncomfortable using it and do not take advantage of the excellent resources available on TXAccess.org. Simple informational materials and forms should be developed and distributed to parents in the child support system. They should also be used in classes and clinics for *pro se* litigants and by Hotline workers.

▶ **Reduce grants to supervised visitation programs and solicit projects that involve early intervention with families in the child support system at the low to medium conflict levels.**

The Planning Group recommended that the OAG request applications for future AV grant awards that reflect the decisions reached at the planning meeting. Accordingly, the OAG released a Request for Applications for 2005 in which they noted that “preference will be given to those proposals emphasizing early intervention, co-parenting education, alternative dispute resolution services, and visitation enforcement programs for parents with cases in the IV-D child support program.”

- ▶ **Encourage courts and child support workers to screen for access and visitation problems proactively when orders are established to identify early intervention opportunities.**

There was strong support among surveyed court staff for courts to screen for access and visitation problems at all relevant court hearings. Early identification of parents with access and visitation issues is central to the effective use of early intervention techniques like education and alternative dispute resolution.

- ▶ **Train child support and court staff on access and visitation issues, resources, and referrals.**

Although surveyed child support workers said they were willing to refer parents with access and visitation problems to appropriate community services, they have received no training to date on the issue. To encourage referral activity, workers need training on how visitation works in Texas, the nature of standard visitation orders, the places parents might go to get help, and the steps that parents might take to improve their visitation situation.

- ▶ **Monitor Texas' existing OCSE-funding demonstration project separate from the AV grant to integrate AV services in child support case processing and disseminate results and lessons learned to courts and child support agencies in other counties and judicial districts.**

*Ensuring Access, Encouraging Support* is a project that seeks to examine ways of assisting parents with access and visitation issues in the course of processing their child support cases. It is being conducted jointly by the child support agency in Region 6 and the Harris County Domestic Relations Office. The Planning Group recommended that promising models of service delivery identified in this project be disseminated to other child support offices and Domestic Relations Offices throughout Texas.

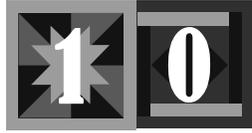
- ▶ **Explore ways to simplify the procedures to enforce and/or modify visitation orders.**

Court and child support respondents were strongly in favor of simplifying procedures to enforce and/or modify standard visitation orders. A discussion should be initiated with the bar association and legal services programs on methods of achieving simplification, particularly for unrepresented parents.

- ▶ **Develop a statewide directory of AV services that can be readily accessed by child support and court workers at the county level.**

To facilitate referral activity among child support workers and court staff, Texas should develop an Internet-based resource directory of AV services. The directory should be organized by child support region and county, and located on the unsecured portion of the website for the Texas OAG so that child support workers, court staff, and other service providers and parents themselves can readily identify services in any geographical setting.

## Step 10: Implement Plans and Monitor Performance



Implementing a plan can be challenging. Changing award patterns that have been in place can generate resistance from recipients who have an investment in the status quo and/or from groups whose self-interest is served by a certain award pattern. Implementation may also take time and energy that are in short supply in busy court and child support agency settings.

There are no magic solutions for implementing plans. They generally require time and patience. The following are some principles that enhance the probability of successful implementation and organizational change:

- ▶ **The plan must have the backing of the “boss.”** Key court and child support administrators must support the plan and approve of dedicating resources to its implementation.
- ▶ **The plan must be communicated to audiences that will be affected.** Current and potential grantees must be briefed on what changes are being proposed and why. Broader reforms may need to be coordinated with the bar association, the supreme court, and other entities in the judicial and legal environment.
- ▶ **The action items in the plan must be prioritized with an eye to achieving some successes on a continuing basis.** State plans may be ambitious and involve more steps than can reasonably be handled simultaneously. The AV coordinator should first pursue measures that can be taken more readily in order to build quick success and momentum for more substantial changes.
- ▶ **The action plan should not change what is working.** There are always elements of the “old” scheme that can be retained in a new one. The more of these elements that can be kept, the less disruptive and traumatic the change process will be.
- ▶ **The balance between patience and pushing must be discovered.** Change takes time, but too much patience can lead to inertia. Management needs to recognize that everyone is too busy to take on new commitments, but maintain pressure to bring about change when it is required.

At the conclusion of the planning process, Colorado, Tennessee, and Texas began to grapple with the issues of implementing their plans and

monitoring the implementation process. Their experiences may be instructive to other jurisdictions.

## Colorado

- ▶ **Create a subcommittee of the Planning Group to implement the decisions reached in the planning process and monitor progress.**

The Planning Group brought together judicial officers, court facilitators, child support personnel, and administrators of key alternative dispute resolution programs. It was decided that a smaller, interdisciplinary committee was needed to implement the recommendations reached during the Planning Meeting and that the full Planning Group should be re-convened in one year to monitor progress.

## Tennessee

- ▶ **Elevate the committee working on access to justice and AV planning issues to a Commission of the Tennessee Supreme Court.**

The Planning Committee agreed that it should be combined with the committee working on access to justice issues and elevated to the status of a Supreme Court Commission, with the joint goal of helping unrepresented parents in domestic relations cases who have access and visitation problems, including never-married parents.

- ▶ **Retain a staff person to assist the Commission and oversee the rollout of forms, the assessment of AV grants, and the dissemination effort to professional and general audiences.**

The Planning Group recommended that the OAG retain a temporary staffer to implement the process of reviewing the seven AV grants that have been awarded, as well as coordinating the process of circulating and reviewing the *pro se* forms that have been drafted, and orchestrating an educational outreach effort with relevant professional groups and the general public.

- ▶ **Pursue relevant local and national funding priorities.**

Soon after the Planning Meeting, the OAG and the Child Support Agency collaborated on preparing and submitting a grant application

to the Federal Office of Child Support Enforcement to demonstrate the impact on collections, enforcement actions, and adversarial proceedings of providing services dealing with access and visitation to never-married parents in the child support system in both establishment and enforcement cases. If funded, access specialists would be placed in three county child support offices, and *pro se* specialists would staff the corresponding juvenile courts to offer never-married parents assistance with self-represented filings dealing with access and visitation and to provide mediation services for couples who need help in completing a parenting plan that outlines when each parent will see the children.

## **Texas**

- ▶ **Release a Request for Proposals for new AV Grants that communicates the decisions reached by the Planning Group.**

The Texas Office of the Attorney General released a Request for Applications for new AV Grant awards. Pursuant to the decisions reached by the Planning Group, the request stated that “preference will be given to those proposals emphasizing early intervention, co-parenting education, alternative dispute resolution services, and visitation enforcement programs for parents with cases in the IV-D child support program.” In light of the Planning Group’s strong support for a telephone hotline, the request explicitly invited proposals for “one project to provide a statewide, toll-free telephone hotline providing legal information regarding access and visitation, custody, paternity establishment, and child support as well as legal resources for parents, and a website with shared parenting information and legal resources.”

## Conclusions

In 1997, the Federal Office of Child Support Enforcement initiated the State Child Access and Visitation (AV) Grant Program. The Program makes annual awards of \$10 million to states to promote the development of programs to alleviate problems with child access. Based on the number of children in the state living with only one biological parent, states receive annual awards that range from \$100,000 to nearly \$1 million. Twenty-five states and territories receive the minimum award of \$100,000, and another 17 receive awards that range from \$101,000 to \$200,000.

The congressional goal of the program is to "... enable states to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children." States have broad discretion in how they accomplish this goal and are directed to engage in a broad range of activities, including, but not limited to, voluntary and mandatory mediation; counseling; parent education; development of parenting plans; development of guidelines for visitation, supervised visitation, and/or exchange; and visitation enforcement. In 2004, states reported devoting at least some grant resources to parent education (42), mediation (40), supervised visitation (38), supervised exchange (40), parenting plan development (41), and counseling (28).

The limited research on the implementation and effectiveness of programs funded with AV grants has been promising. According to annual reports compiled by OCSE and independent evaluations conducted by the OIG (2002) and the Center for Policy Research (2005), it appears that:

- ▶ The program serves nearly 71,000 parents per year;
- ▶ The program serves a diverse parent population, with most reporting low incomes below \$20,000 per year and non-marital relationships;
- ▶ The program serves parents who cannot afford and do not receive other types of help;
- ▶ The program helps courts, which are the primary source of referrals (although referrals from child support agencies tripled between 2003 and 2004);
- ▶ The program helps improve parent-child contact, with one-third to nearly one-half of noncustodial parents reporting an increase in visitation following participation; and

- ▶ The program helps to improve child support payments, with more than half of participating parents paying more support following participation than before.

As we learn more about what services work well for which groups of parents, it makes sense for states to assess their programs and determine whether they are being used to maximum advantage. This *Guide* is intended to help key leaders in the child support, court, and service communities to ask and answer a number of questions about their grant programs, including:

- ▶ Which of the many groups in need of help should be targeted?
- ▶ Should funds be targeted to low-, medium-, or high-conflict families?
- ▶ Should the AV awards provide intensive services to a few people or more limited services to many?
- ▶ Which geographical areas should be targeted for services?
- ▶ What types of problems or issues should the grants try to address?
- ▶ Are there other entities that can offer relevant AV services with other funds?
- ▶ What types of services build on existing, effective service-delivery arrangements?
- ▶ What types of services attract the greatest use?
- ▶ What types of services inspire the most confidence?
- ▶ What are some other steps that courts and child support agencies can take to improve the AV situation for parents?

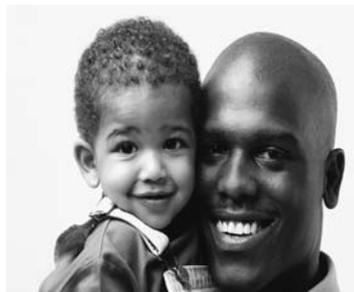
Asking and answering these questions in a systematic way will enable states to identify their values and objectives and determine whether their current programs are furthering these goals. As with any planning process, the outcomes are variable. The process may:

- ▶ Reaffirm the state's commitment to its current program and priorities;
- ▶ Identify a new direction for future funding;

- ▶ **Build commitment and support for new collaborations;**
- ▶ **Lay the groundwork for new demonstration project activity;**
- ▶ **Highlight duplication or possible areas of inefficiency;**
- ▶ **Identify new areas of needed legislative or court action;**
- ▶ **Improve accountability and performance in existing projects;**
- ▶ **Develop a more defensible basis for funding decisions; and**
- ▶ **Make the issue of access and visitation more visible and compelling.**

The materials presented in this *Guide* include some of the practical guidelines and materials that states will need to initiate and conduct a successful planning process. The *Guide* is based on the real-world experiences of three states and describes the procedures they followed in a step-by-step fashion. The *Guide* also includes surveys to use to assess the needs and reactions of different groups and the results of those investigations.

**The time to begin planning is always now.** Planning is always inconvenient and difficult. It is hoped that this *Guide* will make it less so.



## References

Amato, P.A. and J.G. Gilbreth (1999). "Nonresident Fathers and Children's Well-Being: A Meta-Analysis." *Journal of Marriage and the Family* 61: 557-573.

Barnow, Burt, Timothy Dall, Mark Nowak, and Barbara Dannhausen (2000). *The Potential of the Child Support Enforcement Program to Avoid Costs to Public Programs: A Review and Synthesis of the Literature*. Retrieved October 21, 2005 from [www.acf.hhs.gov/programs/cse/rpt/cs\\_cost\\_avoidance\\_final\\_rpt.pdf](http://www.acf.hhs.gov/programs/cse/rpt/cs_cost_avoidance_final_rpt.pdf).

Chambers, D. (1979). *Making Fathers Pay: The Enforcement of Child Support*. Chicago, IL. University of Chicago Press.

Colorado Division of Child Support Enforcement (March 2006). *A Parent's Guide to Visitation: How to Establish and Enforce Parenting Time*. Denver, CO: Colorado Department of Human Services.

Hamilton, B.E., S.J.Ventura, J.A. Martin, and P.D. Sutton (2005). *Preliminary Births for 2004. Health E-stats*. Hyattsville, MD: National Center for Health Statistics. Released October 28, 2005.

Marsiglio, W.P., R.D. Amato, R.D. Day, and M.E. Lamb (2000). "Scholarship on Fatherhood in the 1990s and Beyond." *Journal of Marriage and the Family* 62: 1173-1191.

Office of the Inspector General (2002). *Effectiveness of Access and Visitation Grant Programs*. OEI-05-02-00300. Washington, D.C.: U.S. Department of Health and Human Services.

Pearson, J., L. Davis and N. Thoennes (2006). *Child Access and Visitation Programs: Participant Outcomes*. Denver, CO: Center for Policy Research.

Pearson, J. and D. Price (2004). *Child Access and Visitation Programs: Promising Practices*. Denver, CO: Center for Policy Research and Policy Studies Inc.

Sales, B., C. Beck, and R. Haan (Nov. 1992). *Self-Representation in Divorce Cases*. Report prepared for the American Bar Association, Standing Committee on the Delivery of Legal Services.

Seltzer, Judith, Sara McLanahan, and Thomas Hanson (1998). "Will Child Support Enforcement Increase Father-Child Contact and Parental Conflict After Separation?" In Garfinkel, Irwin, Sara McLanahan, Daniel Meyer, and Judith Seltzer. *Fathers Under Fire*.

Seltzer, J. "Relationships Between Fathers and Children Who Live Apart: The Father's Role After Separation" (1991). *Journal of Marriage and the Family*. Vol. 53 (1), 79-101.

Sorensen, E. (2003). *Child Support Gains Some Ground*. Washington D.C.: Urban Institute. Retrieved April 20, 2005 from [www.urban.org](http://www.urban.org).

Sorensen, E. and C. Zibman (2000). "To What Extent Do Children Benefit from Child Support? New Information from the National Survey of America's Families, 1997." 21 *Focus* No. 1. Madison, WI: University of Wisconsin-Madison, Institute for Research on Poverty.

Spangenberg, R., *et al.*, (1989). "Report of the Civil Legal Needs of the Poor," in *ABA Consortium on Legal Services and the Public, Two National Surveys: 1989 Pilot Assessment of the Unmet Needs of the Poor and of the Public Generally*.

U.S. Bureau of the Census (Feb. 2004). "Children and the Households They Live In: 2000." *Census 2000 Special Reports* CENSR-14, Washington, D.C.

U.S. Bureau of the Census (2003). "Custodial Mothers and Fathers and Their Child Support: 2001." *Current Population Reports*, Series P-60, No. 225. Washington, D.C.: Government Printing Office.

U.S. Bureau of the Census (2000). "Child Support for Custodial Mothers and Fathers: 1997." *Current Population Reports*, Series P 60-No. 212. Government Printing Office, Washington, D.C.

U.S. Bureau of the Census (1999). "Child Support for Custodial Mothers and Fathers: 1996." *Current Population Reports*, Washington, D.C.: Government Printing Office.

U.S. Bureau of the Census (1991). "Family Disruption and Economic Hardship: the Short-Run Picture for Children." *Current Population Reports*, Series P-70, No. 23. Washington, D.C.: Government Printing Office.

## Appendices

Appendix A:  
Letter of Invitation to  
Interdisciplinary Planning Committee (Sample)

Appendix B:  
Drafts of Cover Letter for Survey  
to Court Personnel (Samples)

Appendix C:  
Access and Visitation Planning Project  
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Appendix D:  
Planning Project Assessments  
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Appendix E:  
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Appendix F:  
Access and Visitation Planning Group Memoranda  
from Center for Policy Research  
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Appendix F3—Texas Memorandum

Appendix A:  
Letter of Invitation to  
Interdisciplinary Planning Committee (Sample)

August XX, 2004

Dear

Texas has been selected by the Federal Office of Child Support Enforcement (OCSE) to conduct a planning process aimed at extending and improving the delivery of access and visitation services to parents, especially those with child support needs. Texas currently receives a grant of \$621,404 per year from OCSE for access and visitation services. These funds are used to support a variety of visitation services, including supervised visitation, parent education and a legal information hotline and website..

As part of our planning effort, we have collected information on access and visitation problems, available services and service gaps from child support staff, court personnel, and parents themselves. The Center for Policy Research is coordinating this project with us and has compiled the data for us to use in planning our Access and Visitation Program. We would like to invite you to be part of an interdisciplinary planning committee that will analyze this data, identify key service priorities, and make sure that grant monies are used to maximum advantage. The planning committee will also explore how to expand service delivery through new funding arrangements and service collaborations.

The planning committee will meet on Thursday, September 16, from 10:00am to 3:00pm. This meeting will be held in Austin at the Child Support State Office building, located at 5500 E. Oltorf, in room 373. Included in this mailing is a packet of background information and samples of the data collection forms used for assessing current access and visitation services in Texas. In order for our time together to be as productive as possible, we would appreciate your reviewing this material prior to the meeting.

Thank you in advance for your input and assistance. We look forward to working with you.

Sincerely,

POST OFFICE BOX 12017, AUSTIN, TEXAS 78711-2017; M/C: 033  
TEL: (512) 460-6122; FAX: (512) 460-6867  
EMAIL: CYNTHIA.BRYANT@CS.OAG.STATE.TX.US

Appendix B:  
Drafts of Cover Letter for Survey  
to Court Personnel (Samples)

## DRAFT COVER LETTER FOR QUESTIONNAIRE TO COURT PERSONNEL

Dear

Texas has been selected by the Federal Office of Child Support Enforcement (OCSE) to conduct a planning process aimed at extending and improving the delivery of access and visitation services to parents, especially those with child support matters. Texas currently receives a grant of \$640,000 per year from OCSE for access and visitation services. The funds go to support the Access and Visitation Hotline and supervised visitation services in some counties.

Part of our planning effort is to collect information on access and visitation problems, available services and service gaps. We need you to tell us what problems parents complain about, where you tell them to go for help, and the types of services you wish were available. Texas's interdisciplinary planning committee will use the information to identify key service priorities and make sure that grant monies are used to maximum advantage. The planning committee will also explore how to expand service delivery through new funding arrangements and service collaborations.

Please fill out the attached questionnaire and FAX it back to the Office of the Attorney General at \_\_\_\_\_ . The information you provide will be handled in an anonymous fashion and will be analyzed by a professional research firm. The planning report will be shared with the judicial community.

Thanks in advance for your input and help.

May 17<sup>th</sup>, 2004

Child Support AllSend:

Texas has been selected by the Federal Office of Child Support Enforcement (OCSE) to conduct a planning process aimed at extending and improving the delivery of access and visitation services to parents, especially those with child support matters.

Part of our planning effort is to collect information on access and visitation problems, available services and service gaps. We need you to tell us what problems parents complain about, where you tell them to go for help, and the types of services you wish were available. Texas's interdisciplinary planning committee will use the information to identify key service priorities and make sure that grant monies are used effectively. The planning committee will also explore how to generate new needed services by getting private agencies, courts, public programs and faith-based providers to work together.

The child support community has long known that child access and child support payment are interconnected for many families. This survey is your chance to tell us what you hear from parents and what you think ought to be done about it. The survey is being coordinated for the Office of Child Support Enforcement by a private research firm, the Center for Policy Research.

Please fill out the attached electronic questionnaire **by May 21<sup>st</sup>** and e-mail it to \_\_\_\_\_ at the \_\_\_\_\_ by clicking on the "File" menu, saving the document and then selecting "Send to" **mail recipient as an attachment (it may take a few seconds for the email window to open, but it will)**. Address it to \_\_\_\_\_. The information you provide will be handled in an anonymous fashion by the Center. The planning report will be shared with the whole child support community.

Thanks in advance for your input and help. If you have questions or comments please contact \_\_\_\_\_.

\_\_\_\_\_  
Child Support Division Director

**The Office of the Attorney General is conducting a survey of parents to determine how often visitation and access issues cause problems for our customers and who parents go to for help resolving those issues.**

**We would like for you to take just a few minutes to complete the following survey and then return it to the child support worker or attorney who gave you the form.**

**Filling out this form is totally voluntary, is anonymous, and information gathered will be used only to help develop new services for parents in the future.**

**When you have completed this form, return it to a member of the OAG Child Support staff.**

**Thank You**

Appendix C:  
Access and Visitation Planning Project  
Child Support Survey (Sample)

# Access & Visitation Planning Project Child Support Survey



What is your role in the child support agency?

- Child support worker       Child support administrator  
 Child support supervisor       Child support attorney

How many years have you worked in the area of child support? \_\_\_\_\_ years

What type of child support work do you do?

- Establishment  
 Enforcement  
 Both establishment and enforcement

When you speak with NONCUSTODIAL parents, about how often do they tell you they are having problems with access/visitation? Is it...

- Almost always       Occasionally  
 Often       Rarely

When you speak with CUSTODIAL parents or relative caretakers, about how often do they tell you they are having problems with access/visitation? Is it...

- Almost always       Occasionally  
 Often       Rarely

How often do you hear about these types of problems?	Very Often	Somewhat Often	Not very Often	No opinion Not enough client contact
The custodial parent or other caretaker does not allow visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no visitation order from the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parties do not like or do not understand the visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Problems between parents and the relatives caring for their children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Getting visitation rights in another state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no visitation because of problems with domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noncustodial parent (NCP) does not know where the children are living	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are concerns about the children's safety with the NCP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The children are not returned or not returned on time after visits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parties live so far apart that access and visitation is difficult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The NCP does not visit enough	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When you hear about access problems do you...	Usually	Sometimes	Never	Not applicable, not enough client contact
Tell the parties that child support and visitation are two separate issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tell the parties that there is nothing the child support agency can do about the problem	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Give the parties advice about how to deal with one another	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suggest the parties contact an attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tell the parties to go to court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refer the parties to mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refer the parties to a specific worker at the child support agency who will be able to help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Refer the parties directly to community services that will be able to help	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We would like to know what role you think child support workers should play in helping parties with access and visitation problems.	Agree strongly	Agree somewhat	Disagree somewhat	Disagree strongly	No opinion
Workers should be asking all parties whether they have problems with access and visitation	<input type="checkbox"/>				
Workers should be able to refer parties to a specialized worker in the child support agency who can help them with access problems	<input type="checkbox"/>				
Workers should give parties referrals to community services and resources that can help with access problems	<input type="checkbox"/>				
Workers are too busy to get involved in giving parties referrals or asking them about access problems	<input type="checkbox"/>				
Having child support workers help parties with access problems would probably help in collecting child support	<input type="checkbox"/>				
Having child support workers help parties with access problems would send parties the wrong message (that child support and access are linked)	<input type="checkbox"/>				
Having child support workers help parties with access problem would help convince noncustodial parents that child support is not biased against either parent	<input type="checkbox"/>				
Having child support workers help parties with access problem would help convince noncustodial parents that child support is interested in what is best for their children	<input type="checkbox"/>				
It doesn't matter what we do, the noncustodial parent won't cooperate	<input type="checkbox"/>				

What types of visitation services do you think would be most useful for parties?	Very Useful	Somewhat Useful	Not very useful	No opinion
A Basic legal education classes on how to get and enforce a visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B Easy written materials explaining how to get and enforce a visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C A website covering how to get a visitation order and how to enforce it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D Brochures to publicize a special access & visitation website and classes at libraries to teach people how to use it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E Someone at the court to help parties obtain, complete and file legal forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F Someone at the child support office to help parties who have access problems with information and referrals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G Telephone hotline to provide information and advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H Workshops to help parties develop plans that spell out when each parent will have the children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I Parenting classes teaching parties the importance of managing conflict	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J Mediation to develop parenting plans or work out problems around custody and visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K Supervised visitation (so the NCP only sees the child in a monitored and safe setting)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L Supervision of the pickup and dropoff of children so parties do not fight at the time of visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M Consultation with a family law attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Of all the items listed above (A-M), which 3 items would be most useful?

How familiar are you with the following access and visitation services, and how available are they in your community?

	Very familiar	Somewhat familiar	Not very or not familiar	How available is this in your community?		How affordable is this in your community?	
				<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion
Mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion
Parent education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion
Supervised visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion	<input type="checkbox"/> Very <input type="checkbox"/> Somewhat	<input type="checkbox"/> Not very <input type="checkbox"/> No opinion

# Texas Access and Visitation Planning Project Court Survey



In what county(ies) do you serve?  One \_\_\_\_\_  
 More than one, if so how many? \_\_\_\_\_

Are you a:  Judge  Associate Judge  Domestic Relations Officer  Clerk

How many years have you been with the Court? \_\_\_\_\_

Which of the following types of cases do you see most frequently?

- Mostly IV-D  
 Mostly non-IV-D  
 Both

How often do you hear about these types of problems?	Very Often	Somewhat Often	Not very Often	No opinion
One parent does not allow the other parent to see the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parents do not have a visitation order from the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parents do not like/understand standard visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Getting visitation rights in another state	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There is no visitation because of problems with domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noncustodial parent (NCP) does not know where the children are living	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The custodial parent (CP) does not think the children are safe with the NCP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The noncustodial parent refuses to return the children after visits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The parents live so far apart that access and visitation is difficult	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The NCP does not visit enough	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (explain):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How well do you think Texas serves the following groups with their visitation problems?	Good job	Fair job	Poor job	No opinion
Noncustodial parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Custodial parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Never-married parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parents who are divorcing or divorced	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High conflict parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parents who live in different states	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poor or indigent families	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unrepresented parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Families with domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Families with an incarcerated parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Racial or ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Families in rural areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Does your court or host county have the following Access/Visitation services available?

	Not Available	Don' know if it is available	Available	If available how often do you order or send people to this service?		
				<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never
Mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never
Parent education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never
Supervised parenting time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never
Legal Aid	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> regularly	<input type="checkbox"/> sometimes	<input type="checkbox"/> rarely or never

	High Priority	Moderate	Low Priority	No opinion/ Do not see these cases
<b>A</b> Classes to educate parents on how to enforce or change a visitation order.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B</b> Easy written materials explaining how to enforce or change a visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C</b> A website covering how to enforce or change a visitation order	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>D</b> Brochures to publicize an access and visitation website and classes at libraries to teach people how to use it	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>E</b> Someone at the court to help parents obtain, complete and file legal forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>F</b> Classes or workshops to help parents develop an access/visitation schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>G</b> Parenting classes teaching parents the importance of managing conflict, and how to co-parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>H</b> Mediation to deal with access and visitation problems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>I</b> Supervised visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>J</b> Supervised pickup and dropoff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>K</b> Consultation with a family law attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>L</b> Telephone hotline to provide information and advice on access and visitation issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>M</b> Material and services on access and visitation in languages other than English	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Of all the items listed above (A-M), which 3 items would you most like to see developed/improved?

\_\_\_\_\_

In general is the problem with these services that they are not available, not affordable, or both?

Not available    Not affordable    Both    Other \_\_\_\_\_

Should Texas explore how to...	Definitely should pursue	Might pursue	Should not pursue	No opinion
Increase funds for access and visitation services through special taxes (e.g., on alcohol or tobacco)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Simplify the processes used to enforce or change access and visitation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screen for access and visitation problems in all relevant court hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



We want to know how we can help parents with child support cases who are having trouble with visitation. We need to hear from you. Please take a minute to fill this out. You don't need to sign your name.

Did you get this survey at court or at the child support agency?

- Court
- Child support agency

Why are you here today?

- To decide who is the baby's father
- To decide how much child support should be
- To try to change the amount of child support you pay
- Problems with child support not being paid
- Problems with visitation
- Something else (What? \_\_\_\_\_)
- Don't know

Are you male or female?  Male  Female

Do the children live mostly with you, or mostly with the other parent?

- Mostly with you
- Mostly with the other parent

Were you ever married to the other parent?  Yes  No

Have you had any of these problems?

- The other parent will not let you see the children? -----  Yes  No
- I don't know what the court order says about my seeing the children? ----  Yes  No
- I don't know where the children live? -----  Yes  No
- The other parent does not see the children enough?-----  Yes  No
- The other parent does not bring the children home on time after visits? --  Yes  No
- The children are not safe with the other parent?-----  Yes  No
- The children live too far away for me to visit them?-----  Yes  No
- There has been hitting and fighting between me and the other parent? ---  Yes  No
- My child doesn't want to go visit the other parent?-----  Yes  No

If you have had problems, what have you done? (Check all the things you have done).

- Nothing
- Talked to a lawyer
- Gone to court
- Asked the child support agency to help me
- Called the Access and Visitation Hotline
- Gone to mediation
- Gone to a class
- Asked a friend what to do
- Asked my minister what to do
- Something else (What? \_\_\_\_\_)

If you have had any problems, what might help? (Check all the things you think would help).

- A class telling me how to go to court or get help
- Something in writing telling me how to go to court or get help
- A place on the internet telling me how to go to court or get help
- A person at the court to help me fill out forms
- Classes for parents teaching us how to get along
- A person to help me figure out when each parent should have the children
- Someone to watch the visit to be sure the children are safe
- Talking to a lawyer

Would you be able to pay for any of these things?

- Yes, I could pay something
- No, I could not pay



Nos gustaría saber como podríamos ayudarle a padres involucrados en casos de manutención que han experimentado problemas estableciendo tiempo para visitación. Sus respuestas son muy importantes. Porfavor tome un minuto para llenar la encuesta. No es necesario firmar su nombre.

¿Recibió esta encuesta en la corte or en la agencia de manutención?

- corte  
 agencia de manutención

¿Porque ha venido hoy?

- Para decidir quien es el padre del bebe  
 para decidir la cantidad de la manutención  
 para cambiar la cantidad de manutención  
 problemas con el fallo de pagos de manutención  
 problemas estableciendo tiempo de visitación  
 Otra situación (¿Que es? \_\_\_\_\_)  
 No sé

¿Es usted hombre o mujer?  Hombre  Mujer

¿Con quien hacen hogar los niños la mayoría del tiempo, con usted o con el otro padre?

- usted  
 el otro padre

¿Estuvo casado con el otro padre?  Sí  No

Have you had any of these problems?

- El otro padre no lo deja ver a los niños?-----  Sí  No  
 La corte no ha dicho cuándo puede ver a sus hijos?-----  Sí  No  
 To no sé donde estan los niños? -----  Sí  No  
 El otro padre no ve a los niños suficientemente?-----  Sí  No  
 El otro padre no regresa a los niños a la casa a tiempo? -----  Sí  No  
 Los niños no estan seguros con el otro padre?-----  Sí  No  
 Los niños viven demasiado lejos para visitarlos? -----  Sí  No  
 ¿Violencia domestica ha ocurrido (golpes o argumentos) entre usted y el otro padre?  Sí  No  
 Mi hijo/a no quiere visitar al otro padre? -----  Sí  No

¿Si problemas han ocurrido, como fueron resueltos? (Marque todo los que usted ha hecho).

- Nothing  
 hablado con un abogado  
 ido a la corte  
 Pedidó ayuda de la agencia de manutención  
 llamó al numero de telefono especial de la visitación y acceso  
 Algo más (¿Qué fue? \_\_\_\_\_)  
 ido a una clase de meditación  
 ido a una clase  
 hablar con un amigo/a  
 hablar con un padre

¿Si ha tenido otros problemas, que le podría ayudar? (Marque lo que usted creé le ayudaría).

- Una clase que le enseñe como ir a la corte y recibir ayuda  
 Información escrita sobre como ir a la corte y recibir ayuda  
 Un lugar en la computadora que describe como ir a la corte y recibir ayuda  
 Alguien en la corte que le ayude llenar las formas  
 Clases que le enseñan a los padres como llevarse bien  
 Una persona que le ayude determinar cuando cada padre debe cuidar a los niños  
 Una persona que vigile las visitas para estar segura/o que los niños estan seguros  
 Hablar con un abogado

Podría pagar por estos servicios?

- Sí, yo podría pagar parte  
 No, no podría pagar

Appendix D:  
Planning Project Assessments

Appendix D1—Colorado Assessments  
Appendix D2—Tennessee Assessments  
Appendix D3—Texas Assessments

## Appendix D1—Colorado Assessments



## Child Access and Visitation Grant Programs: Colorado Planning Project Assessments Survey Highlights

### **In 2004, CPR designed surveys for court staff, child support workers and parents:**

- 157 court staff responded to the emailed survey: 32% were judges, 21% were magistrates, 14% were family court facilitators and 33% were clerks;
- 191 child support workers responded to an e-mail questionnaire;
- 224 parents completed questionnaires distributed in courts and child support offices.

### **Most common problems court staff and child support workers hear from parents:**

- CP does not allow the NCP to visit (92% and 88%);
- Parents do not have a parenting time order from the court (69% and 71%);
- CP does not think the children are safe with the NCP during visits (83% and 48%);
- NCP does not visit enough (65% and 72%).

### **Fathers say:**

- The other parent will not let you see the children (58%);
- The other parent has not said when you can see the children (31%);
- You don't know where the children live (23%);
- The children live too far away to visit (19%).

### **Mothers say:**

- The other parent doesn't visit often enough (39%);
- The children are not safe with the other parent (23%);
- There has been hitting and fighting between you and the other parent (23%).

### **Court staff feels that Colorado does a "poor job" dealing with access problems for:**

- Families with an incarcerated parent (24%);
- Poor or indigent parents (22%);
- Parents who live in different states (21%);
- Unrepresented parents (16%).

### **When they hear about access problems, child support workers usually:**

- Tell parents child support and visitation are two separate issues (90%);
- Explain there is nothing the child support agency can do (56%);
- Suggest the parent contact an attorney (52%);
- Tell the parent to go to court (45%);
- Refer parents to community services that might be able to help (30%).

### **Court staff and child support workers rate the usefulness of AV services differently:**

- Their ratings may reflect their familiarity with services and their availability.



## **Child Access and Visitation Grant Programs: Colorado Planning Project Assessments Survey Highlights Continued**

### **Court staff rate the following services as “high priority” for both never married parents and divorced/divorcing parents:**

- Classes on coparenting/conflict resolution (68%);
- Family court facilitators (68%);
- Mediation (67% v. 64%);
- Advocate/parenting plan coordinator at the court to help parents (62%);
- Written materials explaining visitation issues (60% v. 57%);
- Classes or workshops to help parents with visitation issues (53% v. 51%).

### **Child support workers are most apt to report as “most useful”:**

- Someone at the court to help parents (78%);
- Written materials explaining visitation issues (70%);
- Telephone hotline (67%);
- Someone at child support to help parents with access issues (59%);
- Mediation (59%).

### **Fathers favor:**

- Written materials on how to go to court (30%);
- Talking to a lawyer (25%);
- Classes on how to go to court or get help (23%);
- A person at the court to help fill out forms (20%).

### **Mothers favor:**

- Written materials on how to go to court (17%);
- Classes on how to go to court or get help (16%);
- Talking to a lawyer (12%).

### **Court staff thinks Colorado should improve AV for parents:**

- Colorado should “definitely” make mediation mandatory in contested cases (67%);
- Colorado should “definitely” simplify the processes used to establish and enforce parenting time (45%).

### **Child support workers say they are too busy to ask all parents about AV:**

- Workers are willing to refer parents to community services (92%);
- Workers would like to refer parents to a specialized worker in the child support agency who can help them with access problems (78%);
- Having child support workers help parents with AV problems would help convince NCPs that child support is interested in what is best for their children (83%);
- Having child support workers help parents with AV problems would probably help in collecting child support (81%).

# Colorado Access and Visitation Planning Project

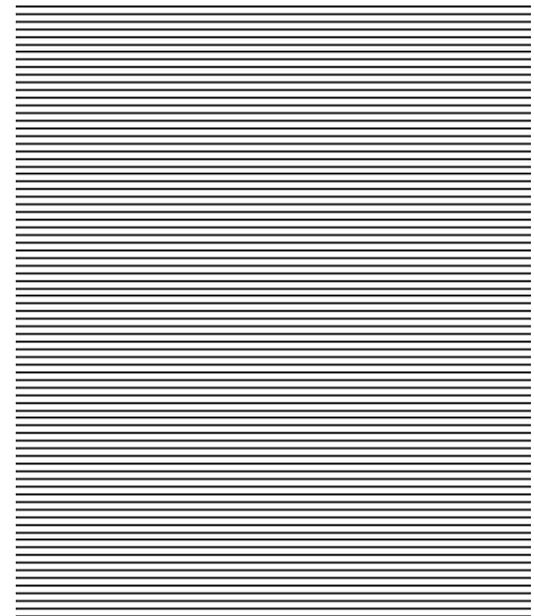
- Survey Results
- Center for Policy Research

1570 Emerson Street

Denver, Colorado 80218

303.837.1557

[www.centerforpolicyresearch.org](http://www.centerforpolicyresearch.org)



# Characteristics of Colorado Court Staff Respondents (n=157)

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Role in the court system:

Judge	32%
Magistrate	21%
Family Court Facilitator	14%
Clerk	33%

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Currently or previously worked with following types of cases:

Juvenile	82%
Domestic relations	89%
Child support (IV-D)	88%

---

# Characteristics of Colorado Child Support Respondents (n=191)

## Role in the child support agency:

Child support worker	81%
Child support supervisor	10%
Child support administrator	6%
Child support attorney	4%

## Number of years worked in the area of child support:

Mean	8.3
Median	7.0
Range	1-31

## Type of child support work:

Establishment	13%
Enforcement	37%
Establishment and enforcement	50%

## When speaking with NCPs, how often they tell you they are having AV problems:

Almost always	25%
Often	54%
Occasionally	15%
Rarely	6%

## When speaking with CPs, how often they tell you they are having AV problems:

Almost always	6%
Often	27%
Occasionally	44%
Rarely	24%

## Characteristics of Colorado Parent Respondents (n=224)

### Received survey at:

Court	7%
Child support agency	93%

### Reason at agency:

To decide who is the baby's father	7%
To decide how much child support should be	17%
To try to change the amount of child support you pay	7%
Problems with child support not being paid	23%
Problems with visitation	6%
Something else	37%
Don't know	9%

### Sex:

Male	31%
Female	69%

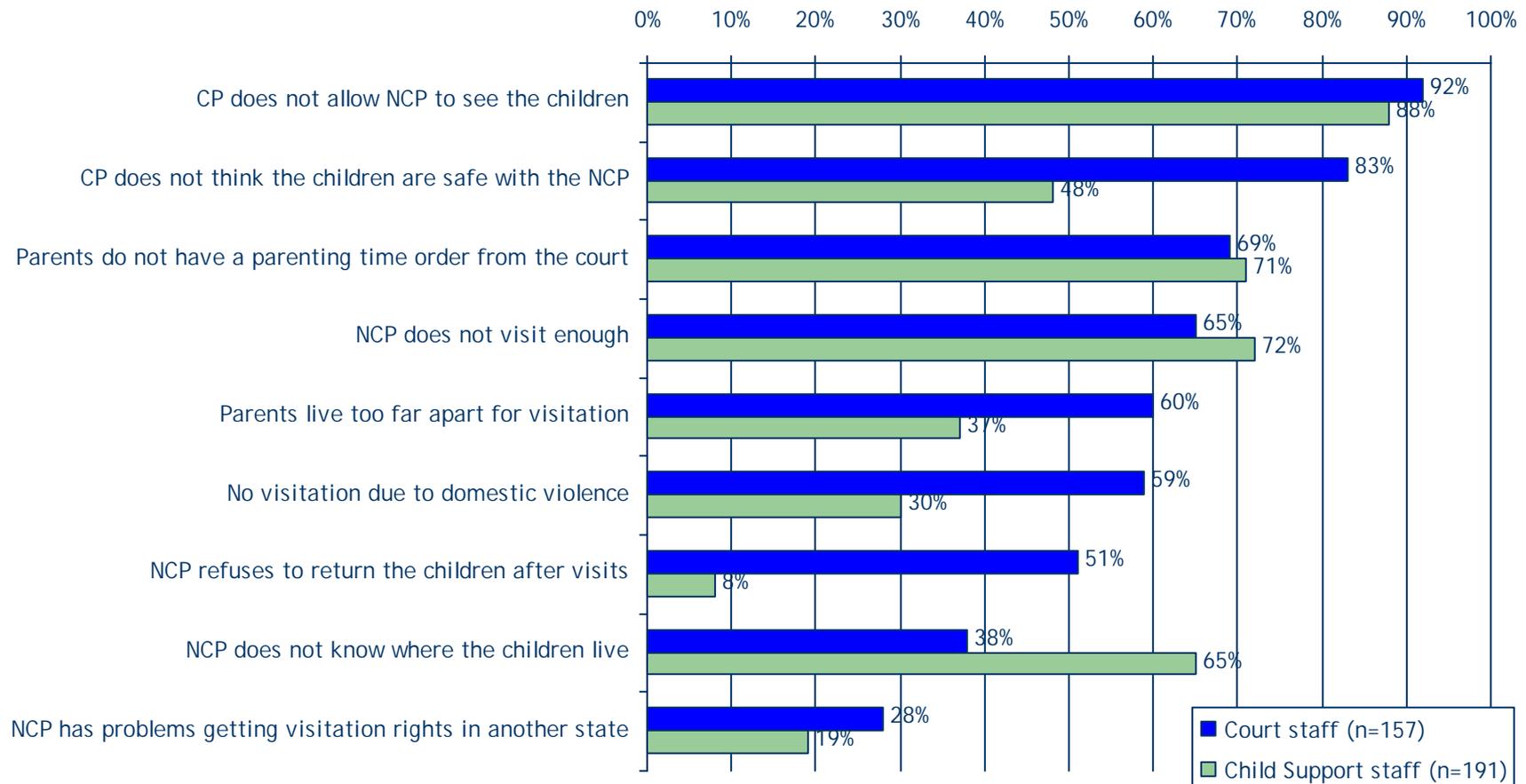
### Children live:

Mostly with respondent	75%
Mostly with other parent	19%
Both parents equally	5%
They are on their own	1%

### Marital status with children's other parent

Previously married	44%
Never married	56%

# Problems Colorado court personnel and child support workers report hearing about from parents



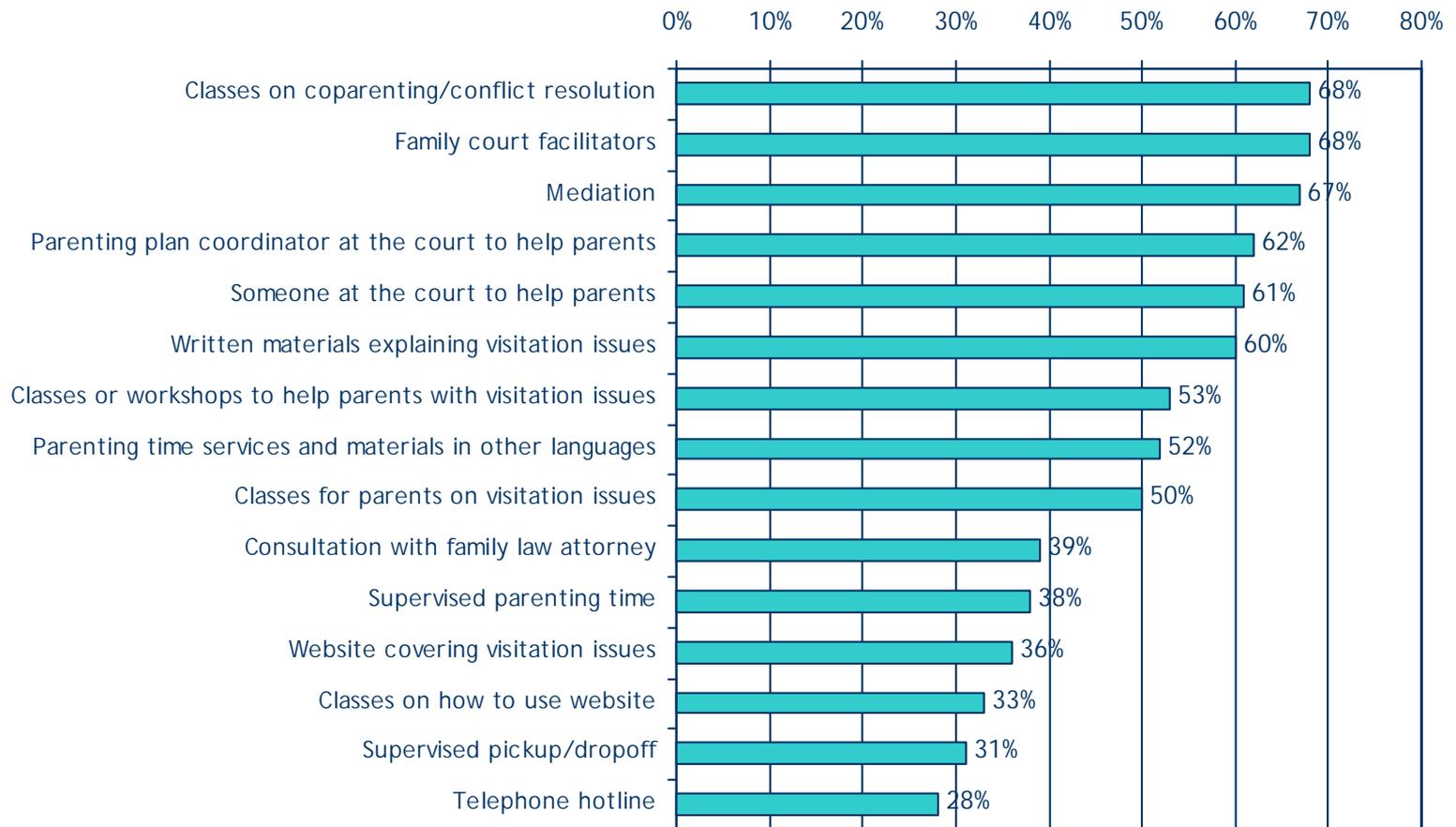
## Court personnel ratings of how well Colorado serves the following groups with their AV problems (n=157)

	Good Job	Fair Job	Poor Job	No Opinion
Noncustodial parents	35%	49%	11%	5%
Custodial parents	51%	41%	3%	5%
Never-married parents	31%	50%	14%	5%
Parents who are divorcing or have divorced	55%	36%	3%	7%
High conflict parents	29%	50%	15%	6%
Parents who live in different states	19%	49%	21%	12%
Poor or indigent families	25%	48%	22%	5%
Unrepresented parents	31%	47%	16%	5%
Families with domestic violence	27%	55%	13%	6%
Families with an incarcerated parent	18%	47%	24%	12%
Racial or ethnic minorities	32%	48%	10%	10%
Families in rural areas	17%	32%	9%	41%

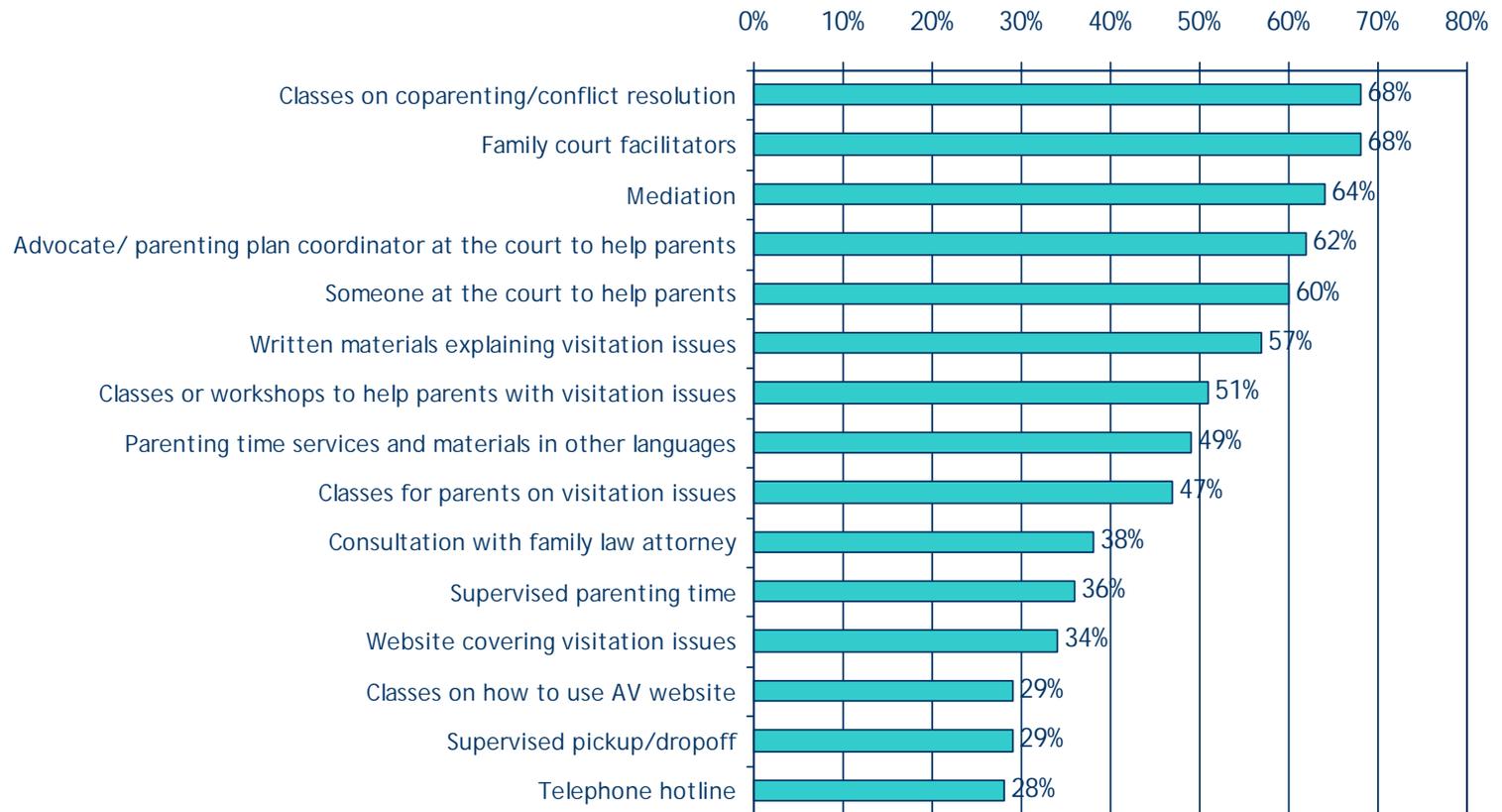
## What Colorado child support workers say about helping parents with AV problems (n=191)

	Agree strongly/ somewhat	Disagree strongly/ somewhat	No opinion
Workers should give parents referrals to community services for AV problems	92%	6%	2%
Workers should be able to refer parents to a specialized worker in the cs agency who can help them with AV problems	78%	17%	5%
Workers should ask all parents if they are having AV problems	34%	58%	9%
Workers are too busy to get involved in referrals or helping parents with AV problems	31%	66%	4%
It doesn't matter, NCP's won't cooperate	18%	78%	5%
Having workers help parents with AV problems would...			
Increase collections	81%	15%	4%
Send the wrong message	49%	48%	4%
Show NCPs that child support is not biased	79%	15%	5%
Show NCPs that child support cares for their child	83%	12%	5%

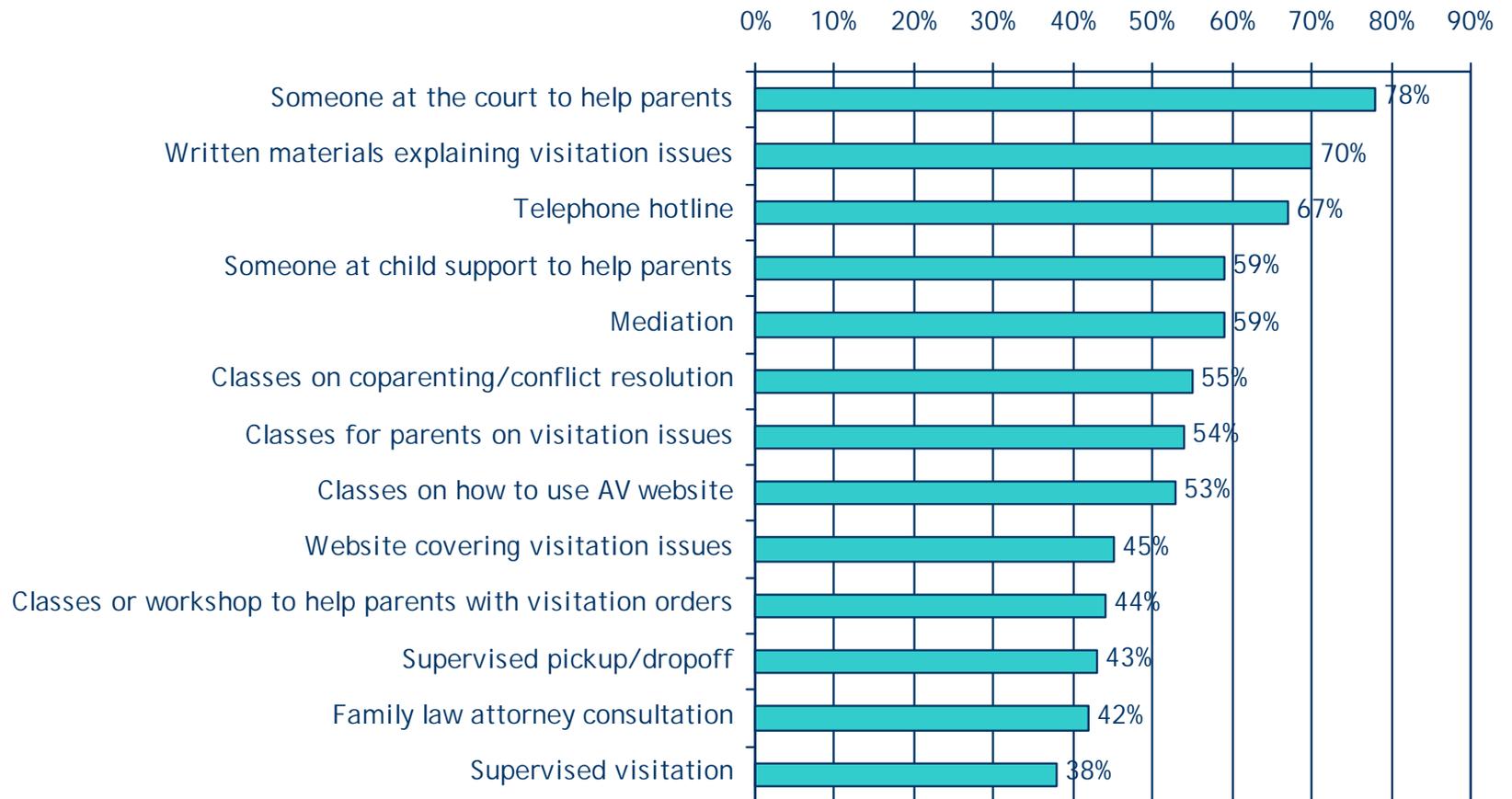
# AV services reported as “high priority” for never married parents by Colorado court staff (n=157)



# AV services reported as “high priority” for divorced parents by Colorado court staff (n=157)



## Services reported as “very useful” by Colorado child support staff (n=191)

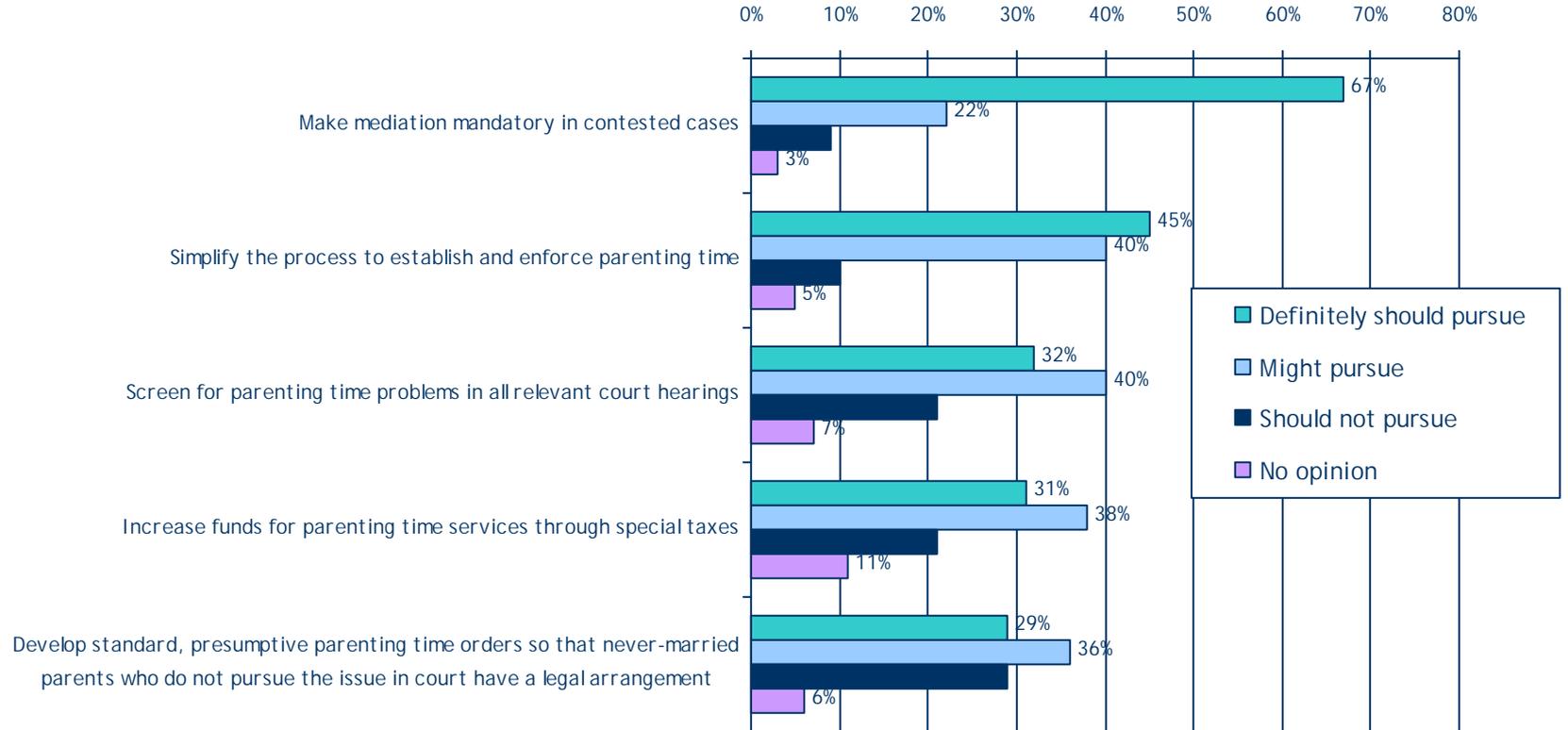


## Services that Colorado parents report might help with their problems

	NCP (N=40)	CP (N=154)
Something in writing telling me how to go to court or get help*	30%	17%
Talking to a lawyer*	25%	12%
A class telling me how to go to court or get help	23%	16%
A person at the court to help me fill out forms	20%	10%
A person to help me figure out when each parent should have the children	13%	5%
A place on the internet telling me how to go to court or get help	13%	10%
Classes for parents teaching us how to get along	10%	6%
Someone to watch the visit to be sure the children are safe	3%	6%

\* Chi square is significant at .05.

# AV Actions Court Staff Say Colorado Should Explore (n=157)



## Appendix D2—Tennessee Assessments



## Child Access and Visitation Grant Programs: Tennessee Planning Project Assessments Survey Highlights

### **In 2004, CPR designed surveys for court staff, child support workers, parenting plan coordinators and parents:**

- 62 judges and 115 clerks responded to an e-mailed and/or faxed questionnaire;
- 160 child support workers responded to an e-mail questionnaire;
- 9 parenting plan coordinators responded to a faxed questionnaire;
- 384 parents completed questionnaires distributed in courts and child support offices.

### **Most common problems child support workers hear from parents:**

- CP does not allow the NCP to visit (85%);
- NCP does not visit enough (76%);
- CP does not think the children are safe with the NCP during visits (58%);
- NCP does not have visitation order from the court (58%);
- NCP does not know where the children live (50%).

### **Fathers say:**

- The other parent will not let them visit (48%);
- They don't know where the children live (43%);
- The children are not safe with the other parent (32%);
- The court has not said when you can see the children (24%).

### **Mothers say:**

- The other parent doesn't visit often enough (48%);
- The children are not safe with the other parent (29%);
- There has been hitting and fighting between you and the other parent (21%).

### **Judges feel that Tennessee does a "poor job" dealing with access problems for:**

- Unrepresented parents (61%);
- Poor or indigent parents (58%);
- Never-married parents (49%);

### **Court clerks feel that Tennessee does a "poor job" dealing with access problems for:**

- Unrepresented parents (40%);
- Poor or indigent parents (40%);
- High-conflict parents (30%);
- Families in rural areas (24%);



## **Child Access and Visitation Grant Programs: Tennessee Planning Project Assessments Survey Highlights Continued**

### **When they hear about access problems, child support workers usually:**

- Tell parents child support and visitation are two separate issues (95%);
- Explain there is nothing the child support agency can do (93%);
- Suggest the parent contact an attorney (88%);
- Tell the parent to go to court (69%);
- Refer parents to a pro bono attorney or Legal Aid (68%).

### **Judges, court clerks, parenting plan coordinators and child support workers rate the usefulness of AV services differently:**

- Their ratings may reflect their familiarity with services and their availability.

### **Judges are most apt to give a “highest priority” rating to the following services offered for never-married and divorcing parents:**

- Classes on coparenting/conflict resolution (72% and 70%);
- Mediation (60% and 63%);
- Consultation with a family law attorney (48% and 44%);
- Someone at the court to help parents (39% and 29%).
- Written materials explaining visitation issues (38% and 30%);
- Supervised Visitation (29% and 30%).

### **Court clerks are most apt to give a “highest priority” rating to the following services offered for never-married and divorcing parents:**

- Written materials explaining visitation issues (61% and 65%);
- Classes for parents on visitation issues (51% and 55%);
- Classes on coparenting/conflict resolution (53% and 66%);
- Classes or workshops to help parents develop parenting plans (39% and 44%).

### **Parenting plan coordinators are most apt to give a “highest priority” rating to the following services offered for never-married and divorcing parents:**

- Classes on coparenting/conflict resolution (100% and 100%);
- Mediation (100% and 88%);
- Supervised pickup and dropoff (75% and 65%);
- Classes or workshops to help parents develop parenting plans (75% and 75%).

### **Child support workers are most apt to report as “most useful”:**

- Someone at the court to help parents (67%);
- A Telephone Hotline (61%);
- Written materials explaining visitation issues (60%);
- Mediation (53%).

**Fathers favor:**

- Written materials on how to go to court (54%);
- Talking to a lawyer (34%);
- Classes on how to go to court or get help (27%);
- A place on the internet on how to go to court or get help (27%);

**Mothers favor:**

- Written materials on how to go to court (41%);
- Talking to a lawyer (26%);
- Classes on how to go to court or get help (23%);

**Judges and court clerks think that Tennessee should improve AV for parents:**

- Tennessee should “definitely” simplify the process to enforce or change AV orders (55% and 49%);
- Tennessee should “definitely” develop standard, presumptive AV arrangements so that never-married parents who do not pursue access in court have a legal arrangement (32% and 30%).

**Child support workers have mixed feelings about whether they should help parents with AV problems:**

- Workers say they are too busy to give referrals or ask parents about AV problems (59%).
- Workers say they are willing to refer parents to community services (82%);
- Workers would like to refer parents to a pro bono attorney or Legal Aid (75%).
- Workers report having child support help parents with AV problems would send the wrong message (71%).
- Having child support workers help parents with AV problems would help convince NCPs that child support is interested in what is best for their children (69%).

# Tennessee Access and Visitation Planning Project

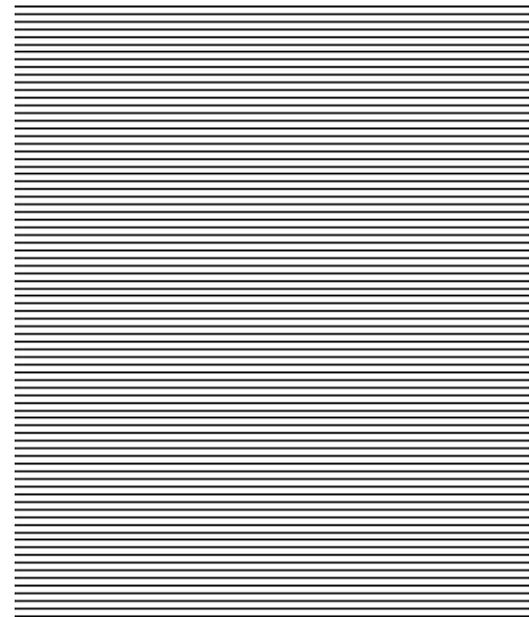
- Survey Results
- Center for Policy Research

1570 Emerson Street

Denver, Colorado 80218

303.837.1557

[www.centerforpolicyresearch.org](http://www.centerforpolicyresearch.org)



# Description of Responding Judges and Court Clerks in Tennessee

	Judges (N=62)	Court Clerks (N=115)
Number of years with the Court:		
Mean	11.9	11.6
Median	10.0	10.0
Range	1-28	1-40
Type of court currently serve:		
Juvenile	53%	18%
Circuit or Chancery	41%	66%
Both	3%	16%
Other	2%	1%
Hear Family law cases:		
Exclusively	6%	N/A
As part of your case load	87%	
Not at all	6%	
Has a parenting plan coordinator:		
No	79%	78%
Yes	21%	22%

# Description of Tennessee Child Support Respondents (n=160)

---

Child support in your county:	
Through the D.A.'s Office	51%
Through state agency	5%
Through private company	44%

---

Role in the child support agency:	
Child support worker	72%
Child support supervisor	11%
Child support administrator	8%
Child support attorney	8%

---

Number of years worked for child support agency:	
Mean	6.8
Median	6.0
Range	1-27

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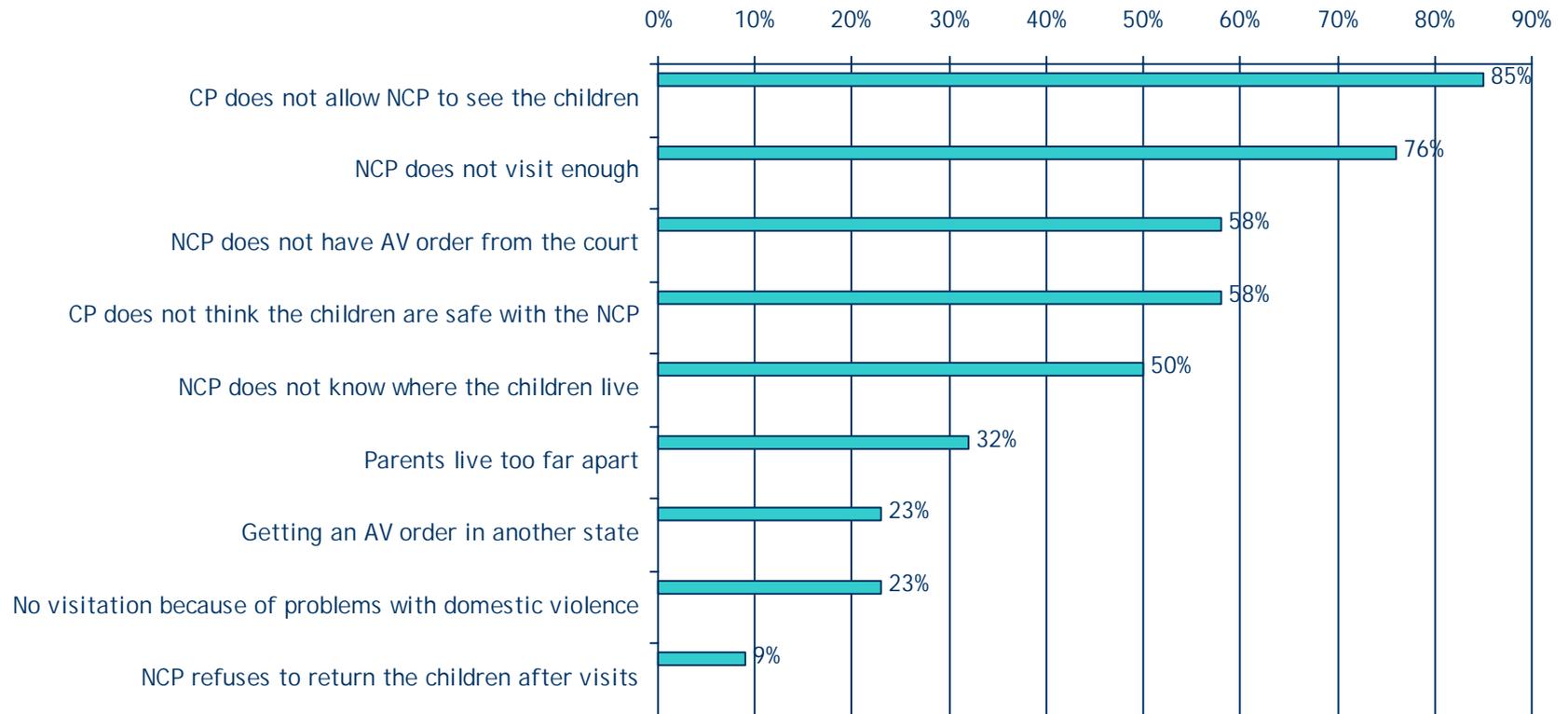
What type of child support work do you do:	
Establishment	12%
Enforcement	23%
Both establishment and enforcement	65%

---

# Description of Parent Respondents in Tennessee (n=384)

Place received survey	
Court	11%
Child support agency	89%
Reason at child support	
To decide who is the baby's father	7%
To decide how much child support should be	18%
To try to change the amount of child support you pay	7%
Problems with child support not being paid	27%
Problems with visitation	7%
Something else	39%
Don't know	5%
Sex	
Male	31%
Female	69%
Children's living arrangements	
Live mostly with you	74%
Live mostly with the other parent	23%
Live with both parents equally	2%
Marital status with children's other parent	
Previously married	35%
Never-married	66%

# Problems Tennessee child support staff report hearing about from parents (n=160)



## Available AV services and their helpfulness as reported by Tennessee court personnel

	Services Available			Very/Somewhat Helpful		
	Judges (n=62)	Court Clerks (n=115)	Parenting Plan Coord (n=9)	Judges	Court Clerks	Parenting Plan Coord
Mediation	85%	85%	100%	88%	96%	100%
Parent Education	93%	83%	100%	98%	98%	100%
Supervised Visitation	53%	33%	75%	82%	84%	100%
Legal Aid	75%	70%	88%	68%	71%	83%

## What Tennessee child support workers say about helping parents with AV problems (n=160)

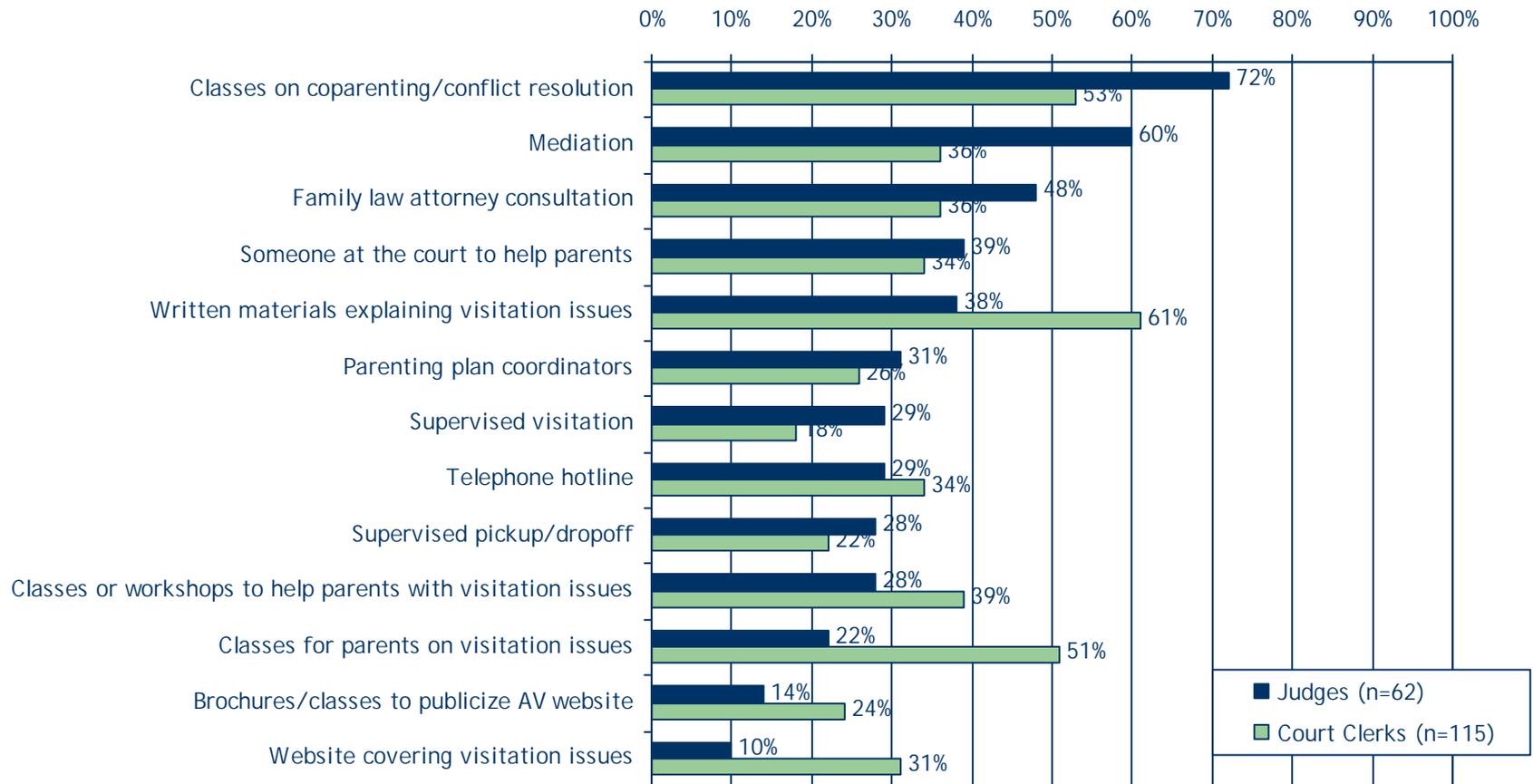
	Agree Strongly/ Somewhat	Disagree Strongly /Somewhat	No Opinion
Workers should give parents referrals to community services and resources that can help with AV problems	82%	14%	5%
Workers should refer parents to pro bono attorneys or Legal Aid to help them with AV problems	75%	17%	8%
Workers are too busy to get involved in giving parents referrals or asking them about AV problems	59%	34%	7%
Workers should be able to refer parents to a specialized worker in the child support agency who can help with AV problems	45%	48%	7%
Workers should ask parents whether they have problems with access and visitation	24%	70%	7%
Having workers help parents with AV problems would...			
Send the wrong message	71%	25%	5%
Show NCPs that child support cares about their children	69%	22%	9%
Show NCPs that child support is not biased	61%	30%	9%
Increase collections	50%	44%	6%

## What Tennessee parents say might help with AV problems

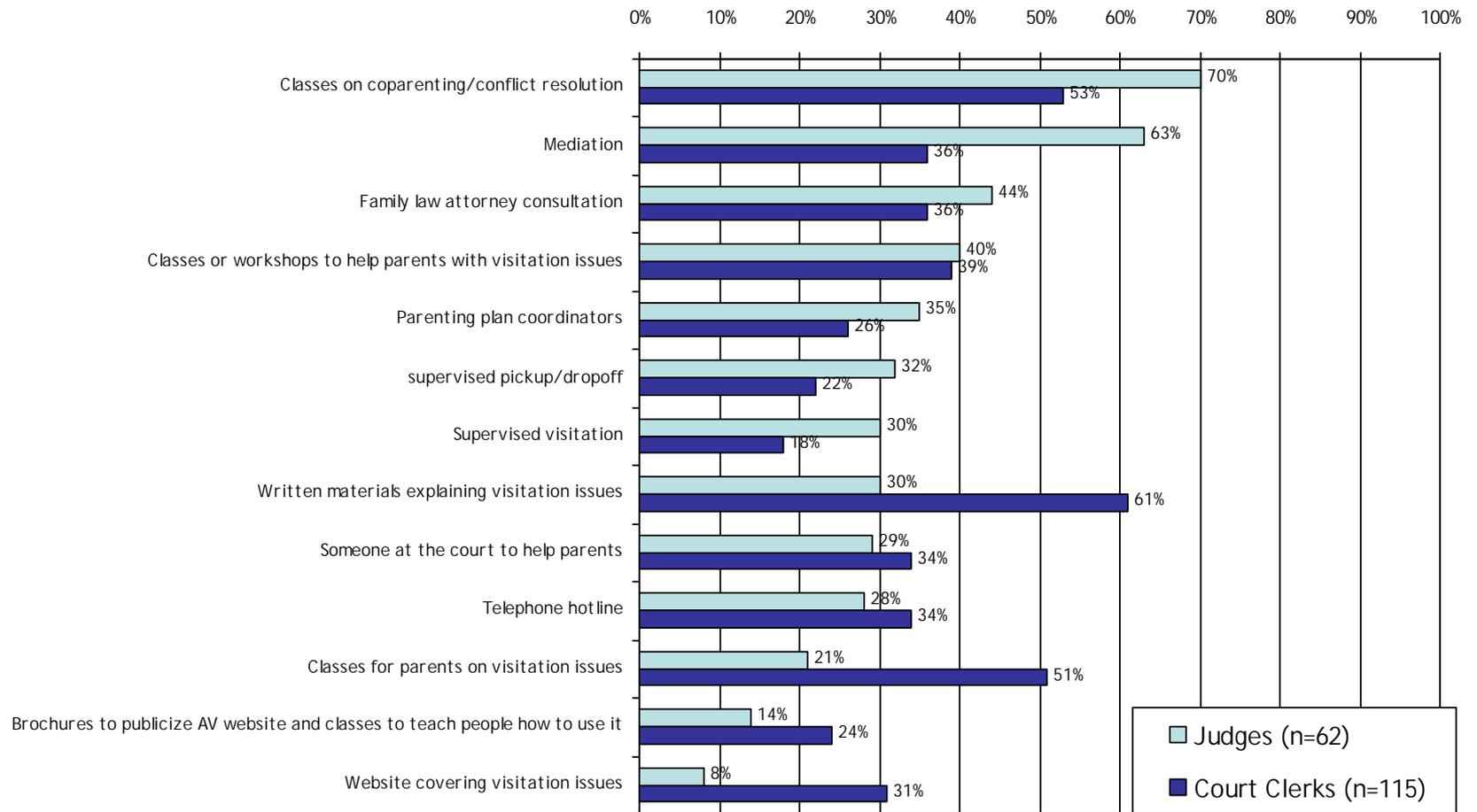
	NCP (N=41)	CP (N=133)
Something in writing telling me how to go to court or get help	54%	41%
Talking to a lawyer	34%	26%
A class telling me how to go to court or get help	27%	23%
A place on the internet telling me how to go to court or get help	27%	20%
A person at the court to help me fill out forms	22%	16%
A person to help me figure out when each parent should have the children	17%	10%
Classes for parents teaching us how to get along	15%	14%
Someone to watch the visit to be sure the children are safe*	0%	20%

\* Chi square is significant at .05.

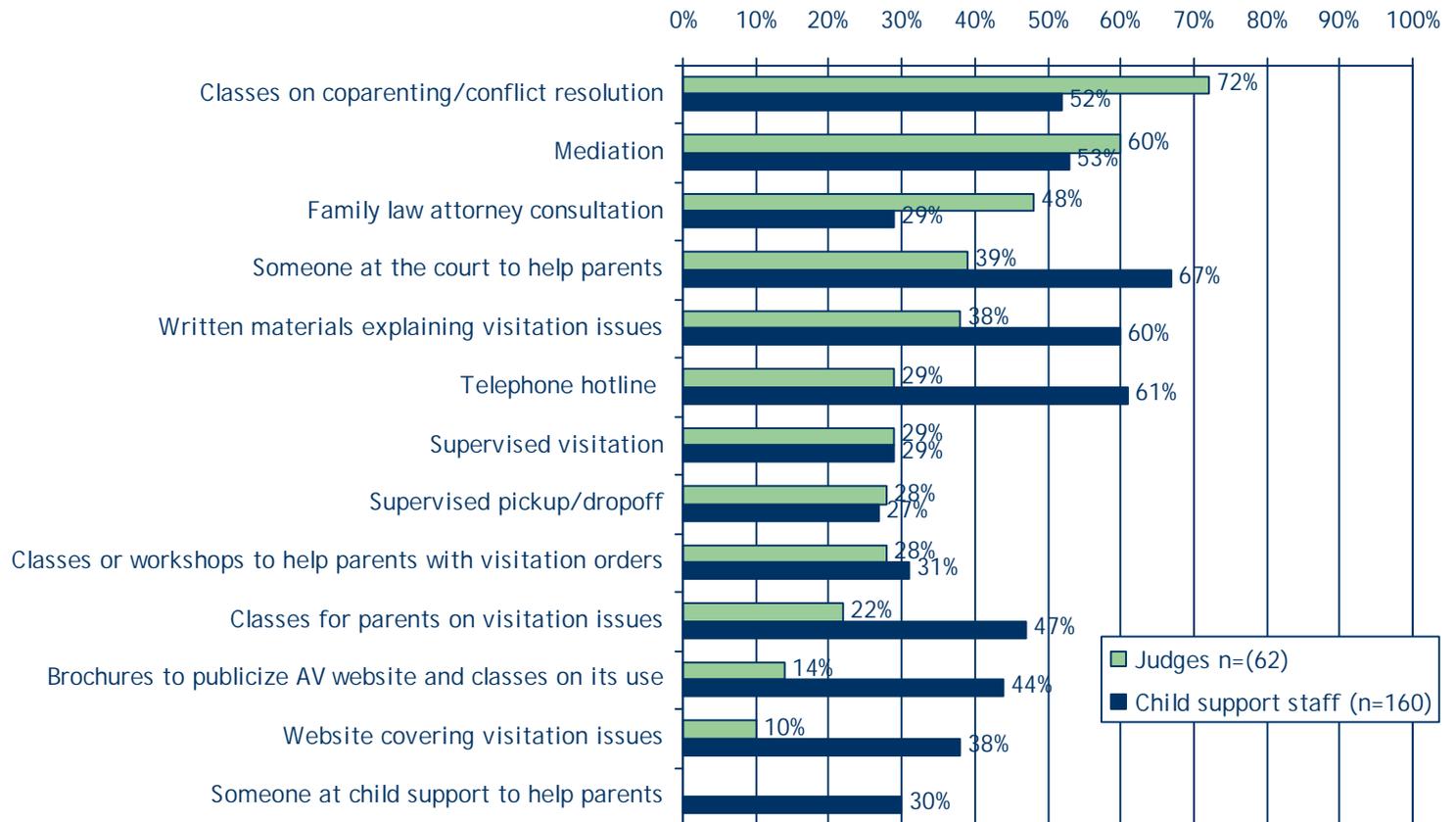
# AV services reported as “High Priority” for never married parents by Tennessee Judges and Court Clerks



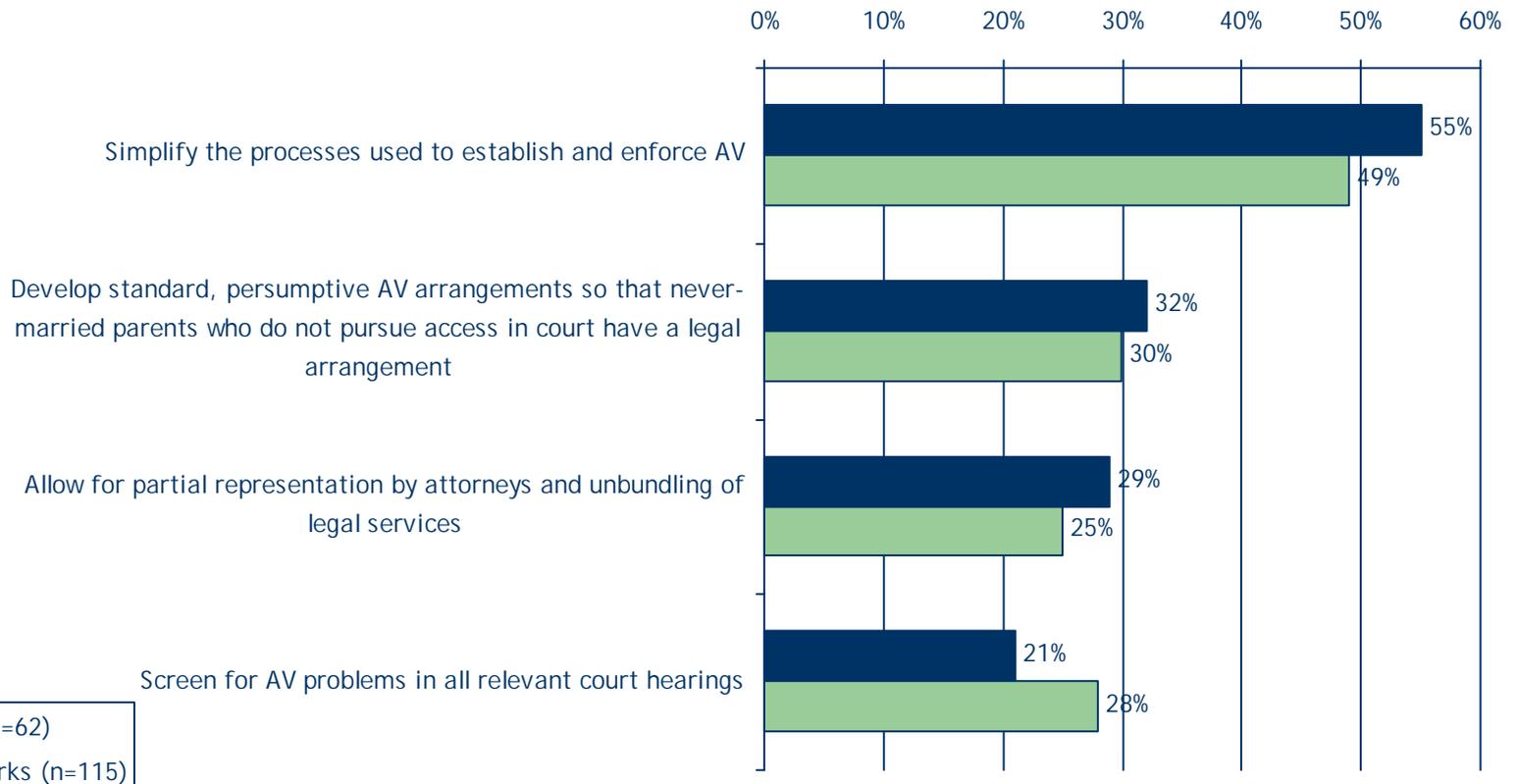
# AV services reported as “High Priority” for divorcing/divorced parents by Tennessee Judges and Court Clerks



# AV services reported as “High Priority” by Judges and “Very Useful” by Tennessee child support staff

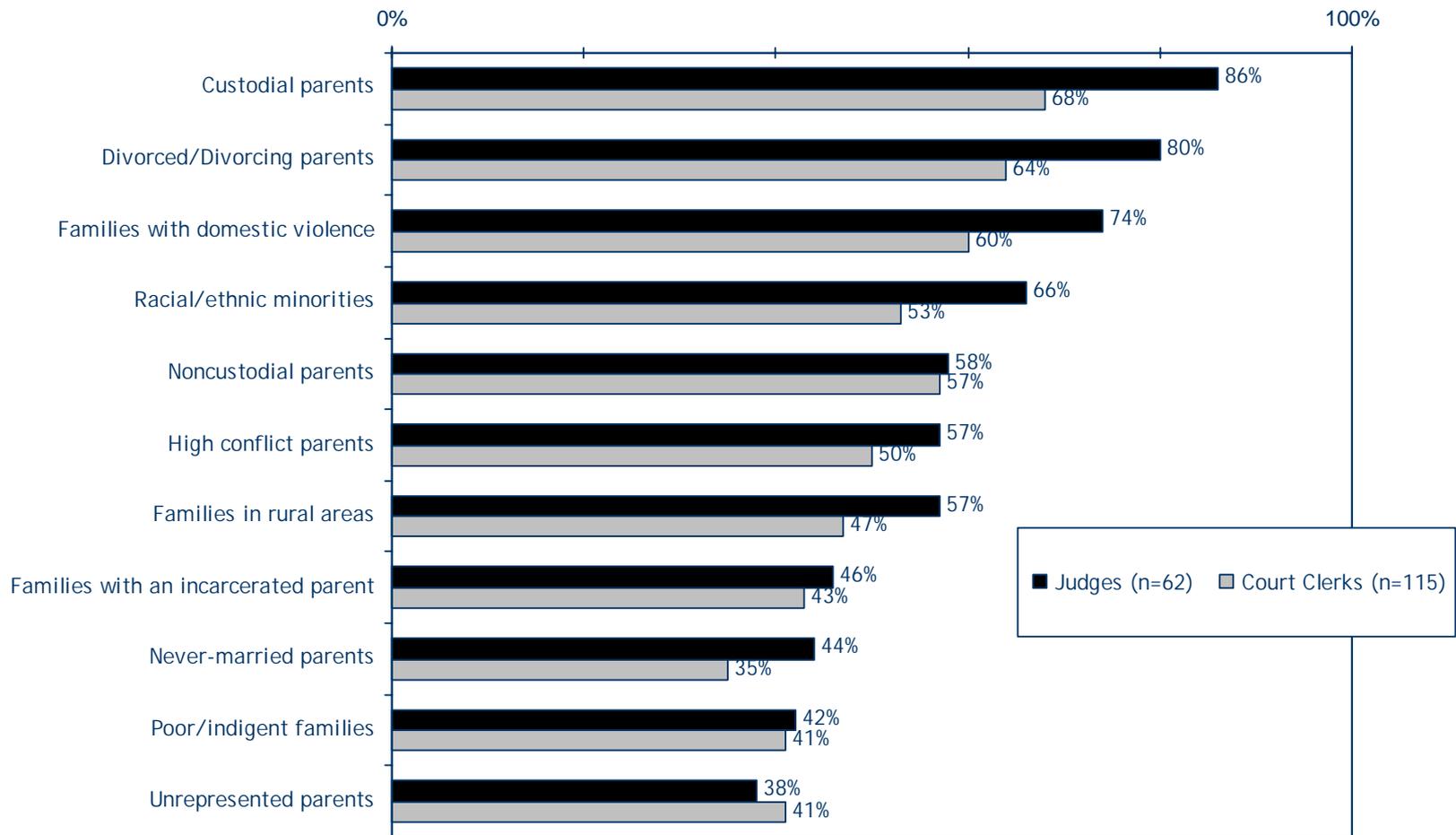


# AV Actions Court Staff Say Tennessee Should Explore



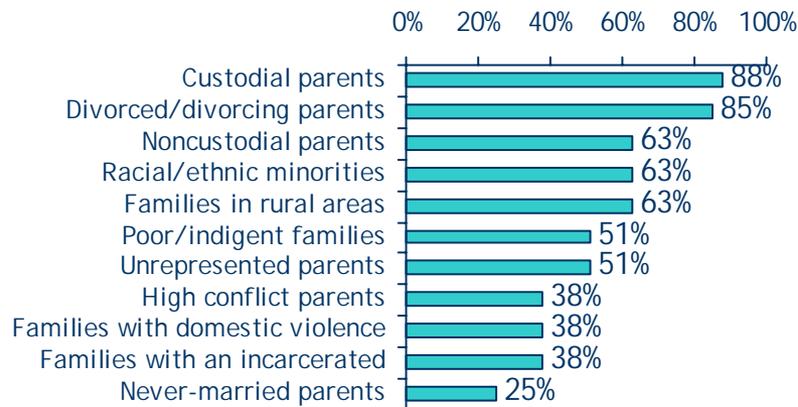
■ Judges (n=62)  
■ Court Clerks (n=115)

## Court personnel saying Tennessee does a “good/fair” job of serving the following groups of parents with their AV problems

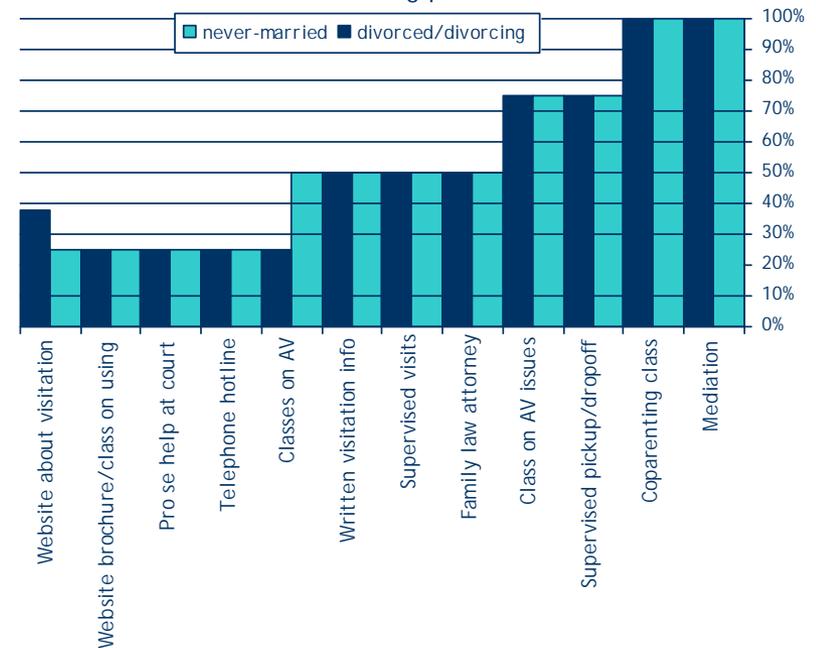


# Perceptions of Tennessee Parenting Plan Coordinators (n=9)

How well various groups are served



"High Priority" AV services for never-married and divorcing parents



## Appendix D3—Texas Assessments



## **Child Access and Visitation Grant Programs: Texas Planning Project Assessments Survey Highlights**

### **In 2004, CPR designed surveys for court staff, child support workers, parents:**

- 226 judges and clerks responded to a questionnaire e-mailed by the OCA;
- 519 child support workers responded to a questionnaire e-mailed by the OAG;
- 92 parents completed questionnaires distributed in courts and child support offices.

### **Court staff and child support workers hear the same problems from parents:**

- CP does not allow the NCP to visit (83 and 89%);
- NCP does not visit enough (67 and 78%);
- NCP does not know where the children live (34 and 75%);
- CP does not think the children are safe with the NCP during visits (67 and 69%);
- Standard visitation orders do not work (41 and 45%);
- AV is difficult because parents live far apart (52 and 35%).

### **Fathers say:**

- The other parent will not let them visit (61%);
- They don't know where the children live (39%);
- They don't know what the court order says about visitation (38%).

### **Mothers say:**

- The other parent doesn't visit often enough (51%);
- The child doesn't want to visit (40%);
- The children are not safe with the other parent (37%).

### **Court staff feels that Texas does a "poor job" dealing with access problems for:**

- High conflict families (41%);
- Unrepresented parents (40%);
- Poor or indigent parents (37%);
- Parents who live in different states (34%);
- Noncustodial parents (33%).

### **When they hear about access problems, child support workers usually:**

- Tell parents child support and visitation are two separate issues (64%);
- Explain there is nothing the child support agency can do (64%);
- Suggest the parent contact an attorney (62%);
- Tell the parent to call the AV Hotline (57%);
- Refer parents to community services for help (30%).

### **Court staff and child support workers rate the usefulness of AV services differently:**

- Their ratings may reflect their familiarity with services and their availability.



## **Child Access and Visitation Grant Programs: Texas Planning Project Assessments Survey Highlights Continued**

### **Court staff is most apt to give a “highest priority” rating to:**

- Classes on co-parenting and conflict resolution (66%);
- Mediation (55%);
- Consultation with a family law attorney (38%);
- Supervised visitation/pickup and dropoff (34%);
- Easy written materials on visitation orders (34%); and
- A telephone Hotline (29%).

### **Child support workers are most apt to report as “most useful”:**

- A telephone hotline (70%);
- Easy written materials on visitation orders (56%);
- Mediation (56%);
- Court workers for pro se assistance (53%);
- Classes on co-parenting and conflict resolution (51%); and
- An AV Website on visitation orders (50%).

### **Fathers favor:**

- A class on how to go to court (41%);
- Written materials on how to go to court (26%); and
- Person at court to help fill out forms (21%);

### **Mothers favor:**

- Written materials on how to go to court (30%);
- Classes on how to go to court (22%);
- Website on court (20%); and
- Person at court to help fill out forms (18%).

### **Court workers think that Texas should improve AV for parents:**

- Texas should “definitely” simplify the process to enforce or change AV orders (50%);
- Texas should “definitely” screen for AV issues in all relevant court hearings (40%).

### **Child support workers say they are too busy to ask all parents about AV:**

- Workers are willing to refer parents to community services (92%);
- Workers would like to refer parents to a specialized worker in the child support agency (64%).

### **Most support workers think if the child support agency helped with AV issues:**

- It would show NCPs that the agency cared about their children (76%);
- It would show NCPs that the agency wasn't biased (73%);
- Collections would improve (66%).

# Texas Access and Visitation Planning Project

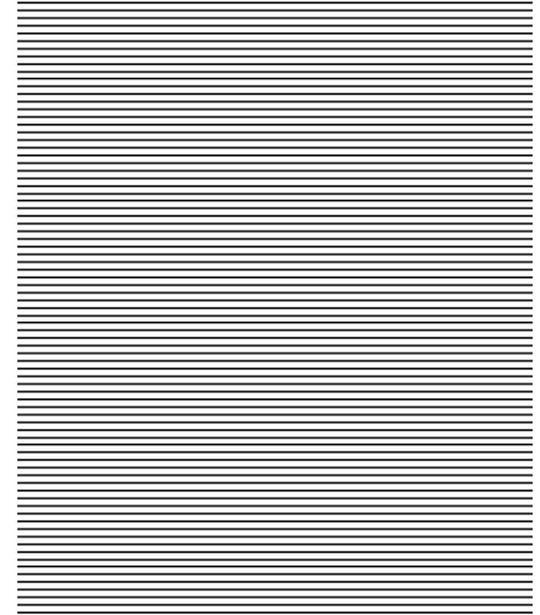
- Survey Results
- Center for Policy Research

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# Description of Texas Court and Child Support Agency Respondents

## Court Respondents

(n=226)

Number of counties served:

One	72%
More than one	28%

If multiple counties, average number: 4.8

Court role:

Judge	48%
Associate Judge	8%
Domestic Relations Officer	1%
Clerk	44%

Number of years with the Court:

Mean	11.2
Median	11.0
Range	1-28

Types of cases:

Mostly IV-D	15%
Mostly non-IV-D	28%
Both	57%

## Child Support Respondents

(n=519)

Role in the Child Support Agency:

Child support worker	75%
Child support supervisor	5%
Child support administrator	8%
Child Support attorney	12%

Average years worked in child support agency 8.3 years

Type of child support work:

Establishment	10%
Enforcement	18%
Both establishment and enforcement	72%

How often discuss AV problems with NCPs:

Almost always/Often	77%
Occasionally	20%
Rarely	3%

How often discuss AV problems with CPs:

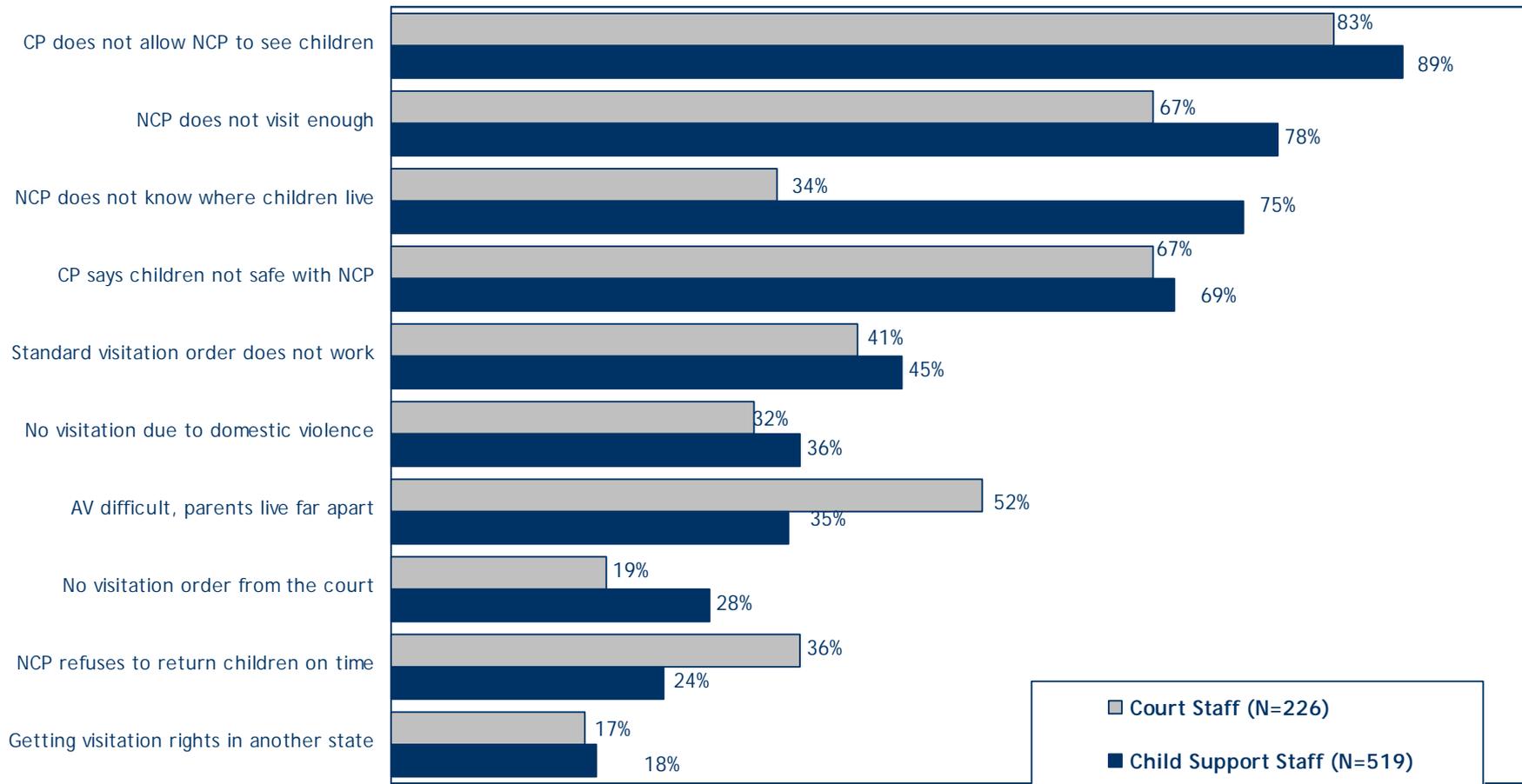
Almost always/Often	37%
Occasionally	44%
Rarely	19%

# Parent Respondents in Texas

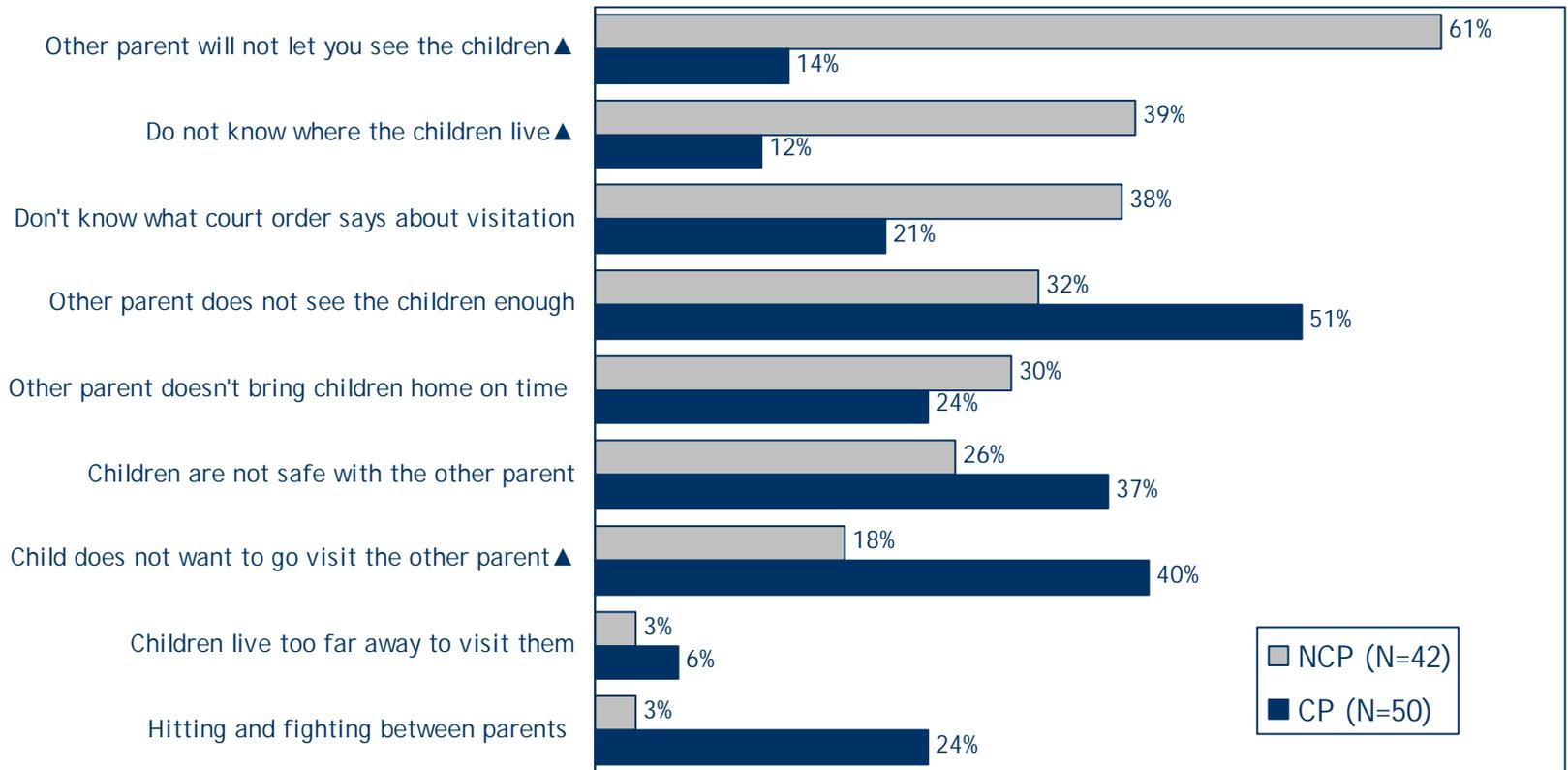
	NCP (N=42)	CP (N=50)	
<b>Received survey at:</b>			
Court	35%	81%	▲
Child support agency	65%	19%	▲
<b>Reason at agency/court:</b>			
To decide baby's father	5%	4%	
To decide how much child support should be paid	19%	30%	
To change amount of child support paid	21%	8%	▲
Problems with child support not being paid	12%	32%	▲
Problems with visitation	21%	8%	▲
Something else	33%	16%	▲
Don't know	2%	8%	
<b>Sex :</b>			
Male	90%	20%	▲
Female	10%	80%	▲
<b>Ever married to the other parent:</b>			
Yes	29%	34%	
No	71%	66%	

▲ Chi square is significant at .1.

# Problems Texas Court Personnel and Child Support Workers Report Hearing About from Parents



# AV Problems Reported by Texas Parents



▲ Differences between CP and NCP are significant at .1.

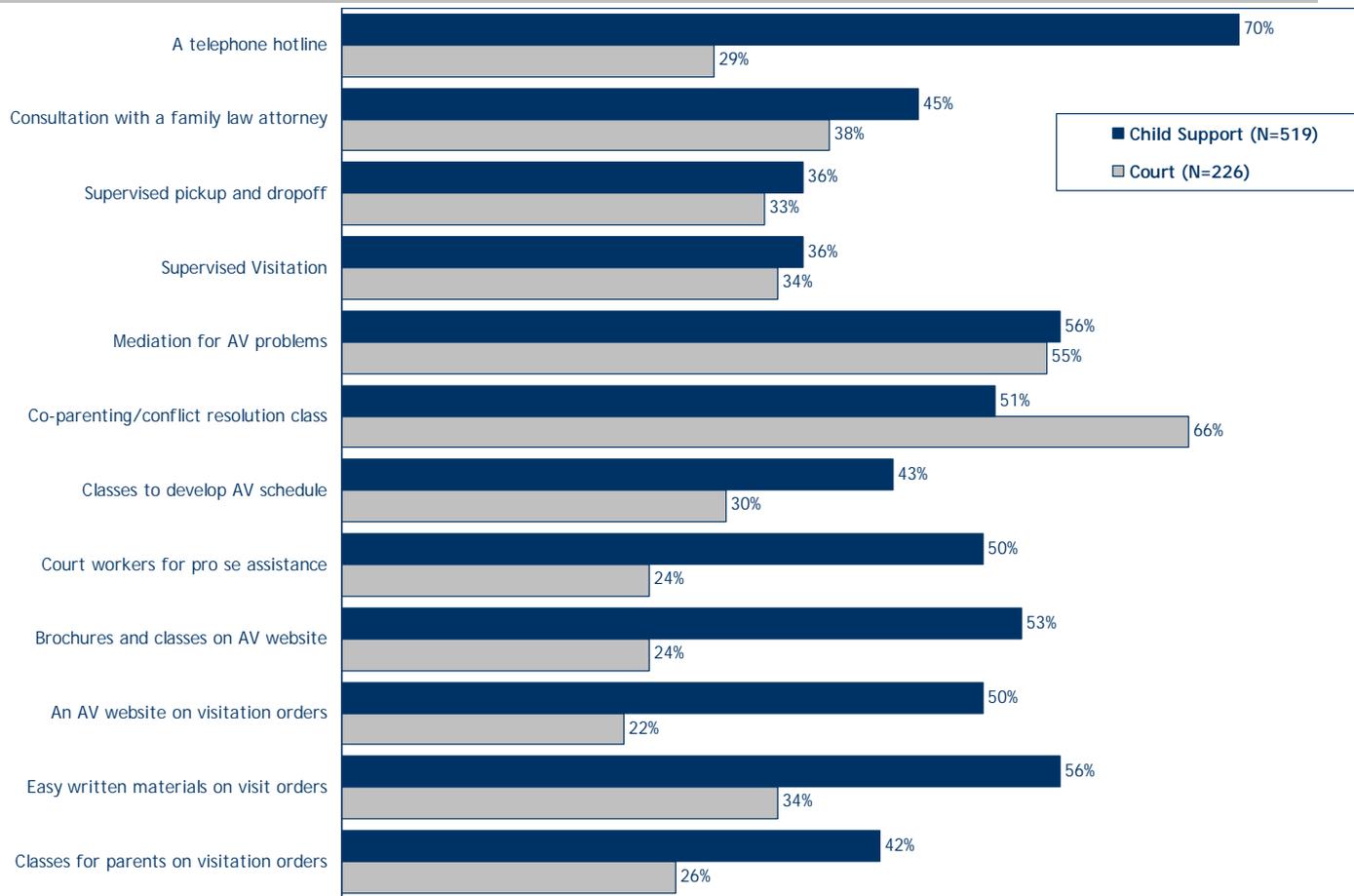
## Court Personnel Ratings of How Well Texas Serves the Following Groups with Their Visitation Problems (n=226)

	Good Job	Fair Job	Poor Job	No Opinion
High conflict parents	9%	36%	41%	15%
Unrepresented parents	8%	41%	40%	12%
Poor or indigent families	10%	43%	37%	11%
Parents who live in different states	5%	36%	34%	24%
Noncustodial parents	10%	48%	33%	10%
Families with an incarcerated parent	10%	41%	28%	21%
Never-married parents	13%	51%	26%	11%
Families with domestic violence	14%	47%	25%	14%
Families in rural areas	12%	47%	19%	22%
Parents who are divorcing or divorced	24%	52%	15%	10%
Custodial parents	24%	53%	14%	8%
Racial or ethnic minorities	20%	44%	13%	23%

## Actions Texas Child Support Workers Take When They Hear About Access Problems (n=519)

	Usually	Sometimes	Never	Not enough client contact
Tell parent child support and visitation are two separate issues	87%	9%	2%	2%
Explain there is nothing child support agency can do	64%	24%	9%	3%
Suggest the parent contact an attorney	62%	33%	2%	3%
Tell parent to call the AV Hotline	57%	19%	19%	5%
Refer parent to community services for help	30%	36%	28%	6%
Tell the parent to go to court	17%	38%	38%	8%
Refer the parent to mediation	15%	21%	57%	7%
Give parent advice about how to deal with other parent	7%	24%	64%	5%
Refer parent to specific worker at child support agency who can help	4%	9%	80%	9%

## AV Services Reported as “Most Useful” by Texas Child Support and “Highest Priority” by Texas Court Staff



# What Texas Parents Say Might Help with AV Problems and Ability to Pay for Services

	NCP (n=42)	CP (n=50)
A class telling me how to go to court or get help ▲	41%	22%
Something in writing telling me how to go to court or get help	26%	30%
A person at the court to help me fill out forms	21%	18%
Classes for parents teaching us how to get along	19%	12%
Talking to a lawyer	19%	10%
A place on the internet telling me how to go to court or get help	17%	20%
A person to help me figure out when each parent should have the children	10%	4%
Someone to watch the visit to be sure the children are safe	7%	2%

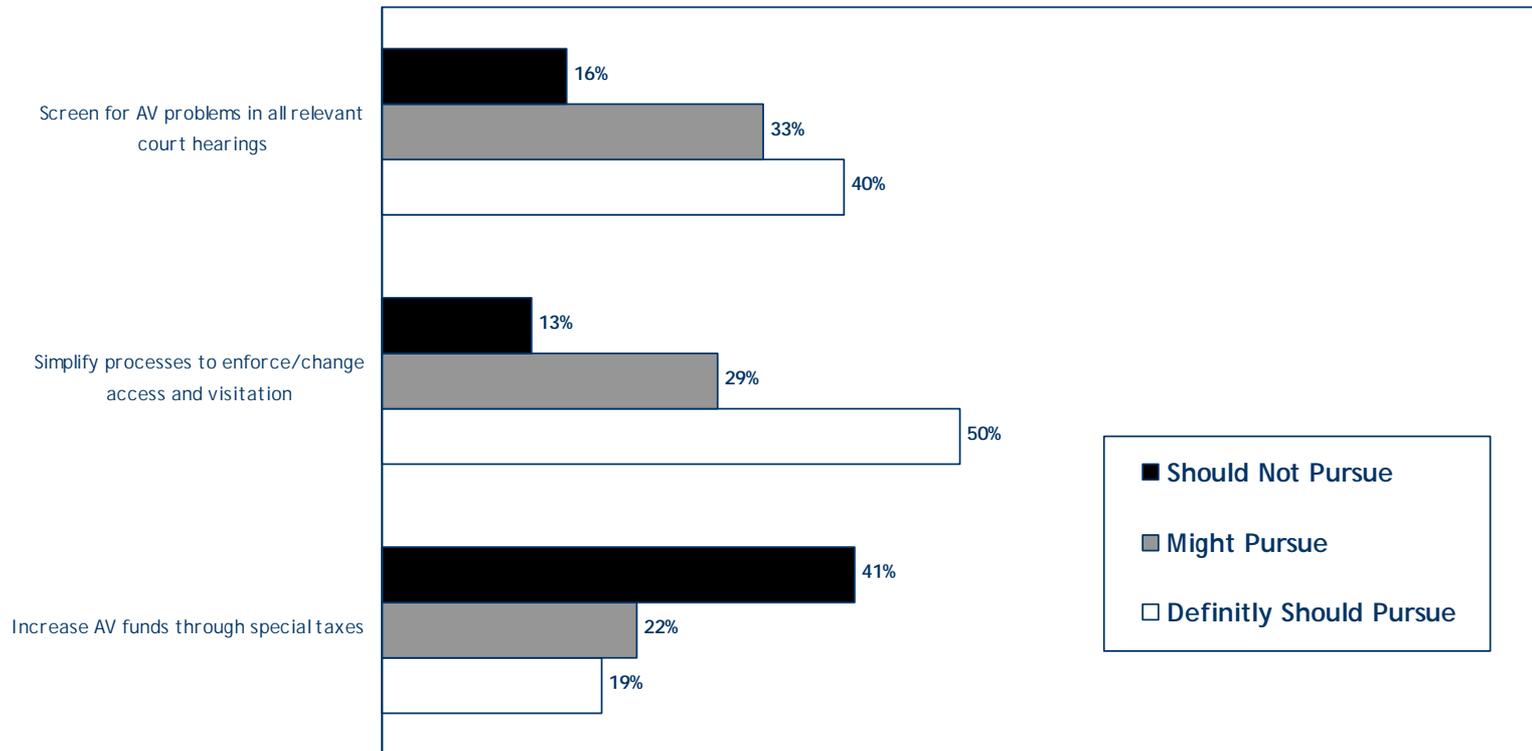
Ability to pay for services: ▲

Yes, could pay for services	33%	15%
No, could not pay	68%	85%

▲Chi square is significant at .1.

# AV Actions Court Staff Say Texas Should Explore

(n=226)



## What Texas Child Support Workers Say About Helping Parents with AV Problems (n=519)

	Agree Strongly/ Somewhat	Disagree Strongly/ Somewhat	No opinion
Workers should give parents referrals to community services for help with AV problems	92%	6%	2%
Workers should refer parents to a specialized worker in the child support agency	64%	33%	3%
Workers are too busy to ask about AV or give parents referrals	47%	49%	5%
Workers should ask all parents if they are having problems with AV	34%	60%	6%
Having workers help parents with AV problems would...			
Show NCPs that child support cares about their children	76%	18%	5%
Show NCPs that child support is not biased	73%	21%	6%
Improve collections	66%	30%	4%
Send the wrong message	60%	35%	5%
Make no difference, It doesn't matter what workers do, NCPs won't cooperate	24%	70%	6%

Appendix E:  
Analysis of Access and Visitation Funding  
(Colorado Sample)



## Child Access and Visitation Grant Programs: Current AV Services and How Colorado Uses its AV Grant

**Colorado currently funds programs offering Mediation, and Parent Education services across the state.** The state court administrator's office directs access and visitation funds to the Office of Dispute Resolution (ODR) which distributes the funds. Currently ODR provides mediation services in 21 judicial districts and parenting education seminars to divorcing parents in seven predominately rural judicial districts. ODR also provides assistance to courts to establish dispute resolution programs and technical assistance to other state agencies regarding alternative dispute resolution.

ODR also receives AV funds to provide:

- Parenting coordination services for high-conflict who are having post-divorce disputes;
- Mediation for low income and indigent divorcing families;
- Mediation services for never-married parents;
- Parenting education seminars for co-parenting, high-conflict and never-married parents in rural and underserved judicial districts.

A portion of the funding for mediation and parenting coordination goes towards the Denver Post-Decree Multi-Door Pilot Project. Goals of this project are:

- More effective use of the court's resources;
- Cost and time savings to the court system and to disputants;
- Increased satisfaction of disputants;
- Increased collaboration and cooperation between parties;
- Decreased adversarial relations; and
- Increased quality of dispute outcomes.

In addition to the abovementioned services, Colorado was awarded grant money from the Federal Office of Child Support Enforcement for the "Integration of Access, Visitation and Child Support Enforcement." Goals of this project are to better understand the incidence and nature of access and visitation disputes in cases in the IV-D system and to address these problems through the provision of various types of services. Three counties in Colorado are participating in this project: Adams County, El Paso County, and Jefferson County. All three counties will hire a specialized worker to help identify and assess access problems and provide informal facilitation. All three counties will also refer parents for mediation, parent education, supervised visitation, and assistance with *pro se* filings.

Appendix F:  
Access and Visitation Planning Group Memoranda  
from Center for Policy Research

Appendix F1—Colorado Memorandum  
Appendix F2—Tennessee Memorandum  
Appendix F3—Texas Memorandum

Appendix F1—Colorado Memorandum

## Memorandum

To: Colorado Access and Visitation Planning Group  
From: Jessica Pearson, Ph.D. Center for Policy Research  
Subject: Access and Visitation Grant Program  
Date: May 10, 2005

### Introduction

Colorado participated in a federal planning project aimed at increasing the effectiveness of the Child Access and Visitation (AV) Grant Program and maximizing utilization of AV services. Another goal of the planning grant is to encourage states to coordinate with other public and private-sector programs and funding opportunities to promote access and visitation. As part of the planning project, Colorado worked with the Center for Policy Research to conduct an assessment of AV needs and services in the state and to organize and conduct a one-day meeting to review the results of the assessment and consider various planning issues and options regarding future AV grant awards. This memorandum summarizes the results of the planning process and the next steps that Colorado will take with respect to its AV Grant Program.

### Background

Colorado's \$130,000 AV Grant Program is administered by the State Court Administrator's Office (SCAO). Since the inception of the grant program (1997-1998) most funds have gone for mediation services for low-income and indigent parents, the majority of whom were involved with divorce or post-divorce proceedings in the court. Funds have also been used to support parenting coordination for post-decree cases in the Second Judicial District (Denver). Parenting coordinators, either experienced attorneys or mental health professionals, use a combination of education, mediation and arbitration to work with high-conflict, divorced parents to help them develop and maintain a workable parenting plan for their children. Other activities funded by the AV Grant Program during the past seven years included developing parenting education curricula for high- and low-conflict divorcing parents in rural unserved and underserved areas and training seminar presenters; training domestic relations and juvenile judges; supporting dependency and neglect mediation; editing and printing a manual entitled "Connecting With Your Kids: A Guide to Establishing, Modifying and Enforcing Parenting Time in Colorado;" training court investigators to serve as Special Advocates in high-conflict, domestic relations cases in unserved/underserved rural judicial districts; sponsoring a statewide conference for supervised parenting time programs; and staffing a Domestic Relations Multidisciplinary Committee of the Colorado Supreme Court that studied domestic relations case processing in Colorado and developed standardized domestic relations forms and instructions for all state courts and best practices recommendations for domestic relations cases.

Although the majority of AV grant funds have been used to support programs and services for divorcing and post-decree families referred by family judges, the SCAO has taken some steps to serve the never-married population, too. For example, it supported mediation interventions for paroled and released offenders served at the Work and

Family Center, an interagency entity to assist incarcerated parents with re-entry. It also provided mediation services and a parenting education program to never-married parents served in the Denver Juvenile Court and parenting classes and legal information for fathers who had been sent paternity letters by the child support enforcement agency in Larimer County. The SCAO also used grant funds to explore the feasibility of developing a pilot project with a child support agency in Arapahoe County aimed at providing parents with information about parenting issues and training mediators to provide on-site mediation services.

AV Grant Program expenditures in 2004-2005 include the following activities:

- Mediation services for low-income and indigent divorcing, post-divorce, and never-married parents;
- Parent coordination services for high-conflict parents in post-decree cases in Denver;
- Training parent education presenters for rural and underserved districts;
- Training special advocates to conduct investigations for the court in high-conflict cases in rural and underserved districts; and
- Assisting in planning and coordinating a state-wide conference for supervised parenting programs.

SCAO's resources for mediation and other AV activities are expected to expand if the legislature approves a measure to provide state funding for the Office of Dispute Resolution (ODR). To date, administrative costs for ODR have been supported by mediation fees paid by the parties. With the passage of this funding measure, mediation fees for parents might drop and/or additional funds will be generated for indigent mediation. ODR anticipates being able to dedicate additional resources to indigent mediation in family cases since the funding measure would also help to support indigent mediation in dependency and neglect cases, which ODR currently helps to underwrite.

Colorado currently gets additional support for AV activities from the Federal Office of Child Support Enforcement via a research and demonstration grant recently awarded to the State. With the objective of assessing and addressing parenting time disputes among custodial and noncustodial parents served by the child support agency, the Colorado Parenting Time Project places specialized staff in child support agencies to help parents with access and visitation services. In addition to providing in-house, agency-based interventions, the child access specialists can refer parents to a variety of other no- and low-cost services, including mediation, parent education, supervised visitation, and *pro se* legal assistance. The 17-month project is being conducted in Adams, El Paso, and Jefferson counties. Evaluators will gauge the incidence and nature of access disputes, desired services, parent participation in various interventions, and outcomes with respect to parent-child contact and child support payment.

Finally, Colorado courts and parents benefit from the services of 40 court facilitators who perform a variety of case coordination services in family and/or dependency and neglect cases. Depending upon the jurisdiction, court facilitators may conduct case management conferences for parents in domestic relations cases and assist them with filing for the allocation of parental responsibility. To date, court facilitators have not been used extensively in paternity and child support cases filed on behalf of never-married parents

in the juvenile court and the lack of personnel to address parenting time issues for never-married parents is viewed by Planning Group members as a big omission.

### Planning Process Needs Assessment

The assessment conducted in conjunction with the Planning Project involved the design and administration of questionnaires to court, child support, and parent audiences. Ultimately, responses were received from 50 judges, 33 magistrates, 22 court facilitators, 52 court clerks, 191 child support workers, and 324 parents. A detailed analysis was prepared. Highlights include the following.

- The four most common access and visitation problems that child support workers hear from parents are that the custodial parent (CP) does not allow the noncustodial parent (NCP) to visit, the NCP does not have a parenting time order from the court, the CP does not think that the children are safe with the NCP during visits, and the NCP does not visit enough.
- Judges, magistrates, court facilitators, court clerks, and child support personnel tend to agree that the groups that receive the worst treatment with respect to access and visitation issues are unrepresented parents, poor or indigent parents, and never-married parents. The groups that receive the best treatment are divorcing or divorced parents and custodial parents.
- Judges, magistrates, court clerks, and court facilitators rate classes on co-parenting/conflict resolution, family court facilitators, mediation, and an advocate or parenting plan/coordinator at the court to help parents as the most helpful interventions for never-married and divorcing parents with access and visitation problems. They also favor written materials and classes or workshops to help parents with visitation issues.
- Child support workers typically tell parents who complain about access and visitation that child support and visitation are two separate issues, there is nothing that the agency can do, and that they should contact an attorney or go to court. Workers feel that parents with access problems would be best assisted by having someone at the court available to help, written materials explaining visitation issues, a telephone hotline, someone at the child support agency to help parents with access issues, and mediation services.
- Although child support workers say they are too busy to ask parents about their access problems, nearly all (92%) would be willing to refer parents to community services and 78 percent would like to refer parents to a specialized worker at the child support agency. They believe that helping parents with access and visitation problems would show NCPs that child support is interested in doing what is best for their children and in collecting child support.
- Two-thirds of surveyed court personnel think that Colorado should explore making mediation mandatory in contested cases and almost half strongly support simplification of the process to establish and enforce parenting time orders. A third strongly support the use of special taxes to generate funds for parenting time services, and more than one-quarter favor developing standard,

presumptive parenting-time arrangements so that never-married parents who do not pursue access in court have a legal arrangement.

## The Planning Meeting

On April 1, 2005, a day-long planning session was held at the Colorado Division of Child Support Enforcement in Denver, Colorado. It was facilitated by Jessica Pearson, Ph.D., of the Center for Policy Research. Attendees included the following individuals:

- Karen Ashby, Chief Judge, Denver Juvenile Court
- Sam Benson, Family Court Facilitator, Jefferson County
- Pauline Burton, Director, Colorado Division of Child Support Enforcement
- Chad Edinger, Coordinator, Parent Opportunity Program, Policy Studies Inc., El Paso County, Colorado
- Pam Hennessey, Child Support Enforcement Coordinator, State Court Administrator's Office
- Simon Mole, Family Court Facilitator, Adams County
- Kathleen Curley, IV-D Attorney, Jefferson County
- Robert Lung, Magistrate, Arapahoe County
- Cynthia Savage, Director, Office of Dispute Resolution, State Court Administrator's Office

Jessica Pearson provided background information on how other states are using their AV grants and the results of several studies on the impact of AV grant services on clients, including changes in child support payments and levels of parent-child contact. Cynthia Savage described the current programs that Colorado is funding through the AV grant and how funding has changed since 1998, when the SCAO received its first award. Finally, participants reviewed the results of the Colorado Needs Assessment conducted for the Planning Project.

The planning process aimed to reach consensus on a variety of issues and options pertaining to the use of AV grant funds, including the population to be targeted, coordination with other funding entities and providers, the type of services to be provided, and their scope and intensity.

## Planning Outcomes and Decisions

### Target Population

The Planning Group decided that Colorado should commit a greater fraction of existing AV grant funds and new AV grant funds to serving never-married parents, particularly those who are involved with the child support enforcement program. These parents are not currently being served by court facilitators and are being minimally served by ODR mediators. In focusing on never-married parents, Colorado will inevitably serve other needy groups, including low-income parents, noncustodial parents, unrepresented parents, and ethnic minorities. The Planning Group hopes that the introduction of effective non-judicial interventions for never-married parents will enable judges to spend more time and energy on high-conflict families, a group that was also of concern to the Planning Group.

## Scope of Services

The Planning Group aspires to address the problems that never-married parents face in their efforts to obtain parenting time on a statewide basis. Colorado has both dense population centers and sparsely populated, rural areas. Unmarried parents in both settings face challenges to obtaining and exercising parenting time. The Planning Group hopes to stimulate the development of responsive services in both cities and rural counties and judicial districts. Several elements of AV service delivery in Colorado are available on a statewide basis. For example, there are court facilitators in all judicial districts, although they are used differently with some handling dependency and neglect cases and others working with family cases. There are also ODR mediators and parent education presenters in most judicial districts, including rural ones. Finally, there are standardized, domestic relations forms and instructions for all courts that are posted on the state court website and cover dissolution, post-dissolution, parental responsibility, paternity, and child support modification.

## Level of Conflict and Intensity of Services

The Planning Group opted to focus on never-married parents at the lower end of the conflict spectrum. Given the modest amount of grant funds available to Colorado and the objective of ultimately providing statewide coverage, the Planning Group felt it can only realistically provide less intensive services to more people. While there is clearly a need to assist parents with high levels of conflict and safety issues, the Planning Group acknowledged that the AV grant resources would quickly be exhausted by the cost of pursuing more intensive interventions for this population. The Planning Group hopes that helping a large number of never-married parents at lower conflict levels to obtain and exercise parenting time will enable judges to dedicate more time and energy to families with higher levels of conflict. A few other funding sources were identified for high conflict families. These include national Green Book Grants, one of which was awarded to El Paso County in order to plan comprehensive services for high-conflict families. Funds generated from a \$1 surcharge on traffic violations for the Family Friendly Court Programs may also be used to pay for supervised visitation and drop-off and pick-up services. Finally, Colorado organizations might be encouraged to apply for Safe Havens, the Supervised Visitation and Safe Exchange Grant Program of the U.S. Department of Justice.

## Target Problem

One of the chief barriers to the exercise of regular parent-child contact among never married parents is their lack of court-ordered parenting time. Obtaining court-ordered parenting time requires that parents complete and file a form requesting the Allocation of Parental Responsibility. The Planning Group decided that AV grants should be primarily dedicated to helping never-married parents obtain the requisite legal forms, complete them, and file them with the court. Forms and simple, instructional materials in both English and Spanish need to be made available at court and in child support agency

settings. Pending legislation will give magistrates explicit authority to consider parenting-time issues in conjunction with paternity and child support. To eliminate the financial barriers that unmarried parents face, the court will be asked to combine parenting time orders with existing paternity and support orders in cases being handled by the child support agency. Judges and magistrates need to be trained on the provisions contained in new legislation and to incorporate parenting time orders in administrative support orders.

## Types of Services

Helping unmarried parents to obtain court-ordered parenting time will involve providing the following types of services:

**Providing Forms:** Unmarried parents need to have all relevant forms with simple instructions dealing with the Allocation of Parental Responsibility. This would include blank motions, certificates of mailing, and stipulations. Written materials need to be understandable to people with an eighth grade education. They also need to be available in English and Spanish.

**Conveying Forms to Targeted Population:** There is no routine way that unmarried parents can obtain copies of the forms they need for parenting time and relevant explanatory materials. The forms need to be distributed at the child support agency, court, libraries and on the courts website.

**Helping Parents with Form Completion and Filing:** There is no staff at the child support agency or the court to help parents obtain parenting time. Adams, El Paso, and Jefferson counties are currently experimenting with child access specialists at the child support agency who can provide this form of assistance. The Planning Group believes that such a worker is needed to help parents complete the forms and file them with the court, coordinate appropriate services in the community, and to refer parents who have disputes to mediation and/or a status conference with a court facilitator or magistrate. Ideally, this worker should be bilingual and able to communicate to parents in Spanish and English. Although the Planning Group would like this worker to be based at the child support agency at least part of the time, it was felt that a court employee, such as a court facilitator, might enjoy more protections and flexibility in helping parents to complete parenting time forms and navigate the court system. County Bar Associations should also be asked to sponsor monthly classes at which time never-married parents would obtain parenting-time forms and receive help in filling them out.

**Helping Parents Discuss When and Where Parenting Time Will Occur:** Parents who have disagreements about when and where parenting time will occur will be referred to ODR mediators. The average case requires 2.2 hours. Fees may be waived or reduced for indigent or low-income parents.

## Next Steps

The Planning Group seeks to maximize the effectiveness of the AV grants awarded to date and generate additional support, particularly with respect to the never-married population. Finally, the Planning Group hopes to extend lessons learned in the current

Parenting-Time demonstration project being conducted in Adams, El Paso, and Jefferson counties and to induce other counties to incorporate parenting-time assistance with normal case processing procedures at the child support agency. To achieve these objectives, it recommended that the following steps be taken.

**Create a sub-committee of the Planning Group to implement the decisions reached in the planning process and monitor progress.**

The Planning Group brought together judicial officers, court facilitators, child support personnel, and administrators of key ADR programs. A smaller, interdisciplinary committee is needed to implement the recommendations reached during the Planning Meeting. The full Planning Group should be re-convened in one year to monitor progress.

**Ask the Supreme Court to permit parenting-time matters to be filed with juvenile court dockets dealing with paternity and child support to avoid a separate filing fee.**

Never-married parents face some structural barriers to having their parenting-time issues addressed in the juvenile court when they appear for paternity and/or child support establishment or enforcement proceedings. Some magistrates and judges do not believe that they have the authority to address parental responsibility matters. And although paternity and child support matters are filed at no cost to the parties for those who have requested IV-D services or are in the IV-D agency caseload, actions regarding parenting-time are generally filed separately under a different docket and require payment of a filing fee of \$176. Although the recently approved SB 05-181 clarified that magistrates do indeed have authority to address parenting-time matters, additional direction from the Supreme Court might be warranted. This might also be an area suitable for attention at a judicial training conference. Supreme Court direction is also needed regarding the appropriateness of combining parenting-time plans and orders with administrative support orders that are filed by the child support agency and require no filing fee. The subcommittee of the Planning Group should pursue this inquiry with the Supreme Court.

**Collaborate with local bar associations and law schools to ensure that the classes and services they offer to *pro se* litigants address the needs of never-married parents.**

Local bar associations offer periodic classes on *pro se* divorce. Law schools operate family law clinics that offer limited assistance to unrepresented parents. Both forums need to be attentive to the needs of never-married parents. A subcommittee of the Planning Group should meet with the bar association and law school personnel responsible for *pro se* classes and clinics to ensure that the presentations and materials address the needs of never-married populations and/or to determine whether materials need to be revised or developed.

**Create simple, explanatory materials in Spanish and English concerning parenting-time for never married parents and translate filing forms and parenting-time agreement templates into Spanish.**

Never-married parents need simple material in Spanish and English that explain parenting time and how to get it and enforce it. Legal forms such as the petition for allocation of parental responsibility, the motion to modify parenting time, and the temporary or permanent parenting plan need to be translated into Spanish. Forms and simple instructional material need to be available at the court and the child support agency. They should also be used in classes and clinics for *pro se* litigants.

**Expand the purview of existing court facilitators to include never-married parents and/or obtain support for new facilitators to serve this purpose.**

If they conducted Initial Status Conferences with never-married parents with juvenile court filings, court facilitators would have an excellent opportunity to assist them with the development of a parenting plan, refer them for ADR services or parent education classes if that is determined to be necessary, and/or explain the process of filing and pursuing parenting time in the courts. In most judicial districts, court facilitators handle domestic relations cases and/or dependency and neglect filings. No court has facilitation resources for juvenile court filings that deal with paternity and child support for never-married parents. Courts should explore the feasibility of adding these cases to the purview of existing court facilitators as well as retaining new facilitators to serve the juvenile court. A variety of possible funding mechanisms should be explored, including new grant funds from the State AV grants, state funds for court facilitators, and federal and state incentive funds from the child support program.

**Monitor the existing demonstration project to integrate access and visitation services in child support case processing and disseminate results and lessons learned to courts and child support agencies in other counties and judicial districts.**

The Colorado Parenting Time Project, a demonstration project being conducted in Adams, El Paso, and Jefferson counties with support from the Federal Office of Child Support Enforcement, seeks to examine ways of assisting parents with access and visitation issues in the course of processing their child support case. It is expected that the projects will reveal key implementation and outcome information. Among the questions that will be asked and answered are the incidence of access and visitation problems among parents served by child support agencies; the nature of their problems; the best way to identify parents with problems; the types of services they want; the willingness of the other parent to participate in various types of services; and the types of outcomes such interventions produce with respect to parent-child contact and child support payment. The Planning Group needs to review the progress of the demonstration project and the results. Lessons learned and outcomes need to be disseminated to courts and child support agencies throughout Colorado. Promising models of service delivery need to be identified and implemented.

**Review the role of court facilitators; strengthen ties among court facilitators, ODR, and child support agencies; develop procedures to make access services more visible; and develop appropriate referral mechanisms.**

The Colorado Judicial Department, which currently administers the State AV grant in Colorado, dedicates most of the funds to underwriting the cost of mediation services for indigents and low-income parents. The Planning Group hopes to extend service delivery

to parents in the child support system. To accomplish this, the Office of Dispute Resolution should cultivate stronger ties with child support agencies at the county level and develop appropriate referral mechanisms. To the extent it is feasible, court facilitators should be included in the dialogue. A discussion should be initiated at the local level about expanding the range of clients that facilitators serve to include never-married parents with juvenile filings. This might include conducting Initial Status Conferences; distributing *pro se* forms and explanatory materials; and referring families to ODR, parent education, and *pro se* classes. Although the development of a comprehensive service delivery model cannot occur until the Colorado Parenting Time Project ends and the results of the evaluation are assessed, jurisdictions can begin to develop collaborative relationships between courts and child support agencies in the area of parenting time.

**Develop a statewide directory of AV services that can be readily accessed by child support and court workers at the county level.**

To facilitate referral activity among child support workers and court facilitators, Colorado should develop an Internet-based resource directory of AV services. The directory should be organized by county and located on the unsecured portion of the website for the Colorado Division of Child Support Enforcement so that child support workers, court facilitators, other service providers, and parents themselves can readily identify services in any geographical setting. There should be links to a similar service directory available on the website for the Colorado Department of Labor and Employment and an online directory developed and maintained by United Way. Child support workers appear to be extremely willing to refer parents to services for assistance with their access and visitation problems, but the referral process must be simple, reliable, and up to date.

**Pursue the simplification, standardization, and use of procedures affecting parenting time on a statewide basis and apply for relevant local and national funding opportunities.**

The Planning Group should advocate for further simplification of the process to establish, enforce, or change parenting-time orders. It should also explore the feasibility of developing a standard, presumptive parenting-time arrangement that could be incorporated in paternity orders and/or child support establishment and enforcement orders for never-married parents. Both ideas were strongly supported by substantial proportions of surveyed judges, facilitators, and court clerks. The Commission should also attempt to augment the resources available for access and visitation by pursuing other relevant funding opportunities including, but not limited to, the Department of Justice's Safe Havens: Supervised Visitation and Safe Exchange Grant Program and the Colorado Family Friendly Court Program.

Appendix F2—Tennessee Memorandum

## Memorandum

To: Tennessee Access and Visitation Planning Group  
From: Jessica Pearson, Ph.D. Center for Policy Research  
Subject: Access and Visitation Grant Program  
Date: January 20, 2005

### Introduction

Tennessee participated in a Federal planning project aimed at increasing the effectiveness of the Child Access and Visitation (AV) Grant Program and maximizing utilization of AV services. Another goal of the planning grant is to encourage states to coordinate with other public and private-sector programs and funding opportunities to promote access and visitation. As part of the planning project, Tennessee worked with the Center for Policy Research to conduct an assessment of AV needs and services in the state and to organize and conduct a one-day meeting to review the results of the assessment and consider various planning issues and options regarding future AV grant awards. This memorandum summarizes the results of the planning process and the next steps that Tennessee will take with respect to its AV Grant Program.

### Background

Tennessee's \$179,000 AV Grant Program is administered by the Administrative Office of the Court. During the first four years of the program, funds were used to pay for a pilot project dealing with parenting-plan coordinators. Parenting-plan coordinators were hired to review court files in order to ensure that divorcing parties with minor-aged children had attended a parent education class and had participated in mediation or prepared a permanent parenting plan prior to their court hearing. In 2002, marriage license fees were increased by \$60, of which \$7 was earmarked for parenting-plan coordinators. The fund yields approximately \$175,000 per year that supports parenting-plan coordinators and provides for the costs of court-ordered mediation, parenting education programs, and any related services to resolve family conflict in divorce and post-divorce matters. Tennessee Codes Annotated § 36-6-413. These are referred to as Parent Education and Mediation Funds. Currently, there are pilot programs funded in 15 districts. (Tennessee has 31 judicial districts and 95 counties.) Reimbursement for costs of court-ordered, reduced-fee or no-fee mediation and parenting education programs are available across the state with these state funds.

The development of a permanent funding mechanism for parenting-plan coordinators and services for parents in divorce or post-divorce cases freed up AV grant funds for reallocation. The timing for new awards coincided with the initiation of a statewide initiative dealing with unrepresented litigants. In June 2003, the state received a grant from the State Justice Institute to conduct a conference on unrepresented litigants ("Statewide Summit on Unrepresented Litigants"). The University of Tennessee conducted an assessment of the legal needs of the poor, and an interdisciplinary committee was created to pursue the issue. The Committee decided to align its work with the AV Grant Program and to focus on litigants in family law cases. Accordingly, it

has developed an instruction booklet and a uniform set of forms that unrepresented litigants can use in a variety of family law matters.

Since the approval of a funding mechanism for parenting coordinators, AV grant program funds have been awarded to grantees to assist unrepresented parent litigants with child access and visitation issues. The nine awards for 2004-2005 include the following:

- Community Legal Center (Shelby County – Memphis): The development of a resource center at the civil courthouse staffed by a part-time community legal center attorney to help self-represented litigants negotiate the court and the development of a monthly legal education clinic for parents who represent themselves in child custody, support, and visitation matters.
- Maury County - Columbia: The conduct of a monthly class on parenting plans and modification of visitation issues for unrepresented, never-married parents and mediation of parenting issues for parents referred from the district attorney's child support offices.
- Anderson County: Mediation of custody and visitation matters in cases with no domestic violence that are referred from the child support docket of the juvenile court.
- Decatur County: Creation of a liaison at the juvenile court providing information and referral services to divorced and never-married parents regarding issues of parenting, visitation, and child support.
- East Tennessee: Marketing materials about divorce, co-parenting, and support and development of an application for participation in clinics on self-represented litigation that will include referral to education classes and mediation.
- Middle Tennessee: Preparing materials for never-married parents (divorcing parents in some counties), coordinating with child support enforcement agencies for their distribution, and reviewing court files for evidence of a visitation order in juvenile court cases and a permanent parenting plan in court files. Legal clinics on *pro se* divorce for indigent parents are also being conducted and attendees are being assisted with finalizing their divorce.
- Putnam County: Mediation in juvenile and chancery courts, as appropriate, and referral to attorneys and mediators for *pro bono* services.
- Oasis Center (Davidson County – Nashville): Mediation of parenting/visitation issues referred by the juvenile court.
- Weakley County: Providing noncustodial parents who appear in juvenile court with information and forms on how to petition the court for visitation and arranging supervised visits in cases with little or no contact as ordered by the court.

Total annual resources available to help parents with access and visitation are the Parenting Education and Mediation Fund, which is currently supported by earmarked marriage license fees and targeted for divorcing and divorced parents (\$175,000 per year); the AV Grant award (\$179,000); and the Byrne Grant which is available for supervised visitation services (\$65,000).

## Planning Process Needs Assessment

The assessment conducted in conjunction with the Planning Project involved the design and administration of questionnaires to court, child support, and parent audiences. Ultimately, responses were received from 62 judges, 115 court clerks, nine parenting plan coordinators, 160 child support workers, and 384 parents. A detailed analysis was prepared. Highlights include the following.

- The five most common access and visitation problems that child support workers hear from parents are that the custodial parent (CP) does not allow the noncustodial parent (NCP) to visit; the NCP does not visit enough; the CP does not think the children are safe with the NCP during visits; the NCP does not have a visitation order from the court; and the NCP does not know where the children live.
- Judges, court clerks, parenting plan coordinators, and child support personnel tend to agree that the groups that receive the worst treatment with respect to access and visitation issues are unrepresented parents, poor or indigent parents, and never-married parents. The groups that receive the best treatment are custodial parents, divorcing or divorced parents, and families with domestic violence.
- Judges, court clerks, and parenting coordinators rate classes on coparenting/conflict resolution, mediation, consultations with a family lawyer, and written materials explaining visitation issues as the most helpful types of interventions for never-married and divorcing parents with access and visitation problems.
- Child support workers typically tell parents who complain about access and visitation that child support and visitation are two separate issues, there is nothing that the agency can do, and that they should contact an attorney or go to court. They say parents with access problems would be best assisted by having someone at the court available to help, a telephone hotline, written materials explaining visitation issues, and mediation services.
- Although child support workers say they are too busy to ask parents about their access problems, nearly all (82%) would be willing to refer parents to community services or to a *pro bono* attorney or Legal Aid.
- At least half of surveyed judges and court clerks strongly support simplification of the process to enforce or change AV orders. A third strongly support developing standard, presumptive AV arrangements so that never-married parents who do not pursue access in court have a legal arrangement.

## The Planning Meeting

On January 14, 2005, a day-long planning session was held at the Administrative Office of the Court in Nashville, Tennessee. It was facilitated by Jessica Pearson, Ph.D., of the Center for Policy Research. Attendees included the following individuals:

- Elizabeth A. Sykes, Deputy Director, Administrative Office of the Courts
- Mary Rose Zingale, Programs Manager, Administrative Office of the Courts
- Honorable Jacqueline E. Schulten, Circuit Court Judge, Eleventh Judicial District

- Professor Carl Pierce, University of Tennessee School of Law
- Honorable Donna Scott, Juvenile Court Judge, Rutherford County
- Charles Bryson, Director of Tennessee Child Support Field Operations and Management
- Bill Duffey, Director of Tennessee Child Support Policy

Jessica Pearson provided background information on how other states are using their AV grants and the results of several studies on the impact of AV grant services on clients, including changes in child support payments and levels of parent-child contact. Planning session participants then discussed the current programs Tennessee is funding through the AV Grant. Finally, they reviewed the results of the Tennessee Needs Assessment conducted for the Planning Project.

The planning process aimed to reach consensus on a variety of issues and options pertaining to the use of AV grant funds including the population to be targeted, coordination with other funding entities and providers, the type of services to be provided and their scope and intensity.

## Planning Outcomes and Decisions

### Target Population

The Planning Group reiterated the state's commitment to using AV grant funds to assist unrepresented parents in domestic relations cases who have access and visitation problems, including never-married parents who are not currently being served by parenting plan coordinators. This focus is believed to simultaneously address the issues of access to family law and the problem of visitation and child access for parents with limited financial resources.

### Scope of Services

The Planning Group aspires to address the problems that unrepresented parents face in their efforts to obtain access and visitation on a statewide basis. One statewide intervention that Tennessee is currently pursuing is the development of *pro se* forms and explanatory materials. It is hoped that the AV grantees will be able to use the forms and materials that have been developed and provide feedback that will help to refine them and promote their acceptance by the legal community and their use throughout the state. The Planning Group also hopes to provide limited legal and mediation services to families throughout the state through the AV grant program and by coordinating with the bar association and mediation groups to identify attorneys and mediators willing to provide limited legal or mediation services on a no-cost and reduced-fee basis. *Pro bono* practice can satisfy the ethics requirements that lawyers in Tennessee face, while state-approved mediators are required to perform a certain number of no-cost mediations.

### Level of Conflict and Intensity of Services

The Planning Group opted to focus on parents at the lower end of the conflict spectrum. Given the modest amount of grant funds available to Tennessee and the objective of ultimately providing statewide coverage, the Planning Group felt it can only realistically

provide less intense services to more people. While there is clearly a need to assist parents with high levels of conflict and safety issues, the Planning Group acknowledged that the AV grant resources would quickly be exhausted by cost of more intensive interventions for this population. The Byrne Grant is the only funding source currently available for supervised visitation at this time, although other funding opportunities exist, such as Safe Havens: Supervised Visitation and Safe Exchange Grant Program of the U.S. Department of Justice.

### Target Problem

One of the chief barriers to the exercise of regular parent-child contact is the absence of a visitation schedule or a detailed parenting plan. The Planning Group decided that AV grants should primarily be dedicated to establishing and defining visitation rights following a parental separation or divorce. For never-married parents, this involves filing a request with the court to obtain a visitation order and completing a permanent parenting plan that spells out how the child's time will be divided. For married parents, this involves obtaining a divorce with a permanent parenting plan.

### Types of Services

Helping unrepresented parents develop and file a visitation schedule involves providing them with appropriate *pro se* forms; explaining how the forms are to be completed and filed at court; assisting parents who need help with form completion; and facilitating a discussion between the parents of how, when, and where visits will occur.

**Providing Forms:** The Forms and Development Committee has drafted an extensive array of *pro se* forms and an explanatory booklet. They have not yet been "road tested" or evaluated. Nor have they been introduced to the Family Law Section of the Tennessee Bar Association.

**Conveying Forms to Targeted Population:** There is no routine way that unrepresented parents can obtain copies of *pro se* forms and relevant explanatory materials at the child support agency or the many courts in which these matters may be heard (juvenile, circuit, general sessions, and chancery).

**Helping Parents with Form Completion and Filing:** Although some legal services programs have developed classes for *pro se* parents to assist them with filing appropriate forms, attendance is extremely low. There are no systematic mechanisms to direct parents with AV problems who are flagged at child support agencies and courts and refer them to appropriate classes. Per the AV grants, some legal services programs provide limited assistance, although referral mechanisms have not been established with most child support offices and juvenile courts that serve the never-married population.

**Helping Parents Discuss When and Where Visits Will Occur:** Although some AV grantees currently offer mediation services to help parents develop a permanent parenting plan, referral mechanisms have not been established with most child support offices and juvenile courts that serve the never-married population.

## Next Steps

The Planning Group seeks to maximize the effectiveness of the AV grants awarded to date. It also wants to ensure that the *pro se* forms and instructional materials that have been developed to date are introduced to the legal community in an effective manner and are ultimately disseminated and used by unrepresented parents throughout the state. Finally, it wishes to augment the participation of lawyers and mediators throughout the state in the provision of zero-cost and reduced-fee legal and mediation services to assist parents with the development and entry of legal visitation arrangements and to promote the use of uniform and simplified procedures on a statewide basis. To achieve these objectives, it recommended that the following steps be taken.

### **Elevate the committee working on access to justice and AV planning issues to be a Commission of the Tennessee Supreme Court.**

The committees working on access to justice issues and the AV planning process should be consolidated and elevated to the status of a Supreme Court Commission. It should focus on helping unrepresented parents in domestic relations cases who have access and visitation problems, including never-married parents. It should include at least one representative of all relevant professional groups: judges of the various courts, clerks, administrators of child support agencies and the office of the courts, legal aid attorneys, family law attorneys, and mediators. These individuals will be critical to disseminating materials and initiatives generated by the Commission and in ensuring their acceptance by key professional audiences.

### **Create an assessment and evaluation sub-committee to review the AV grantees and the *pro se* forms and explanatory brochures.**

The key “products” of the commission are the *pro se* forms and the nine awards to grantees for projects to promote access and visitation. Both need to be reviewed and assessed to determine whether they meet the objectives for which they were intended and/or whether revisions are required. A subcommittee of the Commission should be created to handle those review processes. The sub-committee should obtain the technical expertise it requires to conduct the assessment.

### **Have the AV grantees use the *pro se* forms and explanatory brochures, and provide feedback on their effectiveness and needed changes.**

The forms developed by the Access to Justice Committee have not been “road tested.” The AV grantees are obvious settings in which to test their use and elicit information on needed revisions. The use of a standard set of forms and an explanatory brochure could also avoid duplication among the grantees since several include the development of explanatory materials and forms as part of their objectives. The forms should be distributed to grantees and explained by the developers in a “roll-out” session. Grantees should also be given a feedback form on which they record the number of cases in which each form was used, whether the form was completed accurately, problems encountered, and needed revisions. Their clients could be given a user satisfaction form on which to rate the understandability of the form and the instructional brochure.

**Conduct a review of the AV grants with a focus on performance patterns and recommended methods of strengthening service delivery.**

The evaluation subcommittee (or its designee) should hold conversations with the nine grantees to discuss how they are being implemented. The review process should identify problems encountered in implementation, changes to the original plan, and needed revisions. The review should also address the effectiveness of the grants, including numbers and types of parents served, referral sources, the precise nature of the services delivered, and outcomes. The subcommittee should work with grantees to identify ways to strengthen referral mechanisms and service delivery and to eliminate duplicative activities, such as the preparation by individual grantees of *pro se* forms and explanatory materials that are now available on a statewide basis.

**Convene judges, court clerks, parenting plan coordinators, child support administrators and service providers in counties that have received an AV grant to review the target population, develop referral procedures, and make the projects more visible.**

The Commission (or its designee) should conduct a site visit to each grantee, one purpose of which will be to heighten the local visibility of the project. This will be accomplished by convening the court, child support personnel, and relevant community-based service providers to meet with the grantee and discuss referral procedures, project operations, implementation barriers, and interim outcomes. The meetings would also address ways of making the projects more visible to the general public on a local basis.

**Review the role of parenting-plan coordinators and consider the feasibility of enlisting their assistance in the distribution of *pro se* forms and brochures and/or referrals to AV grantees.**

The Commission (or its designee) should initiate a discussion with parenting-plan coordinators, judges, and clerks about expanding the range of duties that coordinators perform to include distribution of *pro se* brochures and explanatory materials and referral of appropriate families to the AV grantees. By providing at least some AV grant funds to help pay for parenting-plan coordinators, it might be possible to get them to coordinate with child support agency workers and distribute materials to unrepresented parents who are sent to the court to pursue a filing for visitation rights and to develop a parenting plan.

**Disseminate *pro se* forms and brochures, information about the AV grants and other initiatives of the Supreme Court Commission at relevant conferences for judges, clerks, lawyers, child support workers, and mediators.**

The Commission should develop a plan to disseminate its materials and initiatives to relevant professional communities including but not limited to judges, court clerks, family law attorneys, child support workers and mediators. Since a key component of the plan involves the provision of zero-cost and reduced-rate legal and mediation services, careful attention must be paid to enlisting the support of those professional groups and maximizing their participation.

**Publicize the availability of *pro se* forms and brochures, classes for unrepresented parents, and other resources to the general public.**

Preliminary information from the grantees suggests that classes and workshops for unrepresented parents to help them obtain visitation rights and to develop parenting plans are poorly attended. The Commission should obtain the advice of advertising personnel on how to orchestrate a public information and awareness campaign using zero-cost and donated services. It should consider public service announcements on television and radio, advertisements on buses, and business sponsorships.

**Pursue the simplification, standardization, and use of procedures affecting access and visitation on a statewide basis and apply for relevant local and national funding opportunities.**

The Commission should advocate for simplification of the process to enforce or change AV orders. It should also explore the feasibility of developing a standard, presumptive AV arrangement that could be incorporated in paternity orders and/or child support establishment and enforcement orders for never-married parents. Both ideas were strongly supported by substantial proportions of surveyed judges and court clerks. The Commission should also pursue other relevant funding opportunities including, but not limited to, the Department of Justice's Safe Havens: Supervised Visitation and Safe Exchange Grant Program.

**Retain a staff person to assist the Commission and oversee the roll out of forms, the assessment of AV grants, and the dissemination effort to professional and general audiences.**

These steps require more consistent attention and effort than can be expected from existing AOC staff and volunteers on the Forms and Development Committee. It is recommended that the AOC retain a temporary staffer to implement the process of reviewing the nine AV grants that have been awarded, as well as coordinating the process of circulating and reviewing the *pro se* forms that have been drafted and orchestrating an educational outreach effort with relevant professional groups and the general public.

Appendix F3—Texas Memorandum

## Memorandum

To: Texas Access and Visitation Planning Group  
From: Jessica Pearson, Ph.D. Center for Policy Research  
Subject: Access and Visitation Grant Program  
Date: October 15, 2004

### Introduction

Texas participated in a Federal planning project aimed at increasing the effectiveness of the Child Access and Visitation (AV) Grant Program and maximizing utilization of AV services. Another goal of the planning grant is to encourage states to coordinate with other public and private-sector programs and funding opportunities to promote access and visitation. As part of the planning project, Texas worked with the Center for Policy Research to conduct an assessment of AV needs and services in the state and to organize and conduct a one-day meeting to review the results of the assessment and consider various planning issues and options regarding future AV grant awards. This memorandum summarizes the results of the planning process and the next steps that Texas will take with respect to its AV Grant Program.

### Background

Texas' \$621,000 AV Grant Program is administered by the Child Support Division of the Office of the Attorney General (OAG). Since the inception of the grant program (1997-1998), most funds have gone for supervised visitation. For example, during federal Fiscal Year 2002, 14 supervised visitation programs received approximately \$400,000 in AV grant funds to serve 902 families. Most had been funded since federal Fiscal Year 1997 or 1998. In 2002, the OAG also made four awards totaling \$135,764 for legal information and enforcement services, including a \$50,574 award to the Legal Aid of Northwest Texas to help support the creation and operation of a statewide Access and Visitation Hotline ("Hotline"). In 2002, the OAG awarded two grants that totaled \$57,251 for mediation services, one of which was aimed at serving IV-D and low-income clients. The grantee list for 2002 also included one \$36,711 award for parent education.

In 2003, the OAG increased its award to Legal Aid of Northwest Texas so that the Access and Visitation Hotline could provide callers telephone access to attorneys three hours per day, five days per week. The OAG also commissioned an evaluation of the Access and Visitation Hotline that was completed in February 2004. Finally, in 2003, the OAG made its first award to the Harris County Domestic Relations Office (DRO) to resolve visitation issues by providing attorney consultations, parent conferences, family mediation, and legal enforcement.

In addition to the AV grants, Texas currently gets additional support for AV activities from the Federal Office of Child Support Enforcement via a demonstration and evaluation grant recently awarded to the State. The Ensuring Access, Encouraging Support Project involves a collaboration between the Houston Regional Office of the OAG (Region 6) and the Harris County Domestic Relations Office (DRO). The objective of the project is to identify and address access and visitation problems among noncustodial parents

served by the child support agency in order to promote parent-child contact and child support payment. Parents in the high-level treatment group will be offered a free consultation with an attorney, a facilitated parent conference, mediation, parent education, and legal enforcement. Parents in the low-level treatment group will be offered printed information, a resource list and a coupon for a free seminar on parenting after separation or divorce. Among the issues that will be addressed in the evaluation are the incidence and nature of access disputes, the most effective methods of recruiting parents using mail and in-person techniques, parent participation in various high- and low-level interventions, and outcomes with respect to parent-child contact and child support payment.

Texas law accords parents standard visitation rights regardless of their marital status, although this obviates the need for never-married parents to establish a custody and visitation order. Many do not understand their rights and/or are unable to exercise them. Domestic Relations Offices (DRO) that service 15 district courts offer a variety of investigation, mediation, coordination, and enforcement services to parents with divorce filings. To date, Domestic Relations Offices have not been used extensively in paternity and child support cases filed on behalf of never-married parents and heard by associate judges. The lack of personnel and services to address access and visitation issues for parents in the IV-D system is viewed as a big omission.

#### Planning Process Needs Assessment

The assessment conducted in conjunction with the Planning Project involved the design and administration of questionnaires to court, child support and parent audiences. Ultimately, responses were received from 108 judges, 18 associate judges, 100 court clerks, 519 child support workers, and 92 parents. A detailed analysis was prepared. Highlights include the following.

- The five most common access and visitation problems that child support workers hear from parents are that the custodial parent (CP) does not allow the noncustodial parent (NCP) to visit; the NCP does not visit enough; the NCP does not know where the children live; the CP does not think the children are safe with the NCP during visits; and the standard visitation order does not work.
- Judges, associate judges, court clerks, and child support personnel tend to agree that the groups that receive the worst treatment with respect to access and visitation issues are high-conflict families, unrepresented parents, poor or indigent parents, parents who live in different states, and noncustodial parents. The groups that receive the best treatment are divorcing or divorced parents and custodial parents.
- Judges, associate judges and court clerks rate classes on co-parenting/conflict resolution and mediation as most helpful. They also favor consultations with a family law attorney, supervised visitation, and easy written materials on visitation orders.
- Child support workers typically tell parents who complain about access and visitation that child support and visitation are two separate issues, there is nothing that the agency can do, and that they should contact an attorney or

phone the AV Hotline. Given their heavy reliance on the Hotline, it is not surprising that child support workers feel that parents with access problems are best assisted by the Hotline. They also favor easy written materials on visitation orders, mediation, someone at the court offering *pro se* assistance, and classes on co-parenting and conflict resolution.

- Although child support workers say they are too busy to ask parents about their access problems, nearly all (92%) would be willing to refer parents to community services and 64 percent would like to refer parents to a specialized worker at the child support agency. They believe that helping parents with access and visitation problems would show NCPs that child support is unbiased and interested in doing what is best for their children and that child support collections would improve.
- Half of surveyed court personnel think that Texas should simplify the process to enforce and change access and visitation orders. Forty percent feel that courts should routinely screen for access and visitation problems.

### The Planning Meeting

On September 16, 2004, a day-long planning session was held at the Office of the Attorney General in Austin, Texas. It was facilitated by Jessica Pearson, Ph.D., of the Center for Policy Research. Attendees included the following individuals:

- Michael Hayes, Manager of Collaborations, Fatherhood and Family Initiatives, Child Support Division, Texas Office of Attorney General,
- Alisha Key, Director, Texas Office of Court Administration
- Arlene Pace, Access and Visitation Coordinator, Child Support Division, Texas OAG
- The Honorable Judge Doretha Henderson, Associate Judge, Houston, Texas
- The Honorable Tamera Arrington, Associate Judge, Georgetown, Texas
- The Honorable Debra Lehrmann, Presiding Judge, 360<sup>th</sup> District, Fort Worth, Texas
- Cecelia Burke, Director, Travis County Domestic Relations Office, Austin, Texas
- David Simpson, Director, Harris County Domestic Relations Office, Houston, Texas
- Melissa Fain, Regional Administrator, Child Support Division, OAG, Arlington
- Jason Sabo, Public Policy Director, United Ways of Texas

Jessica Pearson provided background information on how other states are using their AV grants and the results of several studies on the impact of AV grant services on clients, including changes in child support payments and levels of parent-child contact. Pearson also described the results of the evaluation of the Access and Visitation Hotline that is funded by an AV grant. Arlene Pace described the programs that Texas has funded through the AV Grant and how funding has changed since 1998 when the first awards were made. Finally, participants reviewed the results of the Texas Needs Assessment conducted for the Planning Project.

The planning process aimed to reach consensus on a variety of issues and options pertaining to the use of AV grant funds, including the population to be targeted, coordination with other funding entities and providers, the type of services to be provided, and their scope and intensity.

## Planning Outcomes and Decisions

### Target Population

The Planning Group decided that Texas should commit a greater fraction of existing AV grant funds and new AV grant funds to serving parents who are involved with the child support enforcement program. These parents are not currently being served by Domestic Relations Offices (DRO) in the major metropolitan counties where DROs are available. Nor are IV-D clients populations being targeted by most AV grantees. In focusing on parents in the IV-D system, Texas will inevitably serve other needy groups, including never-married parents, low-income parents, noncustodial parents, unrepresented parents, and ethnic minorities. The Planning Group felt that funded services should be appropriate for never-married parents as well as divorcing and/or separated parents.

### Scope of Services

The Planning Group aspires to address the problems that parents in the IV-D system face in their efforts to understand and enforce their visitation order on a statewide basis. Texas is a huge state with both dense population centers and sparsely populated, rural areas, and parents in both settings face access and visitation problems. The Hotline is viewed as an effective way of providing at least some assistance on a statewide basis. An analysis of 3,244 calls to the Hotline during March 15, 2003, to August 30, 2003, showed that the Hotline serves most regions of the state, with half of the callers residing in Metroplex and Upper East Texas; 18 percent in Gulf Coast and Southeast Texas; 16 percent in Alamo, Capital, and Central Texas; and 10 percent in the South Texas Border and Coastal Bend. The analysis also showed that the Hotline callers are equally apt to be men and women and to be racially diverse, with 40.5 percent classifying themselves as white, 28.9 percent African-American, and 29.1 percent Hispanic.

### Level of Conflict and Intensity of Services

The Planning Group opted to focus on parents at the low-to-medium end of the conflict spectrum. Given the modest amount of grant funds available to Texas and the objective of providing statewide coverage, the Planning Group felt it can only realistically provide less intensive services to more people. While there is clearly a need to assist parents with high levels of conflict and safety issues, the Planning Group felt as though supervised visitation had been overemphasized in the past and that this approach has not been effective in meeting the program goals. The Planning Group hopes to assist parents at low-to-medium conflict levels to understand and exercise their visitation rights and obligations and prevent more serious conflicts about access and visitation from developing. It was suggested that Texas grantees that offer supervised visitation services be encouraged to pursue alternative funding opportunities such as Safe Havens, the Supervised Visitation and Safe Exchange Grant Program of the U.S.

Department of Justice. It was also suggested that some AV grant resources be dedicated to legal enforcement remedies for high-conflict families.

## Target Problem

Texas law gives parents standard visitation rights regardless of their marital status. Thus, divorcing and never-married parents do not need to take affirmative legal steps to establish a custody and visitation order. However, they do have problems understanding their orders and exercising visitation without conflict. The Planning Group decided that AV grants should primarily support early interventions with low-to-medium conflict families to help them understand their visitation orders and exercise visitation without conflict. The Planning Group supported the idea of making co-parenting education, alternative dispute resolution, and easy-to-understand materials about access and visitation widely available to both never-married and divorcing parents.

## Types of Services

Helping unmarried parents to understand their visitation rights, and to exercise them without conflict, will involve providing the following types of services:

**Co-Parenting Education:** Teaching parents how to deal with one another as “partners” in the “business” of raising their children is a key to avoiding conflict concerning access and visitation. In addition to developing a business relationship, parents need to understand the importance of keeping both parents involved with the children and the destructive effects of conflict. Finally, parents need to understand what standard visitation orders say, and how to change such orders if they are not working.

**Alternative Dispute Resolution:** Many disputes about visitation are due to vague arrangements concerning where and when the children will be exchanged. Parent conferences, mediation interventions, and parent coordination services are facilitated interventions with parents aimed at clarifying visitation plans and developing more detailed agreements to minimize conflict and confusion.

**Materials on Access and Visitation:** Although Legal Aid of Northwest Texas has created an excellent website that offers legal information on access and visitation issues (TXAccess.org), most families served by the child support agency do not have access to the Internet and do not use computers for information. Indeed, interviews with Hotline callers revealed that few recalled being instructed to check a website, and, if so instructed, most callers neglected to follow through with those recommendations. The Planning Group suggested that simple printed materials on access and visitation be prepared and distributed, especially to parents in the IV-D system. This might include some basic information about standard visitation orders, frequently asked questions and answers, information on how to find a lawyer, a demand letter for visitation, and a visitation journal.

## Next Steps

The Planning Group seeks to maximize the effectiveness of the AV grants awarded to date and generate additional support, particularly with respect to the population being served by the IV-D agency. The Planning Group also hopes to extend lessons learned in the current demonstration project in Region 6 (Houston) on methods of coordinating access and visitation services with child support case processing. To achieve these objectives, it recommended that the following steps be taken.

### **Continue to support and strengthen the Access and Visitation Telephone Hotline.**

The Hotline reaches large numbers of people in both rural and urban settings. It is extremely cost-effective; users rate it highly. The Planning Group strongly recommended that funding be continued. They also suggested that it be strengthened. This could be accomplished by training Hotline workers to provide more concrete suggestions and advice rather than simply making referrals to other programs and services. Hotline workers should also mail follow-up information to callers rather than relying on them to use the Internet for information and materials. Finally, the Hotline should explore ways of training legal services programs around Texas to provide periodic classes for unrepresented parents on visitation enforcement.

### **Create simple explanatory materials in Spanish and English concerning access and visitation issues and resources.**

Many parents in the child support system lack access to the Internet or are uncomfortable using it for information. Thus, they do not take advantage of the excellent resources available on TXAccess.org. Simple informational material and forms should be developed and distributed to parents in the child support system. The information should be available at child support offices and at court. They should also be used in classes and clinics for *pro se* litigants and by Hotline workers.

### **Cut back on grants to supervised visitation programs and solicit projects that involve early intervention with families in the child support system at the low- to-medium conflict levels.**

The OAG agreed to request applications for future AV grant awards that reflect the recommendations of the Planning Group. Accordingly, the OAG released a Request for Applications for 2005 in which they noted that "preference will be given to those proposals emphasizing early intervention, co-parenting education, alternative dispute resolution services, and visitation enforcement programs for parents with cases in the IV-D child support program."

### **Encourage courts and child support workers to screen for access and visitation problems proactively when orders are established in order to identify early intervention opportunities.**

There was strong support among surveyed court staff for courts to screen for access and visitation problems at all relevant court hearings. Early identification of parents with access and visitation issues is central to the effective use of early intervention techniques like education and alternative dispute resolution.

**Train child support and court staff on access and visitation issues, resources, and referrals.**

Although surveyed child support workers said they were very willing to refer parents with access and visitation problems to appropriate community services, they have received no training to date on the issue. To encourage referral activity, workers need training on how visitation works in Texas, the nature of standard visitation orders, the places parents might go to get help, and the steps they might take to improve their visitation situation.

**Monitor the existing demonstration project to integrate access and visitation services in child support case processing, and disseminate results and lessons learned to courts and child support agencies in other counties and judicial districts.**

The Ensuring Access, Encouraging Support Project, a demonstration project being conducted in Region 6 in collaboration with the Harris County Domestic Relations Office, seeks to examine ways of assisting parents with access and visitation issues in the course of processing their child support case. It is expected that the project will reveal key implementation and outcome information. Among the questions that will be asked and answered are the incidence of access and visitation problems among parents served by child support agencies; the nature of their problems; the best way to identify parents with problems; the types of services they want; the willingness of the other parent to participate in various types of services; and the types of outcomes such interventions produce with respect to parent-child contact and child support payment. It is expected that this project will lead to the identification of promising models of service delivery and that they will be disseminated to other child support offices and DROs throughout Texas.

**Explore ways to simplify the procedures to enforce and/or modify visitation orders.**

Court and child support respondents were strongly in favor of simplifying procedures to enforce and/or modify standard visitation orders. A discussion should be initiated with the bar association and legal services programs on methods of achieving simplification, particularly for unrepresented parents. The OAG should also attempt to augment the resources available for access and visitation by pursuing other relevant funding opportunities and donated services by lawyers and mediators.

**Develop a statewide directory of AV services that can be readily accessed by child support and court workers at the county level.**

To facilitate referral activity among child support workers and court staff, Texas should develop an Internet-based resource directory of AV services. The directory should be organized by child support region and county and located on the unsecured portion of the website for the Texas OAG so that child support workers, court staff, and other service providers and parents themselves can readily identify services in any geographical setting. There should be links to similar service directories available on the website such as those maintained by United Way. Child support workers appear to be extremely willing to refer parents to services for assistance with their access and visitation problems, but the referral process must be simple, reliable, and up to date.