

Providing Expedited Review and Modification Assistance

It is important to have effective review and adjustment or modification of orders so that child support orders reflect actual ability to comply. This fact sheet highlights different ways that child support programs have improved modification and adjustment processes to promote more child support payments.



Setting accurate initial child support orders helps to ensure regular payments of child support, facilitating two key goals: economic stability and paternal engagement. However, even where orders are set accurately to begin with, circumstances often change so that noncustodial parents no longer have the resources to fully meet their obligations.¹ Effective review and adjustment or modification of orders is an important step in ensuring that noncustodial parents continue to comply with realistic orders based on actual ability to pay them. This process needs to be user-friendly, timely, and efficient. In the absence of an effective system to change support orders to reflect actual ability to pay, arrears will accumulate. The unnecessary accrual of arrears is harmful because it hinders payment of regular support payments, leads to uncollectible debt, limits work opportunities for noncustodial parents, and interferes with parent-child relationships.²

Typically, child support orders can be modified when a noncustodial parent's ability to pay changes substantially. Generally, a child support order can be modified when a change of income is substantial and presumed to last for a considerable time, not for minor or temporary income fluctuations. Support orders must be reviewed every three years in cases where the custodial parent is receiving state assistance from the Temporary Assistance for Needy Families (TANF), and all other orders may be reviewed upon request of a parent.³

Thus, under federal law, child support programs are only required to review child support orders every three years for TANF recipients. For other families, federal law only requires that child support programs notify families every three years that they have the right to request a review of their child support order.

Child support programs typically rely on one of the parents to request a modification of the child support order. It is important for parents facing job loss or other substantial changes in circumstances to seek a modification in their order quickly because falling behind without seeking an order modification will result in arrearages that must be paid. Because modification of child support orders generally requires a custodial or noncustodial parent to initiate the process, child support programs are increasing their efforts to identify parents in need of modification and assist with a modification request. Approximately 40 percent of states have developed specific modification assistance or review and adjustment programs designed to simplify the process and assist parents with requesting a change in their orders to more accurately reflect current income. Without this assistance, parents may not know how to request a modification or they may be unaware of the consequences of a build-up of arrears.

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Child support programs have initiated several ways to make it easier for parents to request modification of their child support order and assure the child support orders are responsive to changes in their circumstances.

- First, technology and automation have helped simplify many modification processes. Several child support programs have improved their modification processes by making forms available online and easier for parents to use. In addition, many state child support programs are making an effort to reduce delay through the use of automated review and adjustment and electronic systems monitoring.
- Another approach is to target specific populations that are likely to have experienced a change in income, such as newly unemployed noncustodial parents, for a streamlined or expedited review. Providing this proactive enhanced case management and customer service helps ensure that parents with changed circumstances receive necessary adjustments.
- Several innovative child support programs are finding ways to address substantial, but temporary, changes in circumstances. For example, several programs have procedures so that parents may receive a modification for a temporary period of time.
- Fourth, other child support programs have developed outreach materials and increased publicity to encourage parents to seek modifications when they have experienced a significant change in circumstances.

Each of these four models demonstrates innovative steps by child support programs and staff to help parents respond to economic changes. Many promising state practices combine several of these strategies to ensure that child support obligations are realistic and payable.

Use of Technology and Automation

Technology and automation can simplify the modification process to make it easier, and more likely, for noncustodial parents to take the steps required to change their orders to reflect their actual ability to pay. Technological advances include the use of online forms, as well as automated processes that trigger a review prior to the parent's request. Many new forms and materials, such as brochures, videos, or information guides, are easy to read and use.

Alaska – Electronic Modification

The Alaska Child Support Services' electronic modification function (ELMO) uses income information from sources linked electronically to its automated child support system to review all current child support order amounts annually. Each month it cycles through all orders established that same month in prior years. After it conducts a pre-screening of basic case eligibility, ELMO then searches for income information from automated sources. If it finds income information for four consecutive quarters, it conducts a guidelines calculation. If the calculation results in at least a 15 percent difference in the order amount, ELMO targets that order for a manual review. ELMO reviews an average of 3,800 cases per month.⁴

Iowa – Automated Review and Adjustment

Iowa passed legislation in 2010 to allow the Child Support Recovery Unit (CSRU) to move forward on Review and Adjust processes more quickly by shortening the waiting periods in regular modification reviews from 30 days to 15 days. This still allows parents adequate time to gather necessary information to submit to the CSRU and for parents to study the revised child support calculation sent to them by the CSRU.

Minnesota – Simplifying and Streamlining Orders

The Minnesota Department of Human Services, Child Support Enforcement Division received an OCSE 1115 PAID grant to simplify and streamline the process for review and modification of child support orders so that adjustments are made expediently, with minimal burden and at a reduced cost, while ensuring due process. This project targets simplification and streamlining by changing policies, forms and procedures in order to expedite the review and modification process and applying technical supports to the pro se process. The project targets high-impact, low-cost improvements for families in less complicated circumstances (e.g., prison, public assistance and disability). The electronic pro se modification website successfully completed a 3-month pilot, and the grantees developed a modification informational brochure and guide.

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Texas – Enhanced Website Assistance

A recent increase in the number of noncustodial parents requesting modified orders to match their reduced incomes prompted Texas to enhance its website to make it easier for noncustodial parents to request a review and adjustment of their order. Parents may complete a questionnaire available on the child support section of the main attorney general website, along with FAQs about modifying orders. Parents can download the form and send it to the child support office handling their case. With additional temporary staff on board, local offices can quickly review modification requests, request additional documentation when needed, and notify parents of the results. Parents whose cases qualify will be scheduled for in-office negotiation conferences or court. An order can be modified if the amount that would be awarded according to the legal guidelines differs by either 20 percent or \$100 from the current monthly payment amount.

Targeting Newly Unemployed Noncustodial Parents for Streamlined Review and Rapid Response

Because noncustodial parents may not know how to seek a modification when their circumstances change, several child support programs now target vulnerable populations in order to provide enhanced assistance to specific groups, such as noncustodial parents who are recently unemployed.⁵ These programs help ensure that noncustodial parents are aware of the need to seek to have their orders changed, and then provide assistance in setting more realistic support orders.

Maryland – Survive and Thrive

Maryland received a federal section 1115 Economic Downturn grant from OCSE for Prince George's County to assist noncustodial parents who receive unemployment insurance benefits. After receiving unemployment insurance benefits for 3 months or more, the individuals will obtain a review, and if appropriate, a modification of their child support orders. For example, in one 3-month period, staff reviewed over 2,800 cases and filed approximately 30 petitions for review and adjustment.

Massachusetts – Developing and Testing a Streamlined Modification Process for Newly Unemployed Obligor

This federal section 1115 Economic Downturn grant funded a collaboration between the Massachusetts Child Support Enforcement Division and Probate and Family Court to develop and implement enhanced outreach efforts and a streamlined modification process for newly unemployed noncustodial parents. The grantees provide information about how to request a modification for noncustodial parents who have recently become unemployed. They set up an interagency task force to develop a streamlined modification process that is expected to include simplified notice procedures, earlier hearing dates, and case conferencing to facilitate agreement between the parties and limit the need for court hearings. The pilot project launched with the use of a single modification form and alterations to service requirements.

Ohio – Project Rapid Response: Outreach Program to Recently Unemployed Noncustodial Parents in Stark County to Obtain Appropriate Size Orders and Job Search Assistance

Under this federal section 1115 Economic Downturn grant, the Ohio Office of Child Support created two dedicated case manager positions. These managers contacted recently unemployed noncustodial parents about their right to a review and adjustment of their order and guided them through the request process, assessed the case for modification, and conducted the review and adjustment. In one 10-month period, 415 reviews were scheduled and 347 were completed with 82 percent resulting in a decrease in the child support order amount. The number of modification requests more than doubled when case managers provided enhanced customer service with individualized follow-up phone calls to the noncustodial parents.

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Missouri – Review and Modification Screening

This pilot project, initiated with the Greene County Prosecuting Attorney's Office (Springfield), screens judicial cases referred for enforcement for the appropriateness of a review and adjustment. Greene County initiates the review and modification process judicially at the request of either parent so that the requesting party will not have to participate in a separate administrative process. In one period, the County screened over 1,500 cases for eligibility, determined that about 300 cases were eligible, and entered about 20 modification orders.

Puerto Rico – Rapid Response Task Force and Project Impulso: Assisting Dislocated Workers and Employees

Puerto Rico's Department of Labor and Human Resource's Unit for Dislocated Workers and Employees sponsored a Rapid Response Task Force that went to employers who reported anticipated layoffs, plant closures, or other matters affecting employment status. Task Force members conducted "pre-layoff" on-site presentations, mostly during working hours. On-site services include providing information about the child support process, notifying noncustodial parents to communicate with child support staff so that income withholding orders can be cancelled, and notifying noncustodial parents to request a modification based on a substantial change in circumstance. Employers were also involved in the process, such as by providing notice of the termination so that an income withholding order can be terminated. Project staff at the child support agency provided proactive services, including order modification, for these underemployed or unemployed noncustodial parents. In 2004, more than 3,150 employees facing imminent layoffs received child support services at over 100 on-site visits.⁶

Temporary Modifications

Given the recent economic downturn, many noncustodial parents are experiencing job loss or other income changes that may not be permanent. Their families are equally vulnerable to the build-up of arrears and also need information and assistance on how to request modifications. Recognizing that even temporary changes in income will affect an obligor's ability to pay, several child support programs instituted policies and procedures to help noncustodial parents seek temporary modifications.

North Dakota – Pilot Project for Laid Off Parents

North Dakota created pilot projects for facilitating pro se modifications for obligors who are adversely affected by the economic downturn. Several legislators proposed the idea, which involves the North Dakota Department of Human Services' Child Support Enforcement Division, the courts, and Job Service North Dakota. Noncustodial parents with child support cases who, for reasons outside of their control, have been either permanently or temporarily laid-off, or whose work hours have been significantly cut, may contact a regional child support unit for assistance pursuing a temporary modification of the support obligation. The courts prioritize the hearings on these cases, and the child support enforcement program suspends certain enforcement tools. In appropriate cases, the noncustodial parent is referred to a multi-agency effort to improve employment opportunities for noncustodial parents.

Oregon – Temporary Employment-Related Modifications

During Oregon's 2009 legislative session, the child support program researched how to help parents who lost their jobs reduce their child support orders, and Oregon passed laws and implemented rules that allow for a temporary adjustment to the child support order. The Division of Child Support formed a Recession Response Team of caseworkers specifically trained to help parents through the new "Employment-Related Modification" process. Temporary order modifications change the basic support obligation for up to 6 months if one or both parents in the order have suffered loss of income due to the recession. Media ads spread awareness about the program to customers around the state. Oregon staff work closely with both custodial and noncustodial parents in an attempt to agree on a modified order, and have built strong partnerships with the Oregon Office of Administrative Hearings to rule expeditiously on disputed modifications. If a parent becomes re-employed within that 6-month period, the previous order may be reinstated. If a parent remains unemployed or underemployed after the 6 months, the temporary modification order may be renewed for an additional 6 months, with notice to the other parent.

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Outreach and Publicity

Part of ensuring that user-friendly modification processes are effective requires making sure that noncustodial parents are aware of the ability to request a child support modification, and the steps to request a modification. In order to raise awareness among parents, several state programs have enhanced publicity by developing media and outreach campaigns.

Arizona – Modification Workshops

Starting in February 2009, Division of Child Support Enforcement (DCSE) and the Office of the Attorney General have been offering modification workshops in Maricopa County once a month in order to address economic hardships among noncustodial parents.

Arizona is focusing on cases where the noncustodial parent recently signed up for unemployment benefits or is incarcerated. In addition, DCSE streamlined the modification process by simplifying documents and procedures and automating where appropriate.

New Mexico – Modification Material

Recognizing the increased demand for modifications, New Mexico's Child Support Enforcement Division (CSED) developed a brochure for customers on how to expedite the process for modifying an order entitled "Steps to Review and Adjust a Child Support Order." The brochure was distributed to CSED offices and district courts throughout New Mexico.

The CSED Director also issued a press release to encourage New Mexico citizens to contact CSED immediately if they incurred a substantial change in income due to the economic downturn. The press release was issued to newspapers and public radio stations throughout the state. The week following the press release, requests for modifications increased the average weekly call total by more than 50 calls. The CSED Director also participated in local news interviews promoting CSED services that may assist families during difficult economic times, and CSED representatives appeared at local job fairs, and conducted a child support modification workshop.

New York – Modified DSS Order/DSS Arrears Cap Program

The New York City Office of Child Support Enforcement (OCSE), in collaboration with the Family Court, developed a program called Modified DSS Order/DSS Arrears Cap program. This program allows noncustodial parents who have a TANF case and have experienced a drop in income below the state self-support reserve to request a modification of their child support order and/or a cap on their arrears at the OCSE's customer service walk-in center. If they qualify, noncustodial parents enter into a stipulation to modify their order or reduce their arrears. Caseworkers complete the paperwork and Department of Social Services attorneys and OCSE's fiscal staff review and approve the stipulations. Approved stipulations then go to the court for a child support magistrate's concurring signature.

References

1. For more information about establishing and maintaining realistic child support orders, see PAID fact sheet *Establishing Realistic Child Support Orders: Engaging Noncustodial Parents*.
2. Brett Burkhardt, Carolyn Heinrich and Hilary Shager, *Reducing Child Support Debt and Its Consequences: Can Forgiveness Benefit All?*, University of Wisconsin, Madison, 2010.
3. 42 U.S.C. §466(a)(10) (2011); 45 CFR §303.8 (2011).
4. U.S. Department of Health and Human Services, *Automated Systems for Child Support Enforcement, A Guide for Enhancing Review and Adjustment Automation*, 2006. Alaska is profiled in this publication.
5. Providing modification outreach and assistance is especially important for incarcerated noncustodial parents. The vast majority of states permit incarcerated parents to modify a child support order. For example, the legal standards in most states (at least 36) permit reduction of support orders when a parent is incarcerated. For more information about modification policies and practices, see PAID fact sheet *Realistic Child Support Orders for Incarcerated Parents*.
6. *Avoiding and Collecting Arrears: Good Ideas from the Commonwealth of Puerto Rico*, Child Support Report, July 2004.

