THE SUPREME COURT OF MINNESOTA
MINNESOTA JUDICIAL CENTER
25 CONSTITUTION AVENUE
ST. PAUL, MINNESOTA 55155

SUE K. DOSAL
STATE COURT ADMINISTRATOR

(651) 296-2474
FAX (651) 215-6004
E-mail: Sue.Dosal@courts.state.mn.us

TO: Representative Steve Smith
Representative Mary Liz Holberg
Representative Len Biernat
Representative Mary Murphy
Senator Thomas Neuville
Senator Jane Ranum
Senator Don Betzold
Senator David Knutson
Senator Warren Limmer

FROM: Sue K. Dosal

DATE: September 2, 2003

RE: Expedited Child Support Process

Attached you will find the Final Evaluation Report on the Expedited Child Support Process, supplementing an Interim Report filed in February 2001 pursuant to Laws of Minnesota for 1999 Chapter 196, Article 1, Sec. 8.

I am happy to report that the expedited process is meeting the goals set forth in statute. The process is streamlined and uniform statewide, it results in the timely and consistent issuance of orders, it is accessible to the parties without the need for an attorney, it minimizes litigation, it is a cost effective use of limited resources and complies with applicable federal law. For example, one important aspect of the applicable federal law is how quickly cases move through the system. The federal government requires all states to move 75% of cases from service of process to issuance of an order in 6 months or less. Statewide, in the federal fiscal year that ended October 31, 2002, 98% of the cases in the expedited process in Minnesota were resolved within six months.

The demand for this process continues to grow at a very rapid rate. From calendar year 1998 (the last full year of the Administrative Process) to calendar year 2002, the number of hearings has increased 81% with no corresponding increase in the state appropriation for this program. This program is eligible for Federal Financial Participation (FFP) at

66% of actual costs. This means for every dollar spent to provide this program, the federal government pays 66 cents and the state pays 34 cents. This is very cost effective for the state.

By all objective measures, the Expedited Child Support Process is providing Minnesotans with easy, quick, access to the courts for establishment, modification and enforcement of child support obligations.

Please do not hesitate to contact me if you have any questions or would like to discuss the expedited process in greater detail.

SKD:sjr

cc: Legislative Reference Library
Wayland Campbell, Director
Child Support Enforcement Division, Department of Human Services

Enc.

03 - 0405

MINNESOTA SUPREME COURT

EXPEDITED CHILD SUPPORT PROCESS

FINAL EVALUATION REPORT

August 2003

State Court Administrator's Office
Court Services Division
120 Minnesota Judicial Center
St. Paul, MN 55155

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Acknowledgments

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Berverley Paavola, Wadena County
Douglas Prescher, Waseca County
Chris Volkers, Washington County
Anne Christensen, Watonwan County
Sally Cumiskey, Winona County
LaVonn Nordeen Wright County
Shreilyn Hubert, Yellow Medicine County

Part I: INTRODUCTION

Introduction

This evaluation report is submitted as an assessment of the Expedited Child Support Process pursuant to Minnesota Laws 1999, Chapter 196, Article 2, Section 8:

> The Supreme Court, in consultation with the Commissioner of Human Services and the Commissioner's Advisory Committee for Child Support Enforcement, shall evaluate the expedited process. Notwithstanding Minnesota Statutes, Section 13.46, the Supreme Court has access to private data on parties to the expedited process for the purposes of doing the evaluation. The evaluation shall determine the extent to which the expedited process meets the goals set forth in Minnesota Statutes, Section 484.702, and the level of satisfaction with the expedited process reported by parents who have participated in the process. Results shall be reported, to the extent possible, statewide and by judicial district. The legislature requests that the Supreme Court present recommendations for further progress towards the legislative goals. The evaluation and recommendations should be presented to the legislature by December 15, 2000.

An interim evaluation report was submitted to the legislature in February 2001. Because the legislation did not contemplate that interim rules would be in place from July 1, 1999 to June 30, 2001 and that final rules would not be effective until July 1, 2001, this final evaluation report could not be submitted until after the final rules had been in effect long to enough to gauge their impact on the process.

This report is an evaluation of the Expedited Child Support Process - essentially from the time that documents are filed with the court through the time that an order is issued. It is not intended as a review of the entire child support process; i.e., from the time that a parent initially applies for child support enforcement services with a county Human Services Office, through the time the first payment is received after the court order is issued and beyond. The pre-and-post court events are not within the expedited process, nor within the control of the court system and therefore not within the scope of this evaluation.

Part II: Executive Summary

This evaluation report is submitted as an assessment of the Expedited Child Support Process pursuant to Minnesota Laws 1999, Chapter 196, Article 2, Section 8 which states (in pertinent part):

> The evaluation shall determine the extent to which the expedited process meets the goals set forth in Minnesota Statutes, Section 484.702, and the level of satisfaction with the expedited process reported by parents who have participated in the process.

The goals of the Expedited Child Support Process[1] are:

1) be streamlined and uniform statewide and result in timely and consistent issuance of orders;
2) be accessible to the parties without the need for an attorney and minimize litigation;
3) be a cost effective use of limited resources; and
4) comply with applicable federal law.

To obtain the information analyzed and reported here, four major sources were utilized:

(1) the Total Court Information System (TCIS), which is the source of information on the number of hearings, the number of referrals between district court and the expedited process and the timing statistics;
(2) a State Court Administrator's Office (SCAO) Child Support Unit internal database containing information the magistrates provide to SCAO which is the source for the information on orders signed without a hearing, the continuance rate, attorney appearances and length of hearings;
(3) a stratified random sample of 600 orders (60 from each of the ten judicial districts) signed by magistrates in the expedited process during a ten month period in 2002 which is the source of information concerning timeliness of the orders and consistency of the orders (guideline application and deviation information); the results of the order analysis was weighted to reflect each districts share of the total caseload;
(4) a parental satisfaction survey mailed to 2000 parents with orders signed between July 1, 2002 and December 31, 2002.

[1] Minn. Stat. Sec. 484.702 (See Appendix)

Goal 1: Be streamlined and uniform statewide and result in timely and consistent issuance of orders

The evaluation shows that this goal is being met. The Rules of the Expedited Child Support Process reduce the amount of paperwork and reduces the number of steps from the start of the action or motion to the order. The volume of cases heard in the expedited process and the speed with which they are addressed speaks to how streamlined the process is. For 2002 (calendar year) 22,508 hearings were held. The average amount of time from service of process to issuance of the order was 58 days for matters in the expedited process in calendar year 2002. The federal government requires that 75% of the expedited process cases be completed within six months and that 90% of the cases be complete within twelve months. In 2002, 98% of the cases in the expedited process in Minnesota were resolved within six months, far exceeding the federal requirements of 75%. This level of achievement is nearly uniform across the state – 85 of 87 counties resolved 90% or more of their cases in the expedited process within six months of service in 2002.

The Rules of the Expedited Child Support Process apply statewide, which promotes uniformity across the state. Orders are being issued in a timely manner. The Rules of the Expedited Child Support Process require the child support magistrates to file their orders within 30 days of the date the record closed. Timely issuance of orders is demonstrated by the fact that of the 352 orders issued after a hearing (from a larger sample), over half (52.5%) were issued within 10 days of the close of the record and over 80% (81.4%) were issued within 21 days of the close of the record. However, 1.2% did not meet the 30 day deadline. Steps have already been taken to ensure that all orders will be issued within 30 days.

In addition, the orders appear to be quite consistent. When orders setting or modifying the amount of current support were reviewed, 86.3% of the orders followed the child support guidelines without deviation. Where deviation occurred, one or more of the allowed bases for deviation set out in statute and case law existed in that matter.

Goal 2: Be accessible to the parties without the need for an attorney and minimize litigation

In October 2002, the child support magistrates noted each time an attorney appeared for any party on any matter heard by them. In 10% of the hearings, the person who pays child support (obligor) was represented by counsel. In 7% of the hearings, the person who receives child support (obligee) was represented by counsel. In 81% of the hearings, the county attorney (or assistant county attorney) appeared. A review of 352 orders that resulted from a hearing showed similar findings, 14.3% of the obligors and 8.0% of the obligees were represented by counsel. A county attorney appeared 85.4% of the time. Both parents were represented by counsel in only 5.2% of the hearings. The vast majority of the parents are proceeding without an attorney.

In 2002, approximately 7,000 orders were approved without a hearing, thus minimizing litigation. Some were based on the agreement of the parties and others proceeded in accordance with the default provisions of the expedited process rules.

Goal 3: Be a cost effective use of limited resources

The federal government pays for 66% of the cost of the program. For every $1.00 expended to run the program, only $.34 of that cost is a "state" cost, the other $.66 is paid by the federal government. The current state appropriation is $1,170,000 per year ($2,340,000 per biennium). When combined with the federal share the total budget is $3,441,176 per year. Taking the entire budget and dividing that amount by the number of dispositive orders (orders that resolve the issue) for 2002, the cost per order was $115.75 (total); the cost to the state of Minnesota was $39.35 per order. This is very cost effective.

Goal 4: Comply with applicable federal law

The Expedited Child Support Process complies with all applicable federal laws and federal timing requirements.

Satisfaction of parents with the process

Two surveys were sent to parents. One survey was sent to those whose order was entered after a hearing and a slightly different survey to those whose order was entered without a hearing. Although there is some difficulty in getting parents to separate their unhappiness with various state (and federal) laws from their view of the Expedited Child Support Process, in general parents who had hearings felt they were treated fairly and respectfully at the hearing. For those who had a hearing, 65.1% chose "Agree" or "Strongly Agree" for the statement "At the hearing, the magistrate treated me with respect" and 59.7% indicated that they "Agreed" or "Strongly Agreed" that they were treated fairly by the magistrate. For parents whose orders were issued without a hearing, nearly half (47.7%) of all parents agreed or strongly agreed that the order was fair. Over half (56.1%) agreed or strongly agreed that the order accurately stated the facts, however, overall satisfaction was less positive, with 46.4% disagreeing or strongly disagreeing with the statement "Overall I am satisfied with my experience". It is difficult to determine whether the dissatisfaction is with the expedited process or with the application of law to the facts of their case. In general, satisfaction was higher among those who receive support than among those that pay support.

Many of those who responded added comments to their survey response. The comments could be grouped into those that addressed the expedited process in some fashion and those that addressed topics beyond the expedited process (e.g. state statutes). More than half of the surveys received included comments. More than three-quarters of the comments (whether about the expedited process or other issues) were considered "unfavorable". The negative comments seem to reflect dissatisfaction with their situation, rather than the process.

Conclusion

The Expedited Child Support Process is meeting the stated legislative goals. Constant monitoring of timeliness is required to assure compliance with the federal requirements. The greatest threat to the continued success of this process is lack of resources. Automatic income withholding has resulted in the vast majority of child support cases becoming IV-D cases. The increase in the number of children born out of wedlock has also added more cases to the system. In addition, federal and state restrictions on retroactive modification of support result in cases that are touched by the system multiple times during the child's minority. The multiple aspects of a child support order (i.e. child support , medical support and child care contribution) results in multiple obligations that may require modification (separately or collectively) due to change in cost, change in the income of one or both parties or changes in the needs of the children. The current economic situation may also contribute to an increase in modification hearings if jobs are lost by parents that pay child support. As a result of these factors, and others, the number of hearings has increased 81% from 1998 to 2002. There has been no corresponding increase in the state dollars allocated to the process. Since each state dollar expended brings two federal dollars, every additional dollar added by the state means three dollars can be spent on this service.

PART III. BACKGROUND INFORMATION/*HOLMBERG* DECISION

Historical/ General Background

In 1975, Congress mandated that each state have what has become known as a IV-D[2] program to establish, modify and enforce child support. A IV-D case is one where a parent of children is receiving public assistance, or where a parent has requested child support services from a local county agency (known as the "public authority"). Initially, the program was exclusively for recovery of welfare costs. Now over 70% of the IV-D cases in Minnesota involve persons who do not receive any form of public assistance. The number of "non-public assistance" cases has grown due to automatic income withholding, which brings the vast majority of child support cases into the system and the fact that regular payment of child support allows many custodial parents to leave public assistance. Over the years, additional federal legislation has been enacted requiring states to have a state "IV-D plan" that includes mandatory policies, statutes and procedures as a condition for receiving federal dollars to fund public assistance programs.

In 1988, in response to a federal mandate for faster processing of child support cases, the Minnesota Legislature authorized an administrative process pilot program in Dakota County for IV-D cases. Due to federal language prohibiting the use of judges, the legislation designated administrative law judges from the Office of Administrative Hearings to decide these matters. The legislation also authorized child support officers to prepare and sign pleadings, motions and other court papers. The rules concerning content and format of pleadings and motions, service requirements, time requirements and other procedures that applied to matters in the district court also applied to matters heard in the administrative process. In 1989, this program was expanded to include other counties.

A new and different administrative process was introduced by the legislature in 1995. It significantly reduced the role of the county attorney in IV-D child support matters, expanded the role and responsibilities of the child support officer and created new documents (in lieu of traditional pleadings and/or motions) that were used in this "new" administrative process.

This "new" version of the administrative process was challenged in court in Holmberg vs. Holmberg, 588 N.W.2d 720 (Minn. 1999). In January 1999 the Minnesota Supreme Court held that the structure of the administrative child support process as established by the Legislature in 1995 was unconstitutional. The Court held that the administrative process infringed on the jurisdiction of the district court in violation of the constitutional constraints on the separation of powers between the Executive, Legislative and Judicial branches of government. It further held that administrative law judges did not have jurisdiction to hear these cases, and that child support officers were practicing law without authority to do so. New legislation was enacted by the 1999 Legislature, requesting that the Supreme Court to create an Expedited Child Support Process to hear these cases, to provide for the administration of the process in each judicial district, to hire

[2] Title IV-D of the Social Security Act; 42 U.S.C. 666

child support magistrates and provide them with training, and to develop implementing rules. Minn. Stat. 484.702 (See Appendix A).

The Interim Expedited Child Support Rules promulgated by the Supreme Court became effective July 1, 1999. The administrative law judges who had been handling these matters in the Administrative Process were designated as temporary Child Support Magistrates for the period July 1 to September 30, 1999. During this "transition" period, the Office of Administrative Hearings continued to administer the daily operation of hearings and order approval. On October 1, 1999 the Expedited Child Support Process became fully operational in the judicial branch.

Expedited Child Support Rules Committee

In March 1999, in anticipation of legislation revising the structure of the child support process to place it within the judicial branch of government, the Supreme Court established the Advisory Committee on the Rules of the Expedited Child Support Process [hereinafter "the Committee"]. The Committee was charged with the task of drafting proposed rules of child support procedure for review by the Supreme Court. Proposed rules were approved by the Supreme Court as the "Interim Expedited Child Support Process Rules". They were to be effective from July 1, 1999 through June 30, 2000. Final rules were expected to be issued on or before July 1, 2000.

The Committee reconvened in the fall of 1999 to begin the process of reviewing the expedited process rules. The Committee determined that proposed final rules could not be presented to the Supreme Court in time for a July 1, 2000 effective date. As a result, the Supreme Court extended the Interim Rules for an additional year to June 30, 2001. The Proposed Final Rules of the Expedited Child Support Process were submitted to the Supreme Court and the Conference of Chief Judges. Public comments were requested and a public hearing was also held. The Final Expedited Child Support Process rules became effective July 1, 2001. The Final Expedited Child Support Process Rules made every effort to reduce the number of pleadings that need to be prepared and to simplify the process for pro se litigants. For example, if the county serves a summons and complaint without a hearing date and one or both parents do not agree with what is proposed, they are not required to serve and file a formal "answer" (although they may, if they wish). Instead the rules require that a "Request for Hearing Form" be served with any pleadings that do not include a hearing date and the other parties need only return that completed form to the initiating party (most often the county).

The Committee reconvened in August 2002 to determine whether any changes needed to be made to the Final Expedited Child Support Process Rules. Several minor changes and three major changes were recommended to the Supreme Court. The proposed major changes include expansion of parentage actions in the expedited process, reducing the referral of cases from district court to the expedited process (and back) and formalization of the discovery process. The proposed minor changes include clarification of timeframes for exchanging information, an addition to an advisory comment concerning magistrate powers, directly stating that the biological mother must be served in parentage actions, clerical corrections and format changes. These proposed changes are now before the Supreme Court, the period for public comment

ended June 20. If approved by the Supreme Court they could be effective as soon as October 1, 2003.

Overview of Current Expedited Process

The Expedited Child Support Process is used to establish a child support order where none exists or where the prior order reserved the issue of support, to modify child support obligations (increasing or decreasing the amount of support that is due each month) and to enforce child support obligations (for example if the public authority notifies the person who owes support that he or she is more than three payments behind and the public authority intends to suspend the person's driver's license, the person may request a hearing which would be handled in the expedited process). The expedited process may also be used to establish paternity, or to start a contempt proceeding.

In the expedited process the party initiating the action or motion (usually the county agency) may choose whether to proceed with or without a hearing date[3]. The idea is that in many cases the underlying facts and the amount of support to be paid is not in dispute and does not require a hearing. Where no hearing date is set, the initiating party (usually the county) prepares the pleadings and has them served on the parties with a Request for Hearing Form. The pleadings and the affidavit(s) of service are then filed with the court. If there is no written request for a hearing or written answer to the pleadings within 20 days, an order is prepared by the initiating party that matches the facts and the relief requested in the pleadings. The order is submitted to the court (typically to a child support magistrate) who may approve or reject it. If it is approved, the order is then served upon the parties by the court administrator's office through United States mail.

If an order is rejected, the initiating party may be given an opportunity to file a revised order (if there are minor clerical errors that do not change the outcome), may be directed to serve and file amended pleadings (if the changes are substantive) or may be required to set the matter for hearing. The matter is also set for hearing if any party returns the Request for Hearing Form to the initiating county. Or the matter may be set for hearing in the original pleadings or motion.

If a matter is set for hearing, the child support magistrate will conduct a full evidentiary hearing, whether or not all parties appear. Parties are allowed to appear by phone when necessary. At a hearing all parties are given the opportunity to present evidence, ask questions of other witnesses (cross-examination), and may present an opening and/or closing statement. The rules of evidence are relaxed and allow all relevant information (including hearsay) that a reasonable person would rely on in the conduct of their serious affairs.

[3] Paternity matters (where paternity is yet to be established) in the expedited process must be set for hearing and the date, time and place of the hearing must be included on the initial pleadings that are served on the other parties. Contempt proceedings also require a hearing date.

As noted above, the federal government requires each state to have certain laws in place. One of these is the requirement for "automatic income withholding" (which withholds child support from the income, typically the paycheck, of the non-custodial parent). In 1990, the automatic income withholding requirement brought most child support orders in the state of Minnesota into the IV-D system. Other than traffic court, family court, including the expedited process, is the area of the courts that touches the largest number of "average" Minnesotans. A significant number of matters are handled each year in the expedited process, and the number continues to grow.

In calendar year 1998, the last full year of the administrative process, 12,419 hearings were held. There are no figures available for 1999 (the year the process moved from the administrative process to the expedited process). In 2000, 16,155 hearings were held in the expedited process (an increase of 30% from 1998). In 2001 (the year the final rules became effective, changing the pleadings and the process) 19,026 hearings were held in the expedited process, an 18% increase from 2000. In 2002, 22,508 hearings were held in the expedited process, an 18% increase from 2001 and an 81% increase from 1998. These increases are not unexpected. At the time the expedited process was being created, both the Office of Administrative Hearings and the Department of Human Services told the Judicial Branch to expect an increase in hearing numbers of approximately 15% per year.

Also among the federal requirements for an expedited process is a timing requirement. Cases must be completed from time of service of process to the time of disposition within the following timeframes: (a) 75 percent within 6 months and (b) 90 percent in twelve months (45 CFR 303.101(b)(2)(i)). The idea is that most American families live paycheck to paycheck and the custodial parent cannot meet the needs of the children without child support, therefore it is important to get child support flowing to the custodial parent and the children as quickly as possible. It is also important to not put the non-custodial parent in significant debt for child support that accrues while the matter is pending. The creation of debt and much uncertainty for both parents can be minimized by quickly establishing, modifying, and enforcing the child support obligation.

As an added incentive/inducement to have an expedited process, the federal government pays 66% of the amounts actually expended to provide one. It is not a grant of funds, rather it is conditioned on state funds also being used. All allowable costs are eligible for Federal Financial Participation (FFP) at 66%. The FFP does have limitations. It is not available to cover costs of compensation of judges (salary and fringe benefits); office related costs incurred by judges; travel and training related to the judicial determination process incurred by judges; and compensation, travel and training and office related costs of administrative and support staffs of judges. (45 CFR 304.21 (b)). It is available to help pay the costs of using child support magistrates, and for court administration activities related to the expedited process.

Evaluation Overview

To obtain the information analyzed and reported here, four major sources were utilized:

(1) the Total Court Information System (TCIS), which is the source of information on the number of hearings, the number of referrals between district court and the expedited process and the timing statistics;
(2) a State Court Administrator's Office (SCAO) Child Support Unit internal database containing information the magistrates provide to SCAO which is the source for the information on orders signed without a hearing, the continuance rate, attorney appearances and length of hearings;
(3) a stratified random sample of 600 orders (60 from each of the ten judicial districts) signed by magistrates in the expedited process during a ten month period in 2002 which is the source of information concerning timeliness of the orders and consistency of the orders (guideline application and deviation information); the results of the order analysis was weighted to reflect each districts share of the total caseload;
(4) a parental satisfaction survey mailed to 2000 parents with orders signed between July 1, 2002 and December 31, 2002.

As required by the legislation, this report will address each of the four stated goals of the Expedited Child Support Process and the issue of parental satisfaction with the process.

Part IV. Evaluation Findings related to the Four Goals and Parental Satisfaction

A. Goal 1
Be streamlined and uniform statewide and result in timely and consistent issuance of orders

Is the process streamlined? One measure of this goal is the extent to which the federal timelines are being met. Approximately 22,500 hearings were held in the expedited process in 2002. If the process is not streamlined, it would be very difficult to move such a large number of cases through the system quickly. The federal timing requirements and the data presented below are measured from the time the documents are served on the parties and filed with the court to the time an order is issued. It does not include pre- and post- court events, which are not within the expedited process, nor within the control of the court system. Statewide, for calendar year 2002, 98% of the cases were resolved within six months (the federal requirement is 75%) and 99.6% of the cases were resolved within twelve months (the federal requirement is 90%). On average, the time from service of the pleadings or moving papers to issuance of an order is 58 days. This is not 58 days from service to hearing date, or 58 from the hearing to the issuance of the order, but 58 days from service to issuance of an order. This level of achievement is relatively uniform across the state. Eighty-five of eighty-seven counties resolve 90% of more of their cases within six months or less (90% is the

federal standard for twelve months). Twenty-six counties resolved 100% of their expedited process cases within six months. See Appendix for 2002 timing report.

When drafting the Rules of the Expedited Child Support Process, the rules committee continually looked for ways to reduce the number of documents that must be prepared and submitted by the County and/or the parents. There was some success in this regard, although not as much as many hoped, due to the amount of information required by statutes and case law and the endless variety of fact patterns that needed to be considered.

Is the process uniform? The Expedited Child Support Process Rules apply statewide and govern how matters are presented to the court and how quickly they must be addressed. For example, in every county across the state, establishing an order for child support where none previously existed involves personal service of a Summons and Complaint. Unlike other civil actions, the Summons may contain a hearing date and, if it does, the matter will proceed on the date set for hearing without a Notice of Motion and Motion and supporting affidavit being served or filed. If the Summons does not contain a hearing date, an affidavit stating detailed facts supporting the relief requested must be attached. In addition, a "Request for Hearing Form" must also be attached. If a party does not agree with the amounts requested they may serve and file a formal written answer or they may return the Request For Hearing form to the initiating party who must the set the matter for hearing and give all other parties notice of the date, time and location of the hearing. If no party requests a hearing or otherwise objects in writing to the proposed relief, an order will be submitted to the court by default. Although there may be some small local variations, by and large the process is uniform across the state. This uniformity is also supported by the Department of Human Services, Child Support Enforcement Division's statewide computer system which generates most of the pleadings used by county agencies in the expedited process (County agencies initiate most of the matters in the expedited process). In addition, nearly all counties have the same standard set of forms for pro se parties to use. The orders drafted by the magistrates also follow a generally uniform format.

Does the process result in timely issuance of orders? The Rules of the Expedited Child Support Process require that an order be issued within thirty days of the close of the record (Rule 365.02). A review of nearly 600 orders (60 were randomly selected from each of the ten judicial districts) shows that orders were issued in a timely fashion nearly all of the time. For orders that were issued after a hearing, the record closed at the conclusion of the hearing in 89.5 % of the cases. In the cases where the record closed at the conclusion of the hearing, over half (52.2%) of the orders were signed within ten days of the hearing date. By 21 days after the hearing 80% of the orders had been signed. A very small (but nonetheless unacceptable) percentage, 1.2% appeared to have been signed more than 30 days after the hearing. In 10.5% of the matters, the record was left open to allow additional evidence or verification. All of the orders in those matters were signed in 25 days or less, with more than half (54%) signed by the tenth day after the record closed.

Table 1. Percentage of Orders Issued from Close of Record

District	Within 10 Days	Within 21 Days
1	48.5%	97.0%
2	36.8%	76.3%
3	51.4%	81.1%
4	51.3%	69.2%
5	97.0%	100%
6	56.1%	92.7%
7	41.2%	67.6%
8	55.2%	72.4%
9	80.6%	100%
10	45.2%	80.6%

The Expedited Child Support Process Rules provide that the order is valid upon signing, but state that it must be filed (rather than signed) within 30 days of the record closing. Measuring from the hearing date or record close date to date of filing, for all of the orders that had a hearing, 94.8% (which should be 100%) had been filed by 30 days after the record closed.[4]

Another possible measure of timeliness is the continuance rate. If matters are regularly continued, issuance of the order will be delayed. Currently 7.4% of all hearings result in a continuance, rather than resolution of the matter before the court.

Table 2. Continuance Rate in 2002

District	Total Number of Hearings	Total Continued	Percentage of Cases Continued
1	2292	76	3.3%
2	3680	603	16.4%
3	1960	80	4.1%
4	4619	253	5.5%
5	1263	98	7.8%
6	1470	86	5.9%
7	2276	171	7.5%
8	555	30	5.4%
9	1610	173	10.7%
10	3001	121	4.0%
Total	**22726**[5]	**1691**	**7.4%**

[4] Court Administrators are generally doing a good job of getting orders filed in a timely fashion. Rule 365.04 requires the court administrator to serve the order on the parties within five days of receiving it from the magistrate. Measuring from date signed to date filed shows that 91.6% of the orders were filed within 7 days of the date they were signed. Considering that in some locations, the magistrate signs the order and mails it to the courthouse, requiring one to three days of mailing time, seven calendar days is quite acceptable.

[5] This is larger than the number of hearings in 2002 because cases are often continued before they reach the original hearing day.

Another potential measure of timeliness is the frequency with which matters are transferred between the expedited process and district court. Table 3 below shows the number of hearings in the expedited process by judicial district and statewide in calendar year 2002, the number of matters referred to district court from the expedited process and the percentage of total cases that number represents. This information was pulled from the court's computer system. In addition, the 600 orders selected at random were reviewed to see how many involved referrals to or from district court. None was referred from district court and only one was a referral to district court.

Table 3. Matters Referred to District Court

District	Total Number of Hearings	Total Referred to District Court	Percentage of Cases Referred
1	2145	29	1%
2	3765	85	2%
3	1968	28	1%
4	4318	0	0%
5	1272	36	3%
6	1536	35	2%
7	2323	121	5%
8	586	17	3%
9	1583	43	3%
10	3037	37	1%
Total	**22533**	**431**	**2%**

Are child support orders issued in the Expedited Child Support Process consistent? Do magistrates apply the Minnesota Child Support Guidelines and follow the other requirements of statute and case law?

As previously stated, 60 orders from each of the ten judicial districts were randomly selected. Of the 600 orders included in the random selection, 588 orders were included in the analysis (excluded were orders for dismissal, orders noting that the motion had been withdrawn, etc.) The type of order with the number of each type and the percentage of the total represented by that type is shown in Table 4 below.

Table 4. Types of Orders

	Number	Percent of Total
Motions for Review	13	2.2%
Paternity establishment	36	6.1%
Establishment of child support	182	31.0%
Modification of an existing order	247	42.0%
Enforcement	34	5.8%
Request to stay COLA	3	.5%
Motion to correct clerical mistakes	14	2.4%
Other	59	10.0%
TOTAL	588	100.0%

The analysis of compliance with the guidelines excluded orders deciding enforcement matters, COLA matters, motions to correct clerical mistakes or other issues. Orders determining the amount of child support including motions for review, paternity establishment matters, establishment of support, and modification matters were examined (478 total) for compliance with the child support guidelines. Of the 478 orders, 60 were not amenable to a guidelines determination. This included: 13 motions for review; 22 orders where child support was reserved; 3 orders where child support was suspended; 3 orders with insufficient information to determine whether the guidelines were followed; and 19 orders where current child support was not addressed (parties only asked the court to modify medical support or child care support for example). Of the 418 orders remaining to be reviewed, 22 were modification actions where modification of the order was denied, leaving 396 orders to review for compliance.

Of the 396 orders, the vast majority (86.3%) complied with the guidelines. Only 53 orders (13.7%) involved a deviation from the guidelines.

Table 5. Deviations by District

District	Deviation	No Deviation
1	19.4%	80.6%
2	11.8%	88.2%
3	11.9%	88.1%
4	11.1%	88.9%
5	12.8%	87.2%
6	13.6%	86.4%
7	15.8%	84.2%
8	16.3%	83.7%
9	20.9%	79.1%
10	10.5%	89.5%

Table 6 below categorizes the cases that deviated by the direction (upward or downward) and the dollar amount of the deviation from guidelines (after weighting the actual results). The percentage of deviations within each dollar range are displayed.

Table 6. Deviation Direction and Amount

	Percent
Up to $100 above	10.5%
Up to $100 below	31.6%
$100 to $199 below	28.1%
$200 to $299 below	14.0%
$300 to $500 below	8.8%
$500 or more below	5.3%

Most of the deviations (89.5%) were downward and 10.5% of the deviations were upward. All of the upward deviations were within $100 of what the guideline amount would have been. More than half of the downward deviations (59.7%) differed by $200 per month or less from the guideline amount.[6]

In cases where there was a deviation, 20.7% of the obligors (person who pays support) had a net monthly income of $1000 or less. The majority of the obligors in cases with a deviation (79.3%) had a net monthly income in the highest guidelines bracket: $1,000 to the "cap" amount (currently $6,751).

The primary reason given for deviating in the 57 cases is shown below with the percentage of cases. Twelve cases listed two reasons. Where a second reason was given, "multiple families" and "income below guidelines" were listed as a secondary reason in five cases each. Out of 57 orders that contained a deviation, 38.0% were based, in whole or in part, upon the agreement of the parties.

Table 7. Deviation Reasons

	Percentage
Obligor has multiple families	53.5%
Split custody/informal joint custody	16.2%
Agreement as only reason	12.0%
Parenting time expenses	3.4%
Obligor pays other expenses	3.1%
Income below guidelines	2.6%

[6] This is the basic child support amount calculated from the guidelines grid. This amount is a function of net monthly income of the non-custodial parent and the number of children covered by the order. This amount does not include medical support and/or childcare contribution calculations. This analysis did not identify or count deviations from the statutory calculation for medical support and/or child care contribution.

Parties reside together 2.1%

Obligor on public assistance 2.1%

Disability only 1.8%

Special needs 1.8%

Incarcerated 1.4%

It appears that orders issuing from the expedited process are consistently following the guidelines contained in the statute. When they deviate from the guidelines, the basis for deviation is stated and is an allowable basis for deviation pursuant to statutes and/or case law.

The goal of a streamlined and uniform process with timely and consistent issuance of orders is being met.

B. Goal 2
Be accessible to the parties without the need for an attorney and minimize litigation

The current Total Court Information System (TCIS) cannot track how often parties in the expedited process are represented by counsel. Therefore, two efforts were made to determine how frequently parties choose to be represented by counsel. The first was to have child support magistrates record, for each hearing on their calendars in the month of October 2002, whether any party (including the county) was represented by counsel. The other method was to gather the information from the orders selected randomly for review. The format of the magistrate orders includes whether or not each party (including the County) appeared at the hearing and whether or not each party is represented by counsel.

The records submitted by the magistrates showed that in 10% of the hearings, the person who pays child support was represented, in 7% of the cases the person who receives child support was represented and that in 81% of the cases the county attorney (or assistant county attorney) appeared.

Similar, but slightly higher, numbers were obtained from the random sample of orders issued. The 352 orders that resulted from a hearing were reviewed. The person who pays child support was represented by counsel 14.2% of the time and that the person who receives support was represented by counsel 8.0% of the time. A county attorney appeared at 85.4% of the hearings. Looking only at the hearings where the person who pays support had an attorney, in those cases the person receiving support had an attorney more often, 34% of the time. The county attorney appeared less often (78.6% of the time) where there was an attorney for the person receiving support and also appeared less often (75.5% of the time) where there was an attorney for the person paying support. Only 17 orders indicated both parents were represented by counsel (4.8% of the 352 orders issued after a hearing).

Most people, whether they pay or receive child support negotiate the expedited process without counsel. This is likely due, in no small measure, to the fact that many of the participants cannot afford an attorney.

Does the expedited process minimize litigation? As in regular district court proceedings, some matters are resolved without a hearing. Stipulations are presented to magistrates for approval, often without any moving papers having been served. In addition, the Rules of the Expedited Child Support Process allow certain matters to proceed by "default" i.e. the original pleadings or motion will not include a hearing date, but will state specifically what relief is requested and the basis for that request. If no hearing is requested and no answer or response is received within a set period of time, an order may be submitted for approval by the magistrate. (The magistrate is not required to approve the default order, nor required to approve a stipulation for that matter, if it is not fair and reasonable). In 2002, the magistrates reported approving approximately 7,000 orders without a hearing (this is in addition to the 22,500+ hearings that were held). The number of orders signed without a hearing is an approximation for two reasons. One is possible inadvertent over reporting by the magistrates. Some magistrates were including orders (such as continuances) that are not dispositive of the issues before them. The other is the likelihood that some orders are signed by district court judges, rather than magistrates. In some counties the magistrate is only at the courthouse one day per month. Rather than wait for the magistrate, or mail a court file out to the magistrate, it is believed that in some counties district court judges are reviewing these orders. District Court judges are not required to report the fact that they have approved an expedited process order and the current court computer system has no way to track that information. The 7,000 figure reflects only those reported by the magistrates. Of the orders pulled at random, 22.9% were issued without a hearing. The magistrate reports and TCIS indicate that 23.7% of the orders statewide were issued without a hearing, a difference of less than 1% from the sample orders.

Hearings in the expedited process are evidentiary hearings. Often a substantial amount of information is obtained from the parties at the hearing. The average amount of time on the record in an expedited child support hearing is approximately 20 (19.36) minutes. Considering the amount of information required to calculate a child support obligation and to support the required findings, this is quite efficient. A child support order must include information about gross income, deductions from income, net income, medical and dental insurance availability and cost, child care costs and in some cases, past support and past income. Much of the credit for minimizing the amount of time on the record clearly goes to child support officers and county attorneys who often work with the parties in the hallway before the hearing reaching agreement on certain key facts and often resolving all or most of the case. The cases that are resolved, or nearly resolved, balance the difficult cases (e.g. those involving self-employed people, multiple families, possible voluntary underemployment, etc.) that require additional time.

The goal of having an Expedited Child Support Process that is accessible to the parties without the need for an attorney and that minimizes litigation has been met.

C. Goal 3
Be a cost effective use of limited financial resources

For every dollar spent on the expedited process, the state pays $.34 and the federal government pays $.66. To the extent that the nearly 30,000 orders issued in the expedited process would otherwise have been issued by district court judges, it would have cost the state at least $1.00 for every dollar currently expended, possibly more, as additional district court judges would be required to do the work the magistrates are currently doing. Despite an increase in the number of hearings of 81% from 1998 to 2002, the state dollars currently allocated to this process is the same amount that was allocated to the Office of Administrative Hearings (OAH) in 1998 - $1,170,000. This results in a total budget of $3,441,176.00 (state contribution at 34% and federal financial participation (FFP) at 66%).

Currently, there are 8 full-time employee magistrates (not including the magistrate/manager included in the Child Support unit below) and approximately 30 contract magistrates. The work done by the contract magistrates is approximately equivalent to 15 FTE's. In addition there is an employee of Ramsey County who fills in occasionally as a magistrate. All magistrates, except the person in Ramsey, are paid from the child support unit budget (the $1,170,000 state appropriation plus the federal "match").

The State Court Administrator's Office, Court Services Division, Child Support Unit has 4.5 employees:

1	Child Support Magistrate/Manager
1	Staff Attorney
1	Court Operations Analyst
1	Data Entry Clerk
.5	Administrative Assistant

In addition, nearly nine district positions are paid from the budget of the Child Support Unit. Four full-time line staff in Hennepin County, three full-time line staff in Ramsey County, half-time coordinators in the third, seventh and tenth districts and a .33 FTE coordinator in the ninth district are paid from the budget that is funded by the $1,170,000 appropriation and the federal funds.

Payment of salaries and benefits to the 24 employees (21.33 FTE's) and vendor payments to the approximately 30 contract magistrates (approximately 15 FTE's) represented 94.5% of the child support unit budget for State Fiscal Year 2002 (SFY02)

Dividing the total budget by the number of dispositive orders in the expedited process results in a cost per order over the first three years of the process as shown in the Table below[7]

[7] using calendar year dispositive orders count and annual, i.e. twelve month appropriation, plus FFP

Table 8. Cost per Order

Year	Total Cost per Order *	Total State of MN Cost
2000	$ 147.57	$ 50.17
2001	$ 131.24	$ 44.62
2002	$ 115.75	$ 39.35

* Includes Federal Financial Participation

This cost reduction reflects improved efficiency.

The Expedited Child Support Process is a cost effective use of limited court resources.

D. Goal 4
Comply with applicable federal law

As required by 45 C.F.R. 303.101(b)(1) The State must have in effect and use, in interstate and intrastate cases, expedited processes as specified under this section to establish paternity and to establish, modify and enforce support orders.

Federal law [45 C.F.R..Sec. 303.101(d)] requires that the following functions, at a minimum, be performed by presiding officers under an expedited process:

(1) taking testimony and establishing a record;
(2) evaluating the evidence and making recommendations or decisions to establish paternity and to establish and enforce orders;
(3) accepting voluntary acknowledgment of paternity or support liability and stipulated agreements setting the amount of support to be paid;
(4) entering default orders upon a showing that process has been served in accordance with State law, that the defendant failed to respond to service in accordance with State procedures, and any additional showing required by State law; and
(5) ordering genetic tests in contested paternity cases

The Expedited Child Support Process meets all of these criteria and the federal timing requirements as well.

E. Parental Satisfaction

To assess the level of parental satisfaction with the expedited process, a survey of both custodial and non-custodial parents was conducted in the Spring of 2003. The survey addressed the issue of satisfaction generally and more specifically addressed parents' satisfaction with the forms, timeliness, and for those parents who appeared at a hearing how they were treated by the magistrate. Survey questionnaires were mailed to a sample of parents with child support orders signed between July 1, 2002 and December 31, 2002. One survey was sent to parents who had orders issued in the Expedited Child Support Process without a hearing. Another, slightly different survey was sent to parents who had orders issued in the expedited process after a

hearing. The surveys were mailed with a personalized cover letter signed by the State Court Administrator. A reminder postcard was sent approximately one week later regardless of whether a completed survey had been returned or not.

The names and current addresses for cases with orders signed between July 1, 2002 and December 31, 2002 were obtained from the Department of Human Services (DHS). Only the most recent order was included when more than one order was issued in the 6 month timeframe. The list of names included custodial and non-custodial parents with a known mailing address. The number of parents who had an order issued after a hearing totaled 15,294; the total number of parents who had an order issued without a hearing was 10,121. A random sample of 1000 names from each of the two groups was selected. The sample size was deemed adequate to obtain a sufficient number of completed surveys.

The survey forms were designed to obtain information about how the Expedited Child Support Process is working. Unfortunately, it is very difficult to separate how parents feel about the expedited process from how they feel about other aspects of a child support matter. For example the county prepares most of the pleadings and motions handled in the expedited process. If the matter proceeds without a hearing, the initiating party (usually the county) prepares the order. The judicial branch is not responsible for generating those documents. If parties are unhappy with those forms, the information in those forms or the result those forms brought, then they are unhappy with the entire experience, most of which had very little to do with the expedited process. It is especially difficult for most individuals to separate their experience of the expedited process from the result, which is driven by the law (Minnesota statutes and case law) and the facts of their case, not the process.

1. "No hearing" Results

Parents who did not have a hearing returned a total of 275 surveys. Of the 1000 surveys mailed, 50 were returned with an undeliverable address. The response rate for parents who did not have a hearing was 29%, excluding those that were undeliverable. This is a relatively high response rate for surveys conducted by mail.

Of the 275 surveys returned by parents who did not have a hearing, 118 (43%) identified themselves as the person who "pays support", 134 (49%) identified themselves as the person "receiving support", 5 indicated that they "both pay and receive support" and 18 did not make any selection.

The parents were asked to choose the rating that best described their experience or opinion concerning four statements. Not all respondents answered each question. For any given question, 4% to 6% of the surveys did not select an answer. The percentages shown are for those that answered that particular question.[8] The rating choices were strongly agree; agree; neither

[8] Due to rounding, the total percentage for any question may not add to exactly 100%.

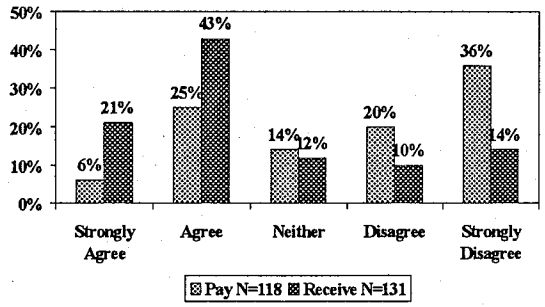
agree nor disagree; disagree, strongly disagree or not applicable. The four statements and the percentage of respondents that chose each rating are shown below:

Table 9. Survey Responses – No Hearing

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
1. **The most recent child support order issued in my case was fair.**	**14%**	**34%**	**13%**	**15%**	**24%**
2. **The most recent child support order issued in my case accurately stated the facts.**	**15%**	**44%**	**14%**	**15%**	**15%**
3. **The forms were easy to understand. (Forms include the summons, complaint, a motion, or an affidavit.)**	**9%**	**42%**	**18%**	**19%**	**12%**
4. **Overall I am satisfied with my experience.**	**11%**	**27%**	**16%**	**21%**	**25%**

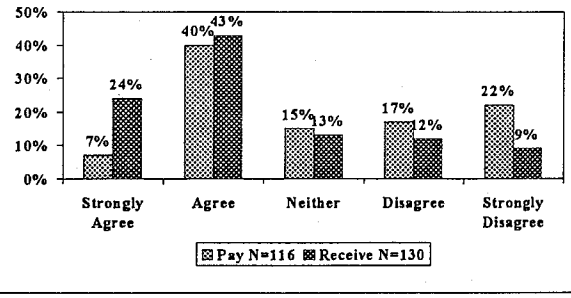
More parents agreed or strongly agreed (48%) that the order was fair than disagreed or strongly disagreed (39%). However if this is broken down by whether the person paid support or received support (Figure 1) it is clear that the people who pay support are less convinced – less than a third (31%) agreed or strongly agreed that the order was fair while a larger percentage (56%) disagreed or strongly disagreed. More than half (64%) of the parents who receive support agreed or strongly agreed the order was fair.

Figure 1: Most recent order issued in my case was fair.



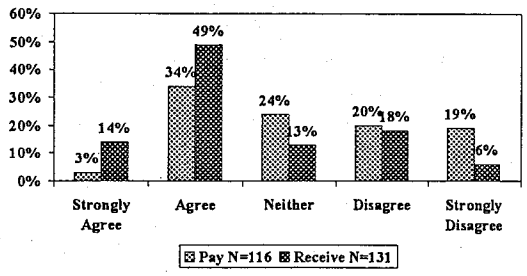
More than half (56%) of the total responses agreed or strongly agreed that the order accurately stated the facts. Figure 2 shows the responses by whether the respondent pays or receives child support. Less than half (47%) of those who pay support agreed or strongly agreed that the order accurately stated the facts, while 39% disagreed or strongly disagreed. A much higher percentage of the respondents who receive support, 67% indicated that the order accurately stated the facts.

Figure 2: Most recent order issued in my case accurately stated the facts.



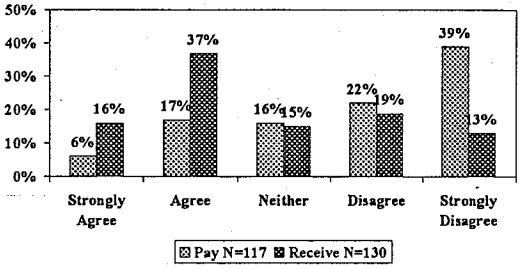
More than half (51%) of all respondents agreed or strongly agreed that the forms[9] were easy to understand. (Figure 3) Parents who pay support were nearly evenly divided on whether the forms were easy to understand with 37% choosing agree or strongly agree and 39% choosing disagree or strongly disagree. Again, more than half of the parents who receive support (63%) agreed or strongly agreed that the forms were easy to understand.

Figure 3: The forms were easy to understand.



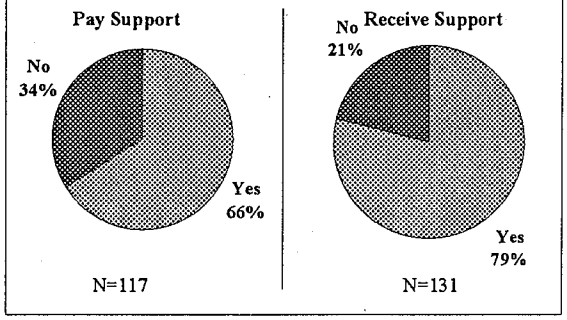
These favorable ratings of the specific parts did not overcome a general dissatisfaction with the experience overall. Only 11% of all respondents strongly agreed that they were satisfied overall with their experience, another 27% agreed for a total of 38% indicating they had a positive experience. Comparatively, 46% report a negative experience overall with 21% disagreeing with the "overall I am satisfied" statement and 25% strongly disagreeing. When broken down by whether the person pays or receives support (Figure 4) it is apparent the dissatisfaction among people who pay support is very high. With 22% of those who pay support disagreeing and 39% strongly disagreeing with "overall I am satisfied with my experience". Of the survey respondents who pay child support 61% reported a negative overall experience. Fifty-three percent (53%) of the parents who receive support indicated that they agreed or strongly agreed that overall they had a positive experience, with nearly one-third (32%) choosing disagree or strongly disagree.

Figure 4: Overall I am satisfied with my experience.



The last question on this survey was whether parents understood that they could have requested a hearing if they disagreed with the terms described in the forms they received. Nearly three-quarters (72%) of all respondents said "yes", they knew they could have requested a hearing. When broken down by whether they pay or receive support, 66% of those who pay knew they could request a hearing and 79% of those who receive support knew they could request a hearing. It is likely that more of the respondents who receive support know this because they tend to have more contact with the local county child support office.

Figure 5: Did you understand that you could request a hearing?



[9] The forms referred to here are the moving papers, which are most often prepared by the county agencies generated from the DHS computer and then reviewed and approved by the county attorney.

2. "Hearing" Results

Parents whose order was issued after a hearing returned 299 completed surveys. A small percentage (5%) of the 1000 surveys mailed were returned with an undeliverable address. The response rate for parents who had a hearing was 31%, excluding the 47 surveys that were undeliverable. The response rate for parents who had a hearing (31%) was slightly higher than the response rate for parents who did not have a hearing (29%).

Of the 299 surveys returned, 127 identified themselves as the person who "pays support", 159 identified themselves as the person "receiving support", 6 identified themselves as "both pay and receive support" and 7 did not make any selection. Not all respondents answered each question. For all but two questions, 4% to 6% of the respondents did not select an answer. On the first question, concerning forms, 12% of respondents did not select an answer. It is not surprising that this question had the highest rate of non-response since not all respondents would have filled out the pro se forms. The question concerning overall satisfaction had only 1% of respondents who did not select an answer. The percentages shown are for those that answered that particular question.[10]

This survey had eight statements that respondents rated as strongly agree; agree, neither agree nor disagree, disagree; or strongly disagree. The eight statements are shown below. The results for all respondents are shaded, the results for persons who pay are then set out separately for each question followed by the results for persons who receive support. The choice with the highest percentage for each group is in bold.

[10] Due to rounding, the total percentage for any question may not add to exactly 100%.

Table 10. Survey Responses - Hearing

	Strongly Agree	Agree	Agree nor Disagree	Disagree	Strongly Disagree
1. I was able to fill out the legal forms without help from someone else (Motion forms, Request for Hearing form).	21%	39%	13%	16%	11%
Pays support	8%	**38%**	14%	23%	18%
Receives support	33%	**42%**	12%	9%	4%
2. The Magistrate explained how the hearing was to be conducted.	22%	44%	8%	15%	10%
Pays Support	10%	**43%**	11%	22%	15%
Receives Support	33%	**46%**	7%	10%	5%
3. At the hearing, the Magistrate treated me with respect.	31%	37%	12%	10%	9%
Pays Support	15%	**38%**	15%	16%	15%
Receives Support	**46%**	35%	9%	5%	4%
4. At the hearing, the Magistrate treated me fairly.	29%	34%	8%	12%	16%
Pays Support	12%	**34%**	12%	19%	15%
Receives Support	**45%**	35%	5%	6%	4%
5. At the hearing, I had an opportunity to speak.	31%	47%	7%	9%	6%
Pays Support	15%	**56%**	12%	10%	8%
Receives Support	**44%**	40%	5%	7%	4%
6. I am satisfied with how long I waited for my scheduled hearing.	16%	36%	18%	17%	13%
Pays Support	6%	**40%**	19%	19%	17%
Receives Support	25%	**32%**	18%	17%	9%
7. The most recent child support order issued in my case accurately stated the facts.	18%	33%	12%	16%	21%
Pays Support	6%	27%	14%	22%	**31%**
Receives Support	30%	**37%**	11%	11%	12%
8. Overall I am satisfied with my experience.	16%	26%	13%	19%	26%
Pays Support	7%	**38%**	14%	23%	18%
Receives Support	25%	**42%**	12%	9%	4%

The questions that are very specific to the hearing reflect higher levels of satisfaction than were expressed about the overall experience (which likely includes application of existing law to the facts of their case). Over three-quarters (78%) of the parents agreed or strongly agreed that they were given the opportunity to speak at the hearing, more than two-thirds (68%) agreed or strongly agreed that the magistrate treated them with respect. A significant majority (63%) agreed or strongly agreed that the magistrate treated them fairly at the hearing. Yet only 42% agreed or strongly agreed that they were satisfied overall with their experience. Slightly more respondents (45%) indicated they disagreed or strongly disagreed that overall they were satisfied with their experience.

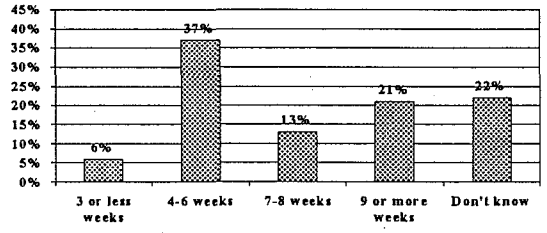
When broken out by whether the person pays or receives support, a higher percentage of people who pay support reported positive overall experiences (45% chose agree or strongly agree) than reported negative overall experiences (41% chose disagree or strongly disagree). For persons who receive support, satisfaction with the overall experience is quite high with 67% indicating that they agreed or strongly agreed that they were satisfied.

Five of the other seven statements (statements 1 through 5) had a much higher percentage of "positive" responses (agree/strongly agree) than negative responses (disagree/strongly disagree) when reviewing total responses. These are the issues that are very specific to the expedited process and reflect a good level of parental satisfaction.

Parents were also asked how long they had to wait for a hearing from the time they sent or received the legal forms. The results are shown in Figure 6 below:

Over half (56.6%) of the respondents indicate that the hearing was held in eight weeks or less from the time the legal papers were sent or received.

Figure 6: From the time you sent in or received legal forms, how long did you wait before a hearing was held?



N=299

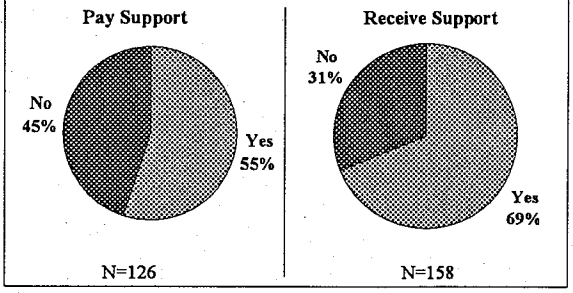
The survey also included three additional questions:

(1) Did you understand that you could ask the court to correct clerical mistakes?
(2) Did you understand that you could ask the court to review and change your order?
(3) Did you understand that you could appeal the final order?

The majority of all respondents said "yes" to all three of these questions- they knew they could: ask the court to correct clerical mistakes (63%); ask the court to review and change the order (63%); or appeal (64%).

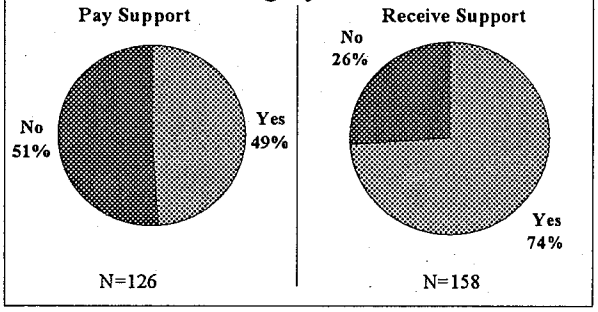
Comparing those who pay support to those who receive support (Figure 7) a smaller percentage of those who pay (55%) reported that they knew that they could ask the court to correct clerical mistakes compared to 69% of those who receive support.

Figure 7: Did you understand that you could ask the court to correct clerical mistakes?



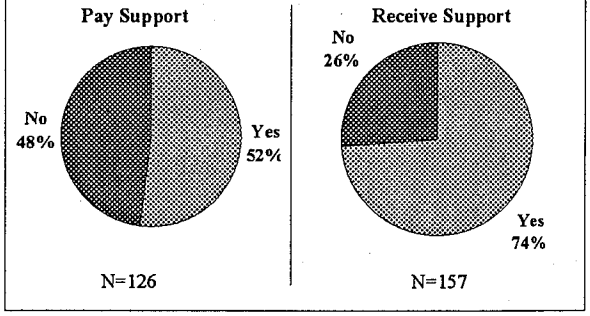
A larger difference is observed between parents who pay support and parents who receive support on the question of whether they knew they could ask the court to review the order. Slightly less than half of those who pay support indicated that they knew they could ask the court to review and change the order. Nearly three-quarters of those who receive support knew that they could ask for a review.

Figure 8: Did you understand that you could ask the court to review and change your order?



As in the case of the two previous questions, more persons receiving support knew that they could appeal the order (74%) than persons paying support (52%).

Figure 9: Did you understand that you could appeal the final order?



3. Written Comments

A content analysis of the written comments identified 10 main topic areas. The main topics and the subtopics under each main topic are listed in Table 9 (respondents who had a hearing) and Table 11 (respondents who did not have a hearing). Examples of comments are also given for selected topics to illustrate the types of comments included in the topic area. Comments by respondents whose order was issued after a hearing and those who did not appear at a hearing could be grouped into the same topic areas. The topic areas can be further collapsed into two categories: comments that either addressed the Expedited Process or comments that addressed issues outside the Expedited Process. Comments that were clearly about aspects of the Expedited Process, or pertained to the child support order, the forms, or the performance of the magistrate fall into the first category. Comments by persons who pay support and believe they are required to pay more than they can afford, as well as those from persons who receive, or should be receiving, child support and are not or feel that the amount received is not enough, fall into the category of concerns outside the Expedited Process. Also included in this category are comments, both supportive and critical of other components of the child support system, e.g. child support officers, private attorneys, etc.

Table 11. Topics and Subtopics of Survey Comments – "Hearing"

Topic	**Subtopics**
Expedited Process:	
Decision/Order	Multiple children, parenting time Modify child support order, document income/expenses
Forms	Difficult to understand
Magistrate	Performance, opinion about treatment, given opportunity to speak
Process	Timeliness, information provided Change child support order, venue No need for lawyer

Table 11. continued

Topic	Subtopics
Non-Expedited Process	
Non-Payment	Enforcement, sanctions for non-payment
Child Support Guidelines	Pay more child support than can afford or more than other parent needs Not receiving enough child support Cost of Living Increase
Unfair	Men/fathers
Child Support Office/Worker	Timeliness, information provided Performance, opinions about treatment
Survey	Didn't appear at a hearing
Other	Requested to contact regarding their case Other matters heard in District Court

Tabulations of the comments by topic and whether the comment was favorable or unfavorable toward the issue are displayed in the tables below. Many survey respondents added comments, 57% of the hearing surveys (170) took the time to write additional comments. A higher percentage of the respondents who did not attend a hearing submitted comments (63%).

Table 12. Comments Favorable and Unfavorable – "Hearing"

Topic	Favorable	Unfavorable	Total*
Decision/Order	0	20	22
Forms	0	2	2
Magistrate/Hearing	3	16	19
Process	9	22	32
Guidelines	1	33	35
Non-Payment	1	15	16
Unfair	0	9	9
Child Support Office/ Worker	1	13	14
Survey	1	1	7
Other	0	6	14
Total	**16**	**137**	**170**

* Total includes comments that were neither favorable nor unfavorable

Over three-quarters of the comments made by persons who had a hearing were unfavorable (81%). Approximately 20% were equally divided between favorable or neutral. However, only 44% (75) comments addressed aspects of the Expedited Process. More than half of the comments (56%) were related to other components of the child support system. Of those that did address the Expedited Process, 80% were unfavorable, 16% were favorable and the remaining 4% were neutral. Only two persons commented on the forms for filing a motion, requesting a hearing, etc. The topic area most commented on was the child support guidelines with 35 respondents commenting on how the amount of child support is determined.

Table 13. Topics and Subtopics of Survey Comments – "No Hearing"

Topic	Subtopics
Expedited Process	
Decision/Order	Income calculation (imputed, in school, imprisoned, disabled) Base child support, daycare and medical expenses, retroactive child support Document income/expenses Example: Child support does not reflect actual income
Forms	Difficult to understand Example: Read more than once
Magistrate	Performance Examples: Outstanding job; Didn't read findings before signing order
Process	Timeliness, notice Opinions about treatment, changing child support amount, reviewing order Examples: Too long to issue order; Difficult to get a review

Table 13. continued

Topic	Subtopics
Non-Expedited Process	
Non-Payment	Mentions of enforcement or more severe penalties Examples: Suspending drivers license not enough; No penalty for not seeking employment
Child Support Guidelines	Pay more child support than can afford or more than other parent needs Not receiving enough child support Mentions of multiple children
Unfair	Men/fathers, non-custodial parent
Child Support Office/Worker	Timeliness, information provided Performance, payment/collection process Examples: Process payments faster; Worker very helpful; Did not cooperate to locate non-custodial parent
Survey	Express appreciation
Other	Visitation and other matters heard by District Court

Table 14. Comments Favorable and Unfavorable – "No Hearing"

Topic	Favorable	Unfavorable	Total*
Decision/Order	2	29	32
Forms	0	3	4
Magistrate	3	1	4
Process	6	22	31
Guidelines	0	18	19
Non-Payment	0	21	24
Unfair	0	8	8
Child Support Office/Worker	8	22	34
Survey	2	1	6
Other	0	5	11
Total	**21**	**130**	**173**

* Total includes comments that were neither favorable nor unfavorable

Three-quarters (75%) of the comments made by respondents who did not have a hearing were unfavorable. The other 25% were favorable (12%) or neutral (13%). Less than half (41%) of the comments were related to the Expedited Child Support Process. Because there was no hearing in these matters, a much smaller number of comments (4) were about the magistrate compared to those who appeared at a hearing. The topic with the most comments was the child support office/worker. These comments were for the most part critical, but more favorable comments were received about the child support office than any of the other topic areas.

Part V. Conclusion

The Expedited Child Support Process is meeting the stated legislative goals. It is a streamlined process that is uniform across the state. It is producing timely and consistent orders. It is accessible to parties without the need for an attorney and minimizes litigation. The expedited process is a cost effective use of limited resources and complies with all applicable federal law.

Is there room for improvement? Of course there is. The fact that 1.2% of the sampled orders were not filed within 30 days is unacceptable. Improvement of the pro se forms provided by the court should be explored. In light of the comments received, it is clear that we need to look for better ways to get information about the process and the system to the parents, especially those who pay support. We need to continue to be on guard against having cases take more time than is allowed by the federal timelines – to do so would risk the 66% federal funding and funding to other key programs. Constant monitoring of timeliness is required to assure compliance with the federal requirements. This is currently being done, and will continue to be done, at the state and district levels.

The greatest threat to the continued success of this process (especially timeliness) is lack of resources. The number of hearings has increased 81% from 1998 to 2002 without any corresponding increase in the state dollars allocated to the process. Since each state dollar expended brings two federal dollars, every additional dollar added by the state means three additional dollars can be spent on this service. One of the comments was that a person felt "hurried" through their hearing. As we try to hear more cases with the same or fewer resources, this will occur more often. We will also hear more complaints about how long people will have to wait to get their hearing as hearing dates fill up and there is no money to pay for additional magistrate time to hear additional calendars and write additional orders. In addition to the expected increase in the number of hearings, a continued downturn in the economy means that more people are likely to lose their jobs or have their income reduced in other ways (reduced commission or increased medical insurance costs). Many of them will ask the court to modify their child support, further increasing the number of hearings.

This process is working. It is accomplishing the goals that were established for it by the legislature. With sufficient resources, it can continue to provide cost-effective and timely service as we move into the future.

Part VI. Appendix

A. 484.702 Expedited child support hearing process.

Subdivision 1. **Creation; scope.**

(a) The supreme court shall create an expedited child support hearing process to establish, modify, and enforce child support; and enforce maintenance, if combined with child support. The process must be designed to handle child support and paternity matters in compliance with federal law.

(b) All proceedings establishing, modifying, or enforcing support orders; and enforcing maintenance orders, if combined with a support proceeding, must be conducted in the expedited process if the case is a IV-D case. Cases that are not IV-D cases may not be conducted in the expedited process.

(c) This section does not prevent a party, upon timely notice to the public authority, from commencing an action or bringing a motion in district court for the establishment, modification, or enforcement of support, or enforcement of maintenance orders if combined with a support proceeding, where additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues exist as noticed by the complaint, motion, counter motion, or counter action.

(d) At the option of the county, the expedited process may include contempt actions or actions to establish parentage.

(e) The expedited process should meet the following goals:

1. be streamlined and uniform statewide and result in timely and consistent issuance of orders;
2. be accessible to the parties without the need for an attorney and minimize litigation;
3. be a cost-effective use of limited financial resources; and,
4. comply with applicable federal law.

(f) For purposes of this section, "IV-D case" has the meaning given in section 518.54.

Subd. 2. **Administration.**

(a) The state court administrator shall provide for the administration of the expedited child support hearing process in each judicial district.

(b) Until June 30, 2000, the office of administrative hearings and the state court administrator may enter into contracts to provide one or more administrative law judges to serve as child support magistrates and for administrative and case management support. The title to all personal property used in the administrative child support process mutually agreed upon by the office of administrative hearings and the office of the state court administrator must be transferred to the state court administrator for use in the expedited child support process.

Subd. 3. **Appointment of child support magistrates.**

The chief judge of each judicial district may appoint one or more suitable persons to act as child support magistrates for the expedited child support hearing process, with the confirmation of the supreme court. A child support magistrate appointed to serve in the expedited child support process, whether hired on a full-time, part-time, or contract basis, is a judicial officer under section 43A.02, subdivision 25, and is an employee of the state under section 3.732 for purposes of section 3.736 only.

Subd. 4. **Training and qualifications of child support magistrates.** The supreme court may:

(1) provide training for individuals who serve as child support magistrates for the expedited child support hearing process;

(2) establish minimum qualifications for child support magistrates; and

(3) establish a policy for evaluating and removing child support magistrates.

Subd. 5. **Rules.** The supreme court, in consultation with the conference of chief judges, shall adopt rules to implement the expedited child support hearing process under this section.

HIST: 1999 c 196 art 1 s 2

B. Federal Timeline Compliance

The federal timeline compliance report details Minnesota's compliance with federal requirements for paternity establishment, support order establishment and enforcement. Federal regulations require that establishment, modification or enforcement orders be issued within 6 months of service of the moving papers in 75% of cases, and within 12 months in 90% of cases on a state-wide basis, whether or not paternity needed to be established. Timeline calculation begins with service of the pleading or motion, and concludes with the order addressing support.

As you can see from the information below, most counties are in compliance with the federally mandated standards. The order types included in the federal timeline calculation include paternity orders, orders to establish, modify or enforce a support obligation, orders for dismissal, and orders for referral to district court. A single case may have more than one motion decided within the time period, therefore the number of motions will not necessarily equate to the number of cases.

NOTE: Orders resulting from motions for review or motions to correct clerical mistakes are excluded from federal timeline compliance reporting and are omitted from Table 1.

Table 1 – Federal Timelines Compliance

	# Issues	6 month compliance	12 month compliance	Average days to completion
District 1				
Carver	288	100	100	59
Dakota	1462	99.4	99.9	49
Goodhue	248	98.8	100	49
Le Sueur	95	98.9	100	53
McLeod	250	98	99.6	59
Scott	153	96.7	99.3	56
Sibley	53	100	100	69
District sum	**2549**	**99.1**	**99.9**	**52**
District 2				
Ramsey	3972	96.5	99.7	64
District sum	**3972**	**96.5**	**99.7**	**64**
District 3				
Dodge	133	96.2	100	72
Fillmore	33	100	100	50
Freeborn	271	95.9	99.3	66
Houston	66	100	100	54
Mower	292	97.9	100	55
Olmsted	709	96.8	99.4	71
Rice	175	98.9	100	62
Steele	291	98.6	99.3	54
Wabasha	88	98.9	100	45
Waseca	184	96.7	99.5	58
Winona	270	95.6	100	71
District sum	**2512**	**97.2**	**99.6**	**63**
District 4				
Hennepin	3632	99.1	99.8	55
District sum	**3632**	**99.1**	**99.8**	**55**

	# Issues	6 month compliance	12 month compliance	Average days to completion
District 5				
Blue Earth	227	99.6	100	41
Brown	145	99.3	100	45
Cottonwood	82	98.8	100	50
Faribault	131	100	100	44
Jackson	89	100	100	49
Lincoln	28	96.4	100	51
Lyon	201	100	100	48
Martin	252	98.4	99.2	51
Murray	72	97.2	100	58
Nicollet	225	100	100	43
Nobles	91	100	100	42
Pipestone	69	100	100	42
Redwood	139	99.3	100	59
Rock	33	100	100	50
Watonwan	156	99.4	100	47
District sum	**1940**	**99.4**	**99.8**	**47**
District 6				
Carlton	348	98.9	100	53
Cook	21	100	100	37
Lake	83	100	100	46
St. Louis/Duluth	1005	94.9	98.6	66
St. Louis/Hibbing	296	99.3	99.7	54
St. Louis/Virginia	483	99.4	99.8	47
District sum	**2236**	**96.9**	**99.1**	**59**
District 7				
Becker	323	99.4	100	53
Benton	302	97.4	98.7	59
Clay	279	95	98.6	79
Douglas	201	98	99.5	56
Mille Lacs	203	99.5	100	45
Morrison	297	96.3	98	75
Otter Tail	422	99.1	99.8	54
Stearns	529	97.2	99.4	69
Todd	366	93.7	98.4	70
Wadena	251	95.2	98	72
District sum	**3173**	**97**	**99.1**	**64**

	# Issues	6 month compliance	12 month compliance	Average days to completion
District 8				
Big Stone	18	94.4	100	79
Chippewa	63	98.4	100	52
Grant	33	100	100	70
Kandiyohi	244	98.8	100	61

Lac Qui Parle	4	100	100	97
Meeker	75	97.3	98.7	78
Pope	61	80.3	86.9	147
Renville	42	100	100	66
Stevens	37	94.6	94.6	65
Swift	104	96.2	98.1	71
Traverse	0	0	0	0
Wilkin	4	100	100	94
Yellow Medicine	57	100	100	42
District sum	**742**	**96.6**	**98.2**	**71**
District 9				
Aitkin	100	97	100	48
Beltrami	155	98.1	99.4	58
Cass	130	98.5	100	61
Clearwater	53	100	100	44
Crow Wing	432	99.3	99.8	50
Hubbard	46	93.5	95.7	83
Itasca	454	93.2	98.5	72
Kittson	17	100	100	49
Koochiching	89	94.4	100	70
Lake of the Woods	15	100	100	50
Mahnomen	3	100	100	53
Marshall	24	100	100	51
Norman	4	100	100	60
Pennington	23	100	100	61
Polk	80	97.5	98.8	58
Red Lake	16	100	100	63
Roseau	74	94.6	100	70
District sum	**1715**	**96.7**	**99.3**	**60**
District 10				
Anoka	1420	99.7	100	53
Chisago	337	98.5	100	53
Isanti	186	97.3	98.9	56
Kanabec	88	100	100	46
Pine	267	98.5	100	50
Sherburne	436	99.1	99.8	52
Washington	745	99.9	99.9	47
Wright	610	98.9	100	51
District sum	**4089**	**99.3**	**99.9**	**51**
Statewide Total	**26560**	**98**	**99.6**	**58**