



## ***Incarcerated Parents***

***PAID In Full is a compilation of early intervention, order establishment, locate, enforcement, and arrears management practices that support PAID, including implementation criteria to facilitate successful outcomes. The questions under each practice are intended to assist States in looking for methods to optimize their processes.***

Following is a summary of promising practices related to incarcerated parents and child support that were identified by States. These practices address several PAID categories including Setting Appropriate Orders, Review and Modification, Locate and Enforcement, and Customer Service/Outreach. Additional resources on this topic include *Working with Incarcerated and Released Parents: Lessons from OCSE Grants and State Programs*, *A Resource Guide* and also *Incarceration, Reentry and Child Support Issues: National and State Research Overview*.

These documents are available in DCL-06-31 at

<http://www.acf.hhs.gov/programs/cse/pol/DCL/2006/dcl-06-31.htm>.

### **Setting Appropriate Orders**

***HI Incarcerated Obligor*** – For incarcerated parents, the State can set minimal orders of \$50 per month/ per child and possibly less if Judge determines exceptional circumstances if the NCP’s income cannot be determined. Such actions are expected to reduce the growth of potentially uncollectible arrears.

***IN Incarcerated Obligor*** – The State is reviewing its practices to insure that appropriate enforcement measures are used for each case and that orders are established in accordance with the obligor’s current ability to pay. The impetus for this discussion was a recent Indiana Supreme Court decision in the Lambert case. The ruling said that it was not appropriate to base a child support order on income that was previously received by the obligor but that would not be received during his incarceration. The State staff is looking into ways of managing cases of incarcerated obligors whose orders are based on pre-incarceration income.

***MA and TX paternity and Genetic Testing for Incarcerated NCPs*** – For incarcerated NCPs, Massachusetts has the ability to use a Putative Father’s affidavit by which fathers may waive the requirement to obtain a court order for genetic testing. Massachusetts also has the administrative authority for genetic marker tests that grant the child support agency authority to order the mother, the child and the putative father to submit to genetic marker tests. In the past Texas policy permitted a paternity order to be established by default when an incarcerated parent failed to respond to a paternity notice. Current policy no longer permits default paternity orders for incarcerated alleged fathers, unless they actually refuse a genetic test.



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***CO Order Establishment*** – Colorado participated in two grants that have served to influence Colorado’s order establishment process. As a result of what was learned in the Default Order Grant and the Early Intervention Grant, Colorado has trained staff and established best practices around the setting of the monthly support obligation based on actual income and true circumstances rather than imputed income; and around taking actions to involve the obligor in the establishment process through telephone calls and mail communication. In addition, Colorado passed legislation effective July 2008, which allows for the establishment of a \$50 monthly support obligation for an obligor who is incarcerated for one year or longer.

### **Collections**

***AZ Maricopa County Jails*** – In November 2007, the first inmate limited income withholding order (LIWO) was issued to the Maricopa County Sheriff’s Office. It resulted in a collection of \$13,293 which paid off the inmate’s child support case. This prompted further collaboration with the Sheriff’s Office and resulted in the following process: the Sheriff’s Office sends DCSE a list of all arrestees each morning; DCSE compares that list against its system, and issues LIWOs when there is a match and obligations are owed. Many of these NCPs are difficult to collect from and this collection may be the only opportunity on a case during the year. From November 2007 to November 2008, DCSE issued 861 LIWOs and collected \$132,257 through this collaboration.

***AK State and Local Police Agencies*** – CSSD cooperates with State and local police agencies to get child support collections from people who are arrested. Following the arrest, and if the person is carrying a sum of cash, the police contact CSSD to see if a child support debt exists. Then CSSD serves a withholding order on the police department for the money being held.

***WA Jail Inmate Funds*** – Field offices work with local jails to identify new inmates and collect from inmate accounts. Liaisons for this program build relationships with either their local prosecutor or jail, or both. Jails with a working agreement with DCS to identify these clients accept batched wage withholdings from a child support liaison, some on a daily basis. Withholds are processed by the jail quickly and funds are received timely by DCS, making efforts at this relationship worthwhile and cost effective. Field offices that do not currently have a relationship with their local jails are exploring this option after seeing the success of other offices.



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***CO Prison Bank Accounts*** – Colorado has authority to collect child support from inmates' prison bank accounts through administrative liens. However, between restitution and child support garnishments, no more than 20 percent of an inmate's account can be taken each month. Colorado has automated this lien process and the average lien collection today is between seven and nine dollars. The Colorado child support agency has matched over 5,000 inmates and is successfully collecting over \$25,000 a month from inmate accounts. For 2006, Colorado child support collected nearly \$306,000 from garnishment of prisoner accounts.

### **Data Exchanges**

***AR Justice Management Exchange*** – Data Exchange with Arkansas Probation Department and Department of Corrections, Community Corrections – the State has automated data exchanges with AR Probation Department and the Department of Correction, Community Corrections. Prior to this time, all data exchanges were manual. With the automated data exchange, Pulaski and Perry Counties have increased production by 18%. Statewide automation, scheduled for early 2009, should increase locate and collections. The State is also reviewing an interface with the Justice Management Exchange, a private vendor free to all law enforcement agencies.

***MA Monthly Data Matches*** – MA conducts monthly data matches with Department of Collection, the parole board, and numerous counties to identify inmates with any involvement with the child support agency. Staff estimates that within 3 weeks of receiving the match information, they have reviewed the inmate's case and decided on a course of action.

***MS Department of Corrections*** – Mississippi Department of Corrections agreed to partner with DCSE to automatically share inmate data. This is a *monthly data match* that will be used to assist with locating noncustodial parents for the purpose of establishing paternity. This tool will also enhance contempt and location enforcement activities. The system will process the shared information, automatically apply updates to the cases and send alerts to the assigned caseworkers for follow-up actions.

***MN Hennepin County*** intake and enforcement workers in Minnesota who are assigned the cases of incarcerated NCP's receive information from the monthly match conducted by the State DCSE with Department of Correction and also receive a daily log of individuals incarcerated in the county facility.



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***VI Department of Corrections Interface*** – VI PCSD has successfully concluded a long-standing effort to establish an interface with the Department of Corrections, initially limited to the current prison population and to be extended to pro-active matches with respect to new inmates. The initial reconciliation process has already identified NCPs who had “system verified” addresses (and therefore subjected to attempted enforcement actions) but who in fact were and had been incarcerated (the reason attempted enforcement actions were unsuccessful.)

***CO Data Matching*** – A 2001 match of data indicated that one-fourth (26 percent) of inmates in State prisons with release dates of more than six months and 28 percent of parolees have active child support orders. As a result of the data matching, Colorado implemented a monthly reporting process that automatically sends a report of matches for cases with incarcerated obligors and a report of matches for cases with paroled obligors.

### **Review and Modification of Orders**

Some States find incarceration insufficient reason to justify the elimination or reduction of an existing child support obligation. However, for those States that consider incarceration to be a valid change in circumstances; the following practices may be useful.

***MN Termination of Interest*** – Minnesota State law allows an incarcerated person to request that the court terminate interest charging on the basis that he is financially unable to pay child support during his incarceration.

***DC Modifying Orders of DC Prisoners*** – In 2008, the District of Columbia completed its 1115 grant, which was awarded in 2006, for “Modifying Orders of DC Prisoners.” The District of Columbia recently enacted a law that requires judges to inform individuals being sentenced to prison that they have the right to petition the court for a modification of their child support order. It also requires that the court give individuals the opportunity to fill out a petition for modification during their sentencing hearing. As part of the project, Child Support Services Division staff visited Rivers Correctional Institution in Winton, NC and met with DC prisoners who had child support cases. During the grant period, CSSD obtained over 300 modifications of orders of prisoners and modified orders of NCPs who requested modifications at sentencing hearings. During the site visit to the Rivers Correctional Institution, about 50 fathers took genetic tests to establish paternity. This will enable CSSD to confirm paternity so that the case may proceed appropriately. There were 27 fathers served with Notices of Hearing and Order Directing Appearance. These fathers are directed to participate in hearings so that paternity or an order may be established. Prisoners will participate in the hearings over the telephone.



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***IL Project CHILD*** – Assists incarcerated parents in seeking modification of support order terms during periods of incarceration, while ensuring that the NCP is fully aware of the obligation to support the children upon release. Illinois is testing a streamlined process for responding to residents of pre-release work centers who requested a modification that involved multiple agencies. The NCP submitted a financial affidavit along with modification requests, and the review activities were put on a “fast track” by workers. One administrative hearing officer was assigned to hear all of the income modification requests. When the project ended 63 requests for modification had been reviewed: 44 percent were approved, 43 percent were closed or dismissed, and 13 percent were pending at the time the grant evaluation period ended. Illinois has authority to establish a \$0 order or establish a reserve order and reset the amount after the parent is released or working.

***MD Incarcerated*** – The Project Fresh Start is a two-year program that provides incarcerated non-custodial parents the opportunity to modify child support orders upon entry or while in prison to reduce or eliminate the accumulation of large arrearages. In addition, this program provides training and job services for non-custodial parents leaving prison to increase their ability to meet their child support obligations.

***IN Incarcerated Parents*** – A SIP grant in the amount of \$83,498 was awarded to the Sagamore Institute for Policy Research in Indianapolis to develop a timely approach to modifying child support orders for incarcerated noncustodial parents in Indiana prisons. The program, Work-Responsibility-Reward, aims to encourage noncustodial parent responsibility. The grant will assess the impact of arrearage modification on payment of current support and parent/child connections. The Institute has an agreement with FSSA (TANF) to waive the state-owed portion of arrearages for participants in the project, which is operated by Workforce, Inc. The agreement also includes the Attorney General’s office, the Governor, Child Support Bureau and Marion County Prosecutor. State staff provides support to this grant by facilitating contacts with Corrections and Marion County child support officials.

***MA Pro Se Modification Assistance for Incarcerated NCP*** – A 2001 data match found 1,270 inmates in State prisons with arrears totally \$22 million or 16 percent of the State total arrears. This did not include inmates in Federal or county facilities. Massachusetts staff go to prisons and assist inmates to complete paperwork for a pro-se application for modification. The assistance differs for offenders who will be released within a year and those whose sentences exceed 12 months. For longer-term incarcerated, staff schedules a court hearing immediately with the affidavit signed by the NCP substituting for their appearance in court. Of the 203 requests that were resolved during the 2001-2003 grant evaluation period, 90 percent were awarded downward modifications from \$50 to \$80 a month. Contact: Nora Hudock [Hudock@dor.state.ma.us](mailto:Hudock@dor.state.ma.us)



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***TX Incarcerated NCP Modification Pilot*** – This project is a multi-year pilot to test processes for identifying, assessing, and adjusting current support orders for NCPs currently incarcerated in Texas Department of Criminal Justice (TDCJ) facilities to ensure that orders are set according to the Texas Family Code. The project includes development of simplified forms for incarcerated NCPs to complete requesting modifications, expedited screening and review of requests, training of Access to Courts Supervisors in all TDCJ facilities to provide immediate assistance and screening for incarcerated NCPs with modification requests and other related child support issues. The project has an evaluation component to develop outcome measures to gauge impact on collections after release, arrears management, and family reintegration. The ultimate goal of the project is to reduce disincentives to payment of current support orders upon release and reduce the accumulation of uncollectible arrears.

***CA Los Angeles Expedited Process for Modification*** – Los Angeles County created an expedited process that handles the modification automatically, but provides notice and permits either party to stop the process. The expedited process is not limited to incarcerated parents; it is available to all low-income parents. In 1½ years of the 80,000 cases and 30,000 modified, about 5% involved incarcerated parents. Because incarcerated parents typically have no ability to pay child support while in prison, the orders are modified to \$0. This approach, which takes an average of 26 days to complete, is approved by the judiciary. Contact: Fesia Davenport (323) 889-6462.

***WI Milwaukee County Prison Project*** – Milwaukee County proactively identifies incarcerated NCPs with the goal of suspending their orders during incarceration. The Prison Project attempts to suspend the order and payments on arrears during incarceration. The suspension remains in place until either 60 days after the mandatory release date or the date the NCP enters a work release program. Incarcerated NCPs are eligible to participate in the project if they have an open child support order, a release date prior to the youngest child's age of emancipation, a release date at least seven months in the future, and are not serving time for felony nonsupport or for a crime against the custodial parent or child. The NCP and CP receive a simultaneous mailing of a simplified form to request a temporary suspension and to agree or disagree with that request. If the NCP and CP agree, a suspension is stipulated. If the CP objects, the case is not pursued. If the NCP requests suspension, but the CP does not respond, a motion is sent to Family Court. If the CP appears and objects, the case is dropped. If the CP does not appear, the NCP's request is usually approved.

For more information contact:                      Milwaukee County Child Support Agency  
Attn: Janet Nelson  
Courthouse, Rm. 101  
901 N. 9th St.  
Milwaukee, WI 53233  
(414) 278-5269



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***WI Study on Impact of Suspending Orders*** – The University of Wisconsin’s Institute for Research on Poverty is currently conducting a study designed to measure the impacts of suspending orders during incarceration on subsequent earnings and child support payments. The study will analyze the impact of suspending support orders during incarceration on payment patterns post-release for four populations; formerly incarcerated payers for whom orders were suspended and the custodial parents associated with these orders as well as formerly incarcerated payers for whom orders were not suspended and the custodial parents associated with these orders. A final report will be completed in 2011.

For more information contact:           Institute for Research on Poverty  
University of Wisconsin-Madison  
1180 Observatory Drive  
3412 Social Science Building  
Madison, WI 53706-1393  
(608) 262-6358 Fax: (608) 265-3119

### **Outreach While Incarcerated**

***WV Public Awareness Campaign to Educate Incarcerated Adults about Their Child Support Obligations*** – A video and brochure were developed to provide information about child support to incarcerated parents; both products continue to be used. Prison staff receives orientation and show the video to inmates shortly before their release; the orientation continues to be provided. The benefits of the project include: petitions to the court that lead to more realistic orders; improved collections and an improved collection/order ratio for the State; reduced contempt petitions for nonpayment; and compliance with support orders by NCPs upon release from prison.

***WA Video*** – A Washington State project developed a 10½ minute video that provides general information about child support issues, explains the importance of having a child support order that is based on actual income of an NCP, encourages the viewer to seek employment after release, and gives direction for contacting the child support agency and the State employment agency. During the project period, the video was seen by approximately 10,000 inmates, of which 30 percent were believed to have child support obligations.



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***TX Child Support Column in State Criminal Justice Newsletter*** – Texas outreach coordinator reports that the child support column in the State criminal justice newsletter that is circulated in State prisons and jails generates hundreds of letters from inmates wanting information about their child support case. Texas also created a brochure, *Incarcerated Parents and Child Support*, which is given to inmates during the intake process when entering a Texas correctional facility. The brochure provides answers to common questions on child support and lists contact information for child support throughout the State. The brochure is available as Appendix F of the attachment to DCL-06-31 at: <http://www.acf.hhs.gov/programs/cse/pol/DCL/2006/dcl-06-31.htm>.

***WI CSE Staff Outreach*** – As a way of sharing the costs of outreach, Milwaukee County and four other Wisconsin Counties alternate sending teams of CSE workers to State prisons.

### **Support Upon Release**

***AL Dept of Corrections collaboration*** – The Alabama Child Support Enforcement Division is collaborating with the Department of Corrections in an effort to strengthen the support that DOC provides to inmates being released into communities after they have met their obligations to the courts.

***NY Prisoner Re-Entry Outreach Programs*** – During the past year New York State DCSE has participated on a statewide prisoner re-entry task force and has offered regional meetings to parole and probation staff. In March 2009, DCSE began providing child support information to a central criminal justice database so that probation and parole officers can search to see if their client owes child support; and if they do, they may make paying child support a condition of their client's probation or parole.

***CA "On the Way Out"*** – (OCSE Special Improvement Project grant awarded to Kern County) This project will locate a teleconferencing kiosk in the local Parole Office to provide newly released noncustodial parents immediate access to child support staff. These noncustodial parents will be provided with various options to resolve child support issues including opportunities for order modification, State arrears compromise, a repayment plan schedule, and referral to employment services as appropriate.

***FL Education and Outreach Program*** – In Orange County, the LINOS program (Low Income Noncustodial parent Outreach Services) for incarcerated and formerly incarcerated noncustodial parents is provided in conjunction with county corrections officials, local judiciary, workforce development board, probation office, and other community partners. CSE staff meets with inmates at the jail to explain the IV-D program and inform inmates about community programs and resources for education, job training and other services.



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***GA Statewide Re-Entry*** – The purpose of this initiative is to develop a partnership between child support, corrections, and pardons and paroles to provide an integrated system of supportive services for parents re-entering the community after incarceration. Successful integration back into society will help make these individuals responsible and productive parents who are employed, law abiding and able to financially support their children.

***KS Sedgwick County Re-Entry Program*** – Kansas Social and Rehabilitation Services has collaborated with Kansas Department of Corrections to work with incarcerated parents with two programs that are in their infancy. The Sedgwick County Re-Entry Program, whose mission is to provide Kansas offenders the tools necessary to ensure a successful re-entry into the community, promotes pro-social cognitive processes, improves opportunities for permanent and stable housing, improves opportunities for pre-release treatment and mental health assessment, post-release access to services, and improves the rate of employment through community employers' network. The El Dorado Diagnostic Unit (facility where all inmates enter into the Kansas correctional system) has an onsite child support worker. The worker contacts all inmates during their stay to determine if the inmate has children and/or a child support case(s). This is a voluntary program where the collection officer acts as a liaison between the inmate and the assigned caseworker. The worker assists with document signing, genetic testing, location and numerous other case activities that the assigned collection officer deems necessary. Monthly statistics are kept by the worker. Kansas Department of Corrections and a Department of Justice Grant fund both programs. The Sedgwick County Re-Entry Program was featured in the October 2009 Child Support Report and the El Dorado Diagnostic Unit was featured in the August 2009 Child Support Report.

***WA Community Corrections Outreach*** – Field Offices have established outreach partnerships with their local DOC facility and/or local work release programs. A DCS representative visits the facility and provides a presentation and discusses many of the FAQ's inmates and former inmates have regarding their child support. Community Corrections Officers have also received training in this manner. This outreach encourages offenders to contact DCS to discuss their cases, payments, and options. Caseworkers are able to help clients to secure appropriate orders and payment plans for their situations.



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***PA Incarcerated Parents The Goodwill Project*** – In Allegheny County, PA, this was a remarkably successful initiative in assisting previously incarcerated obligors to meet their child support obligations. Region III has helped other projects benefit from the success of this program by:

- Sharing the PowerPoint presentation provided to clients “Child Support and Custody-Questions and Answers for Incarcerated or Recently Incarcerated Individuals” with other Region III States including Delaware, the District of Columbia and Maryland.
- Encouraging direct contact between the project manager and Region III States that are developing similar programs.
- Prepared an internet posting for the OCSE/Grants Web site that will enable all projects to benefit from this successful program.
- Worked with OCSE Central Office to insure this project was explained at the national Defendant/Offender Workforce Development (DOWD) Conference in May 2009.

***DC “STRIVE-DC”*** – The project provided referrals to educational programs, fatherhood workshops, coaching for court appearances, and assistance in communicating with child support workers and applying for a modification. STRIVE-DC reported that 22 of 32 NCPs who completed the program had child support involvement. 16 parents (72%) requested a modification, and half the requests were granted. At the end of the project roughly a third of the obligors (36%) were working full time and paying child support, while in other cases the amount of arrears due was reduced or the order was dismissed.

***MA Parole Specifications*** – MA partners with the Parole board to make sure those requirements of CSE are incorporated into parole supervision.

***CO Parent Opportunity Program (POP)*** – POP of Colorado Springs, CO works with low income obligors, including incarcerated and released obligors who are referred by the courts. POP collaborates with parole officers to include attendance at a POP orientation as part of the parole plan of released NCPs. The services available to POP clients include assistance with employment and education, substance abuse treatment, fatherhood education and child support services.

### **Other**

***OH Cuyahoga County Inmate Services Program*** – Since May 2003, the Cuyahoga County Child Support Enforcement Agency has collaborated with the County Departments of Children & Family Services and the Correctional Facility to provide educational and intervention services to parents in the Correctional Facility. The program promotes parent-child relationships, establishment of parental rights and alternative placement options for children in the custody of Children & Family Services.



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***OH Department of Rehabilitation and Corrections (DRC)/Office of Child Support (OCS) Collaborative Group*** – The county/State, DRC/OCS group is dedicated to the children of incarcerated or formerly incarcerated parents. The purpose is to develop targeted, specific initiatives and/or recommendations designed to empower parents so they can successfully remove barriers to the payment of child support.

***VT Accounts Interventions Management (AIM)*** – AIM focuses on early intervention techniques and working with corrections facilities to prevent and manage arrears (e.g., inmate education programs; paying child support as term of probation). Pilot projects are underway to analyze the outcomes of early account intervention and accrued arrears intervention.

***OR Intra-County Partnership*** – As a continuation of the award-winning Project Clean Slate, which won the Spirit of Portland Award in 2005, the Multnomah County DA's Support Enforcement Division (SED) has partnered with the county's Criminal Division to review every application to expunge criminal records for child support delinquency. Before a person can get their criminal record expunged, they need to be in compliance with their child support order.

***WI Work Release Coordination with Child Support Payments*** – Wisconsin works with two correctional facilities to have child support payments come directly out of their employment checks as soon as the inmate is placed at a job. Because this paid work release program teaches inmates how to manage their money, the coordinators at Thompson Correctional and Oregon Correctional in Wisconsin find it is important to have child support payments start immediately. This gets inmates used to the idea of making their obligations right away in order to budget correctly. The two institutions also provide many child support informational documents to the inmates, and in Oregon the inmate receives training in curriculum provided by the institution. Wisconsin also works with the institutions to be sure that the wage withholding process is terminated at the Department of Corrections when the money starts coming directly from the paycheck. This prevents the inmate from having double wage withholdings, which is very common in these situations because of the confusion at the CSA level when an inmate is working while incarcerated. Wisconsin hopes to have each institution on board, but it has been a long process in recruiting.

For more information contact:

Wisconsin Bureau of Child Support  
201 E. Washington Ave.,  
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Madison, WI 53707-7935  
(608) 266-9909 FAX (608) 267-2824