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REPORT TO THE MINNESOTA LEGISLATURE CHILD SUPPORT DELIVERY STUDY

**PREPARED BY
THE CHILD SUPPORT ENFORCEMENT DIVISION
MINNESOTA DEPARTMENT OF HUMAN SERVICES**

JANUARY 1999

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1997 Minn. Laws Chap. 203
Art. 6 Sec. 90

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This report to the Legislature is mandated by 1997 Minnesota Laws, Chapter 203, Article 6, Section 90:

**Sec. 90. [CHILD SUPPORT ENFORCEMENT PROGRAM;
SERVICES DELIVERY STUDY]**

The commissioner of human services, in consultation with the commissioner's advisory committee, shall conduct a study of the overall state child support enforcement delivery system and shall recommend to the legislature a program design that will best meet the following goals:

- (1) comply with all state and federal laws and regulations;
- (2) deliver child support and paternity services in a timely manner;
- (3) meet federal performance criteria;
- (4) provide respectful and efficient service to custodial and noncustodial parents;
- (5) make efficient use of public money funding the program; and
- (6) provide a consistent level of services throughout the state.

The study may make specific recommendations regarding staffing, training, program administration, customer access to services, use of technology, and other features of a successful child support program. The commissioner may contract with a private vendor to complete the study. The commissioner shall provide the study and recommendations to the legislature by July 1, 1998.

The due date for this study was later extended by the Legislature to December 1, 1998 by 1998 Minn. Laws, Chap. 382, Article 1, section 24.

The Department of Human Services contracted with the Center for the Support of Families, a widely respected consulting firm on child support matters, to conduct the study. During the course of their study, the Center for the Support of Families and the Child Support Enforcement Division consulted with a wide range of child support stakeholders, including the Commissioner's Advisory Committee, the County Advisory Board, other state and county child support staff, and advocates for children, custodial and non-custodial parents. For a complete list of study participants, please see Appendix C.

The Final Report and Recommendations of the Center for the Support of Families is attached. We apologize for the delay in submitting the report.

To prepare this report, the Commissioner of Human Services assigned the Child Support Enforcement Division to evaluate the enforcement mechanisms and programs used in the collection of child support.

The following is a summary of the costs of preparing this report, as mandated by the Laws of 1994:

State Staff Assistance	\$20,000
Professional Services	\$298,481
Printing and Mailing	<u>\$500</u>
TOTAL COST	\$318,981



Minnesota Department of **Human Services**

March 1, 1999

Dear Members of the Minnesota Legislature:

This report is submitted to satisfy a requirement that the Department of Human Services (DHS) conduct a study of the delivery of Minnesota child support services and report back to the Legislature with its findings and recommendations. DHS contracted with the Center for the Support of Families (the "Center"), a private firm well-respected in the national child support community, to undertake this Child Support Delivery Study. The final report and recommendations are attached and constitute the main body of this report.

The study was conducted during 1998 and included meetings with state staff and visits to 13 county child support offices. The contractor received input from six legislators as well as from other stakeholders in the Minnesota child support community and consulted with the Commissioner's Advisory Committee and Child Support Advisory Board. The Center consulted with federal officials and child support experts in other states. A design lab was held to fashion a design for Minnesota's child support program. (A complete list of those participating in the study, including design lab participants, is found in Appendix C of the enclosed report. The results of the design lab are contained in Appendix A.)

The Center considered three basic models for the delivery of child support services: maintain the status quo or the current state supervised, county administered program; make changes to the current system to form a "performance management" model; or make a complete change to a state supervised, state administered program. The Center's recommendation is to move the current system to a performance management system. The enclosed report makes and discusses 11 recommendations to accomplish this change.

Many of the Center's recommendations focus on the relationship between the state and the counties. The general thrust of these recommendations is to strengthen the State's ability to set performance expectations and monitor county performance. DHS endorses the focus on performance and stronger state supervision. "Supervision" as used here means a broad range of activities including monitoring, giving feedback, supporting improvements, and clarifying respective accountability. We believe a stronger state role is necessary to maintain Minnesota's position as a leader among states in child support performance.

Members of the Minnesota Legislature

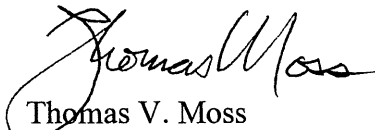
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March 1, 1999

DHS is not submitting legislative proposals to implement the Center's recommendations at this time. The specific recommendations in the study need further consideration by DHS and the counties before we make a decision on whether to bring recommendations to the Legislature. It is also unclear whether the recent Minnesota Supreme Court decision that the administrative process is unconstitutional would alter any of the Center's recommendations or DHS' position on the recommendations.

Questions about this study should be directed to Laura Kadwell, Director, Child Support Enforcement Division, at (651) 297-8232.

Sincerely,



Thomas V. Moss
Deputy Commissioner

**Prepared for the
Minnesota Department of Human Services
Division of Child Support Enforcement**

**Child Support Delivery Study
Final Report and
Recommendations**

January 22, 1999



Prepared by the Center for the Support of Families

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Introduction

This report contains recommendations for the enhancement of the Child Support Enforcement program in the state of Minnesota. The document provides a series of key features to enhance the program's management structure, focusing specifically on the relationship between the state and its county partners. As discussed later in this section, while changes to the policy and procedures used in the operation of the program are important, the most critical elements of improvement are those that provide program managers with tools to plan, implement, and monitor its operation effectively.

Purpose of the Delivery Study

In 1997, the Minnesota state legislature required the Department of Human Services (DHS) to conduct a study of the overall child support enforcement delivery system and to recommend to the legislature a program design that would best meet the following goals:

- Comply with all state and federal laws and regulations
- Deliver child support and paternity services in a timely manner
- Meet federal performance criteria
- Provide respectful and efficient service to custodial and non-custodial parents
- Make efficient use of public money funding the program
- Provide a consistent level of services throughout the state

The state of Minnesota has long been a national leader in providing child support services, ranking first in the nation in collections per open case and collecting more than twice the national average of support per case. This study is viewed as part of an ongoing effort to maintain and improve Minnesota's high program performance and further strengthen its ability to meet the needs of the children served by the program. This study is also intended to help Minnesota program management keep pace with program changes and meet rising expectations on the part of both the public and elected officials.

The recommendations of this study are aimed at advancing the following objectives of the state child support program:

- Improve the lives of children and families
- Increase child support collected (both current and arrears)
- Establish paternity and support orders in a timely manner
- Deliver all services in a prompt, respectful, and consistent manner
- Operate an efficient statewide program
- Maximize performance in all federal performance and incentive measurement areas
- Comply with state and federal requirements

Context of the Study

Any study whose purpose is to develop recommendations to improve the delivery of services must be viewed as part of a bigger whole. Recommendations must be made not only to improve specific situations but also to allow the program to respond to changes in statutes, policy, and

processes imposed by other entities. More importantly, recommendations should provide structures that allow program staff to assess their own needs and make changes as the program changes or as the needs of its customers change.

The Child Support Enforcement program has been in an almost constant state of change since the Congress passed the Child Support Enforcement Amendments of 1984. Since that date, federal and state officials have provided child support enforcement managers and staff with a growing arsenal of tools to locate parents, establish support orders, enforce support obligations, and streamline the collection and distribution of support payments to families. These important tools have produced impressive results, such as an increase in the number of cases with support orders and the amount of support collections, as well as the use of more timely actions to enforce obligations.

At the same time, this attention to the program has produced higher expectations on the behalf of the customers, program managers, public officials, and the staff responsible for cases. The question often asked by all is "How can we do more"? This question will become even more important as new performance incentives are implemented and as the Congress begins to study ways to change the funding structure of the program.

As this study was being undertaken, all participants acknowledged the continuing need to assess and refine features of the program. Such issues as the use of non-adversarial techniques to establish support obligations and work with parents to secure regular payments, the refinement of support guidelines, the improvement of the use of income withholding, and the allocation of staffing and other resources to program operation units are but a few examples of the constant management challenges. The key to enhancing the unique and successful program in Minnesota is its ability to plan, implement, monitor, and refine its operation. The recommendations offered in this report strive to meet those challenges.

Executive Summary

This document represents the culmination of a nearly year-long effort to investigate current practice throughout the program, identify issues in need of attention, formulate a design for the child support program that can serve as a basis for addressing those issues, and compose recommendations for program improvement. This summary presents a brief description of the methods and outcomes in each of these project phases.

Investigation of Current Practice

The investigation of current practice included an extensive data collection and analysis process. Staff in all state child support office units were interviewed, as were line staff and supervisors in thirteen county child support enforcement offices. In addition, legislators, judges, representatives from agencies working with child support, and stakeholders were also interviewed. (See Appendix C, Study Participants, page 88.) Finally, targeted statistical data were collected on county and state performance.

Once the data collection effort was completed, information was analyzed to determine those program areas that could be improved. The assessment of the program is presented in the assessment report that is a deliverable as part of the delivery study. The findings of the analysis are reflected in the recommendations included in this document and summarized later in this section.

Identification of Issues Requiring Attention

Based on data collection and analysis from the investigation of current practice, several issues were identified that required attention in order to improve the child support program in Minnesota. Instead of formulating recommendations based solely on findings from practice, however, the findings provided a foundation for creating a management structure that would synthesize the interrelated findings and their corresponding recommendations.

Formulation of a Design for the Child Support Program

As part of the delivery study, a Design Laboratory was convened to conceptualize the child support program as it is best suited to Minnesota. The outcomes of the Design Lab included not only a concept for the program, but also situational groupings of parents involved with the program. A description of each parent category, along with considerations for system characteristics, is presented below.

Parent Categories

- **Complying** parents are ready, willing and able to comply, and the child support system is non-obtrusive and delivers services in a timely, respectful manner.
- **Uninformed** parents do not know their responsibilities or rights when it comes to child support. The system assures timely, accurate responses to questions and provides information to parents and the general public about the program.
- **Unable** parents refer to those who are knowledgeable and willing, but unable to pay. The system links these parents to services to enhance their financial capacity and supports workers with training, information, and resources to assess ability to pay and link to appropriate services.

- **Reluctant** parents are able to comply, but choose to avoid the system or the other parent. The system sets clear expectations about the requirement to pay and addresses underlying issues that may be causing the reluctance through linkages to other service providers.
- **Evading** parents actively avoid their responsibilities regarding child support. The system segregates these cases for targeted locate services and intensive enforcement and applies aggressive enforcement tools early, such as contempt, liens, and professional license revocation.

System Characteristics

The designers' primary focus was to create a system that supports, encourages, and requires all counties to comply with state and federal requirements, deliver program services that meet or exceed statewide standards, and achieve performance levels that meet or exceed statewide goals. The system should be adaptive, able to respond to differences among the counties and to modify itself as a result of changing conditions.

The system envisioned by the designers retains the basic organization of the state-supervised, county-administered system, but increases the alignment around common goals and expected results. The envisioned system would:

- Maintain distinct jurisdictions
- Support, encourage, and require a high level of performance from county child support offices
- Establish a single set of standards, with variations for each county's willingness, ability, and knowledge of how to meet expectations
- Clarify accountabilities for counties and other organizational partners
- Clarify the accountability of the state in relation to the counties
- Measure and report results and desired levels of performance
- Provide counties opportunities to improve service delivery
- Support, not sanction, counties into success (unless necessitated by county performance)

Performance Management Model

In order to operationalize the outcomes of the Design Lab, the Center for the Support of Families developed a Performance Management Model. The model represents a shift toward performance-based program management, funding, and resources. Highlights include components for:

- Setting performance goals and service delivery standards
- Monitoring performance
- Targeting and conducting county reviews
- Developing and implementing biennial performance and service delivery plans
- Developing and implementing a performance-based incentive funding system
- Providing technical assistance

Organizational considerations for the model delivery system include:

- Addition of county performance management function to the state office

- Enhanced processes for the dissemination of policy and provision of legal services
- Enhanced interactive voice response system and central customer service for defined activities
- Central locate service for hard-to-find non-custodial parents and/or assets
- Comprehensive training program

The context for the recommendations that follow was finalized upon completion of the Performance Management Model.

Recommendations

Following are the eleven recommendations for improving the child support enforcement program in Minnesota.

Recommendation 1: Execute Written Agreement between State and Each County

This recommendation establishes a baseline that identifies the responsibilities for the state office and each county office in the administration and operation of the child support program. The written agreement would specifically and clearly present the responsibilities of each party:

Examples of state responsibilities:

- Provide and maintain centralized operations
- Develop and disseminate legal positions and policy
- Represent program in legislature and other external arenas

Examples of county responsibilities:

- Comply with provisions of federal and state regulations and program instructions
- Develop and submit a biennial performance and service delivery plan
- Monitor performance/progress against plan goals and objectives

Recommendation 2: Implement Processes for Setting Statewide Performance Goals and Service Delivery Standards

The focus of this recommendation is designing and implementing processes structured around formally-convened task forces to address the issues and options regarding statewide performance goals and service delivery standards. Task forces would be composed of both state and county staff, providing a mechanism for input from both areas.

Performance goals would be developed for areas such as paternity establishment, order establishment, collections on current support, and others. Goals would be reviewed annually to recommend revisions as appropriate.

Service delivery standards would be developed to ensure a basic level of services to all parents in Minnesota. These would also be reviewed annually.

Recommendation 3: Establish a County Performance Management Program

This recommendation calls for the establishment of a county performance management unit at the state office, including staff for the unit. The unit would have overall responsibility to provide direction and support for the following functions:

- Planning, assessment, and evaluation of performance and service delivery for all county office child support programs
- Technical assistance and targeted training to meet jointly determined needs of individual counties or groups of counties
- Intensive cooperative assessment and corrective action planning for poorer performing county programs

Recommendation 4: Institute Standard Procedures and State-Level Program Support for Procurement of Legal Services

This recommendation requires the state child support office to set parameters for contracting legal services by the counties, where the state will have the ability to set direction and the attorneys in the counties will represent the position taken by the child support program, with minimal exceptions.

The state would authorize federal financial participation (FFP) for child support program legal services that are within the parameters established in the contract or cooperative agreement. The counties would have the option to select who provides these legal services. Legal services the counties choose to utilize that are not within the scope of the contract or cooperative agreement would not be eligible for FFP.

Recommendation 5: Request Assistant Attorney General Designation for Selected State Office Legal Staff

This recommendation is that the Child Support Enforcement Division (CSED) request the Attorney General to delegate authority to designated legal analyst positions in the division in order that they may provide legal services in specified program areas. By providing direct legal support to the child support program, the division could expect to enhance the timeliness and quality of policy development and dissemination.

Recommendation 6: Implement Proposed State Funding Plan

During the course of the delivery study, state office staff drafted a series of funding modifications that, if enacted, would be very consistent with the operational model. Under the proposed system, the state will reward good performance and compliance with program requirements, and encourage counties to manage their programs prudently, making necessary modifications to improve performance, productivity, efficiency, and customer service. This innovation ties funding to performance, and the model supplies the necessary means to monitor, collect data, and support county performance in order to meet performance standards and receive incentives.

The recommendation is to implement this proposed funding plan in its entirety.

Recommendation 7: Improve Program Communication

A more streamlined, less fragmented communication system is the desired outcome of this recommendation. In order to achieve this goal, three areas must be improved:

- County input to policy and procedures development: Improve through the establishment and implementation of the Policy Input Teams that the state office has begun designing

- Policy dissemination: Improve by updating the current policy manual and releasing preliminary changes (identified as such) prior to final policy dissemination and corresponding instruction on new policy
- Policy interpretation: Improve by designating the Policy Help Desk as the single source for policy dissemination and implementing a marketing effort aimed at encouraging county staff to utilize this resource

Implementation of the above three improvements will enhance the uniformity, timeliness, and appropriateness of program communication.

Recommendation 8: Improve Relationships with Other Agencies

This recommendation is to appoint a liaison from the state child support office to the agencies working with the child support program. The liaison would be responsible for ensuring that:

- Effective lines of communication are established and maintained
- Inquiries from the cooperating agency are responded to promptly
- Changes in child support practice impacting the cooperating agency are incorporated into practice

The liaison would become the single point of contact for each cooperating agency.

Recommendation 9: Provide Comprehensive Training Program

The training currently provided by the state office is very good. There is a need, however, to broaden its curriculum and increase its resources in order to provide a comprehensive program. A training needs assessment should be undertaken to determine the ongoing instructional needs of staff, develop new courses, support training needs expressed in county performance and service delivery plans, and determine the appropriate resourcing of the training team in light of its expanded responsibilities.

Recommendation 10: Centralize Selected Customer Service Functions

This recommendation proposes establishing centralized customer service units in large counties to respond to case-specific, non-financial questions not handled by the interactive voice response system. In addition, this recommendation proposes establishing Problem Resolution Teams in large county offices to respond to complaints and monitor problematic cases.

These two innovations acknowledge the fact that there is a certain segment of the caseload population whose cases are time consuming and require specialized knowledge. It is better to designate such cases to staff with specialized knowledge who can handle the cases more efficiently.

Recommendation 11: Centralize Selected Locate and Enforcement Functions

The final recommendation calls for the centralization of locate activities for "hard-to-locate" non-custodial parents and assets. Such activities would be centralized at the state office for cases with a current support obligation or no support order. The centralized locate staff would develop "skip trace" expertise and be dedicated to working difficult locate cases.

In addition, Intensive Enforcement Units (IEUs) should be used in the large counties. These units would allow for the development of specialized skills and resources to enforce obligations of those parents characterized as "evading" in the Design Lab.

Methodology

Several data collection and analysis methodologies have been utilized to form the foundational knowledge base for this report. These methodologies are discussed below.

Data Collection

Data collection methodologies include both qualitative and quantitative processes. (For a complete discussion of the advantages, disadvantages, and limitations of these methodologies, see the Assessment Report of the delivery study.) With few exceptions, all interviews with state and county child support staff, staff from related agencies, county attorneys, judges, and stakeholders in Minnesota were conducted face-to-face using a semi-structured interview guide. Telephone interviews were conducted with a few respondents in Minnesota and with all participants in the survey of state best practices.

Quantitative data were collected to develop comparative performance indicators among the thirteen county offices visited as part of the data collection effort and among states of comparable population and child support caseload size. Similar data were collected to provide some comparisons between Minnesota and the states surveyed as part of the best practices investigation.

Legal Research

The legal questions presented during the course of the investigation focused on who sets legal policy for the child support program. Team members examined the Minnesota Constitution, statutes, and case law to address this overriding issue. These sources, as well as additional legal resources, were subsequently examined to clarify the relationship between the DHS, the county social service agencies, the county attorney, and the attorney general in setting and maintaining uniform statewide legal policy. Extensive discussions followed to test the validity of the interpretation derived from Minnesota law and to evaluate whether the model delivery system proposed here could be sustained in practice. Finally, comments from legislators interviewed were considered in the final recommendations.

Data from the Design Lab

Of special note are the data collected during the Design Laboratory process. A Design Lab was conducted as part of the delivery study with a group composed of central child support office staff, county child support staff, Center for the Support of Families staff working on the delivery study, and other experts identified by state office staff. While the information gathered through this process does not conform to the traditional form of historical data, it has been central to many discussions and decisions made during the course of this study.

An intensive, interactive session was conducted with Design Lab participants to form a high-level vision of how the child support enforcement program should work in Minnesota. The concepts formulated in the Design Lab have been instrumental during the study as heuristic devices, bases for discussions and presentations on child support service delivery, and other helpful functions. The final outcome document from the Design Lab is included as Appendix A, A Design for a Child Support System for the New Decade (see page 61).

Data Analysis

Accepted methods of qualitative data analysis were conducted as required during the study. These methods included examining the data collected to identify recurring themes related to specific investigation areas, identifying exceptions to these themes, comparing perspectives among different respondent groups, following up to verify or refute assertions made by respondents, and determining if reported practices were consistent with existing policy.

Quantitative data analysis was limited to comparative methods to determine relative success on selected performance indicators among Minnesota counties and between Minnesota and states with similar characteristics to Minnesota.

Operational Model Formulation

The model for enhancement of performance management has been developed in an interactive mode with the CSED and consultant staff. It has been guided by the Design Lab's output as well as by the assessment of findings at the state and county level, including strengths and weaknesses of the current system.

After all of the Minnesota-specific data had been collected, the Center for Support of Families convened a work group to address the most salient issues emerging from the investigation. The group was composed of employees/consultants with extensive backgrounds in child support, including experience and expertise in:

- Program and fiscal management
- State-level and county-level administration/operations
- Federal-level administration/operations
- State-supervised/county-administered systems and state-administered systems

The work group's output was summarized and presented to state child support leadership as a first step in developing the model. From this first meeting, modifications were incorporated and additional discussions were held with state child support staff to further refine the model. The final product of this process is the basis for the discussion of recommendations in this document. The model is presented in the following section.

Options Considered

Based upon research completed during the course of the delivery study, the Center for the Support of Family's project team considered three options for the child support enforcement program in Minnesota: status quo, state administration, and a county performance management model. Each option is briefly presented and discussed in this section.

Status Quo

Given Minnesota's relatively high performance on major child support enforcement indicators and the program's track record of identifying and successfully implementing innovations, the status quo was a viable alternative.

Not only has Minnesota's child support enforcement program been a top performer nationally in the past, but the positive trends in performance continue. Child support collections increased by 17.4 percent (as compared with a national average increase of 12 percent) from fiscal year 1996 to 1997. The program ranks 11th nationally in total collections and 25th nationally in caseload size, according to information from the Office of Child Support Enforcement (OCSE) fiscal year (FY) 1997 Preliminary Data Report.

The program has one of the lowest caseload averages per worker in the nation, averaging just under 170 cases per full-time equivalent (FTE), compared with a national average of over 368 cases per FTE. Compared with the rest of the nation, Minnesota's program has had a great deal of resources committed to child support enforcement, another distinct advantage to the current system.

With such strong performance, the opportunity costs associated with modifications to the program are not very high. That is, the program is not currently missing out on many opportunities for improvement, so the advantages associated with change are not as great as they would be in a program that was performing at a lower level.

A similar dynamic exists when considering the transition/change costs to the program. Any modification to the current program must be considered along with the costs associated with the change. When performance is high, the transition costs must be weighed carefully to determine if the anticipated modification is worth more than what would be lost as a result of making the change.

However, the findings from our data collection effort during the study indicate that the program could be improved from the status quo. Statistically, Minnesota has achieved higher collections with less expenditure than the national average, but the cost/effectiveness ratio was just above the national average, indicating that performance could be enhanced given the amount of expenditures. From an operational perspective, there are three areas where improvements could occur: performance management, program funding, and legal components. Each of these areas is addressed in the recommendations section of this document.

State Administration

Of the options we considered, state administration of the child support enforcement program represents the most radical shift from current operations. Under this option, all aspects of the program would be shifted to the state and the counties would no longer have any responsibility for the program.

Proponents of state administration have stated that this approach provides for greater program control, greater uniformity of service delivery, and the elimination of some bureaucratic levels. Unfortunately, there is little evidence to support these contentions, as state-administered programs still must deal with many of the same issues its supporters contend are eliminated under state administration.

In Minnesota, moving to state administration would require a formidable transition of staff and other resources, as evidenced by the following three points. First, the state would have to determine how to operate the program—that is, whether to continue to operate county offices, regionalize service delivery, or compose a strategy combining the two, then identify where those offices would be located and negotiate leases. Second, state personnel classifications would have to be developed for all line staff and supervisory categories, along with corresponding pay scales. Third, hiring criteria and a screening/interviewing process would need to be developed to determine which existing county staff would be transitioned into state employment. Candidates would have to be recruited, interviewed, and selected to replace those staff who chose to stay in county employment, were not hired by the state, or chose not to work in state government.

For each of the three points presented above, there would be numerous related decisions to be made and actions to be taken in order to complete the shift to state administration successfully. In order to perform these tasks, there would be a need for additional state staff during the transition and beyond, increasing the size of the central child support office.

Depending on the specific form the shift to state administration would take, the new program would have some differences from the county-administered program. The state office would have to grow in order to administer all of the additional activities for which it would be responsible. State offices would replace county child support offices in counties, or possibly in regional offices. Some staff turnover could be anticipated as a result of the transition, and operations of the offices would become standardized, resulting in considerable change from the former county operations, along with changing job duties and responsibilities for individual staff.

It is also possible that the program could be moved from the DHS to another state department in the process. Several states have moved the program from a social services agency to a department of revenue or similar agency, with the rationale being that the emphasis is on collections in child support, and that mission is more consistent with agencies that also collect money.

Shifting the child support enforcement program to state administration could complicate interagency relationships, as the child support program would become state administered while most other social service programs would continue to be county administered. These variations in administration across agencies could adversely impact the ability of local offices to collaborate when necessary, and nationally, interagency collaboration is becoming more important as initiatives in welfare reform and other innovations are implemented. Moving the child support program to another state agency would only serve to complicate matters further at both the local and state levels.

Overall, there are two primary arguments against moving to state administration. The transition costs associated with the shift to state administration are very high, and there is no guarantee that the move would result in program improvements. Second, the program as it currently exists is one of the best in the country, and a transition of the magnitude discussed here could seriously detract from program performance during the transition period and beyond. Combining these two arguments, a move to state administration would have tremendous costs associated with it, expose a successful program's performance to considerable risk, and provide no assurances of program improvement in the process. Based on these conclusions, a shift to state administration is not recommended at this time. However, the door should be left open for considering state administration as a viable option, should the federal OCSE continue to mandate the centralization

of various state child support functions or should counties fail to meet new state and federal performance standards.

Performance Management Model

Many of the recommendations presented in this report are founded on a performance management model developed by the Center for Support of Families as part of the delivery study. The model represents a shift toward performance-based program management, funding, and resources. The model was developed using the principles composed during the Design Lab sessions that were also part of the delivery study. Highlights include components for:

- Setting performance goals and service delivery standards
- Monitoring performance
- Targeting and conducting county reviews
- Developing and implementing biennial performance and service delivery plans
- Developing and implementing a performance-based incentive funding system
- Providing technical assistance

Organizational considerations for the model delivery system include:

- Addition of county performance management function to the state office
- Enhanced process for the dissemination of policy and provision of legal services
- Enhanced interactive voice response system and central customer service for defined activities
- Centralized locate service for hard-to-find non-custodial parents and/or assets
- Comprehensive training program

A more complete description of this model follows in the next section.

The Performance Management Model

Before describing the performance management model, it is important to set the context provided by the Design Lab outcomes, which became the guiding principles for the model design. The stated purpose of the Design Lab was to create an adaptive system that facilitates, encourages, and requires parental financial support of their child or children. Rather than starting with the organizations, programs, or structures of today, designers started with the people who are expected to comply with child support orders.

Design Lab Considerations for Child Support Delivery System

The Design Lab participants distinguished five categories of parents based on readiness, willingness, and ability to comply. Below are brief descriptions of these categories, including selected characteristics of a child support delivery system that meets Design Lab expectations for such a system.

Complying

For parents who are knowledgeable of expectations and are ready, willing, and able to comply, the system:

- Is non-obtrusive, with services that facilitate billing and payment
- Delivers services in a timely, respectful manner

Uninformed

For parents who are uninformed about the child support system and do not know their responsibilities or rights, the system assures that:

- Timely, accurate, and thorough responses are given to incoming questions
- Providing information to parents and the general public is part of the culture and everyday duties of child support workers

Unable

For parents who are knowledgeable and willing, but unable to pay or participate, the system:

- Links the participants to successful services that increase financial capacity or remove barriers
- Supports workers with training, information, and resources to assess participants' inability to pay and links them with appropriate services

Reluctant

For parents who are knowledgeable and able to comply, but reluctant, and wish to avoid the system or the other parent, the system:

- Sets clear expectations: "You must pay. No dealing. But, we will work with you on your issues"; actions and words are consistent across the state on these expectations
- Addresses underlying issues with early linkages to effective services, such as referrals for financial management services or mediation services for custody and visitation issues

Evading

For parents who are knowledgeable and able, but refuse to comply, the system:

- Segregates these cases for targeted locate services and intensive enforcement
- Applies aggressive, discretionary enforcement tools early (such as contempt, professional license revocation, liens, and state and federal criminal prosecution), before a full year of non-compliance has passed

Design Lab Considerations for State-County Relationships

The designers' stated purpose in regard to state-county relationships was to create an adaptive system that "supports, encourages, and requires" all counties to:

- Comply with state and federal requirements
- Deliver program services that meet or exceed statewide standards
- Achieve performance levels that meet or exceed statewide goals

Adaptive System

By "adaptive," the designers meant a delivery system capable of:

- Responding to differences among counties: In the past, "fairness" meant treating all the counties the same. In the design, "fairness" means treating the counties according to what they need to comply with statewide expectations. The expectations are common to all; the responses to county partners may vary.
- Ongoing learning: The system can adapt to changing conditions. It improves continuously in its capacity to "listen" to the counties and share best practices among them. It reinforces success, learns from its own experience and experiences of others (including errors), and intervenes to prevent ongoing performance decline.

Alignment around Goals and Results

The designers asked themselves how success could be "supported, encouraged, and required" within the system itself. They applied the strategies and philosophies of the design to the relationship between the state and county child support offices. They described a relationship that retains the basic organizational structure of a state-supervised, county-administered system, but increases alignment around common goals and expected results. The system they envisioned would have the following characteristics:

- Maintains distinct jurisdictions, provided the counties continue to perform
- Supports, encourages, and requires a high level of performance from the county child support offices, with the state office being seen as an integral part in this success
- Establishes one set of standards, with situational supervision; that is, the system varies its response to each county depending on the county's willingness, ability, and knowledge of how to meet expectations
- Clarifies the accountabilities of counties and other organizational partners and the methods needed to gain or retain compliance with statewide expectations
- Clarifies the accountabilities of the state in relation to the counties; that is, recognizes that state and county partners are responsible for different, complementary tasks—accountability goes both ways

- Measures and reports results along with desired levels of performance
- Provides counties with opportunities to improve service delivery and collaborate across county lines in order to improve their program
- Unless necessitated by county performance, supports, rather than sanctions, counties into success

The final outcome document from the Design Lab sessions, is included as Appendix A, A Design for a Child Support System for the New Decade (see page 61).

Assumptions

The performance management model represents a significant change from the status quo to performance-based incentives and resources. Assumptions concerning the transformation to a performance-based system and the accompanying culture change include:

- Expanding the state office role from policy development and central operations to include performance-based management of county child support programs
- Retaining and expanding highly specialized services and functions, such as PRISM, the Payment Center, and training at the state in order to support county operations
- Retaining high customer interactive functions with the counties: intake, order and paternity establishment, case-specific enforcement actions

Model Components

The components of the performance management model are listed below.

1. Formal written agreements between the state and each county office outlining their respective responsibilities in the administration and operation of the child support program
2. Formal, structured processes for setting and communicating statewide performance goals and service delivery standards
3. A county performance management program that includes the following: planning, assessment, and evaluation of performance and service delivery for all county office child support programs; technical assistance and targeted training to meet jointly determined needs of individual counties or groups of counties; and intensive, cooperative assessment and corrective action planning for poorer performing county programs
4. Clarification and documentation of the responsibilities of state and county partners as they relate to provision of legal services, standard procedures and technical assistance for county procurement of legal services, and state-provided training for county child support attorneys
5. Delegation of authority by the Attorney General to designated legal analyst positions in the division to provide legal services in specified program areas
6. Performance-based incentive and penalty provisions that tie program funds to program performance, and performance enhancement grants to assist counties in making state-approved changes to improve their programs
7. State-level performance improvement initiatives to enhance communication between the state and counties, as well as other agencies and partners in the overall delivery system

8. Appointment of liaisons from the state child support office who would be responsible for ensuring effective ongoing communications with other agencies that perform essential functions to support the child support program, including automated data exchanges for case referral and locate purposes or automated enforcement actions, such as driver's license suspensions
9. Comprehensive state training program to ensure consistency and uniformity of information disseminated to staff throughout the state
10. Central customer service units at large county offices to respond to case-specific non-financial questions not handled by the interactive voice response system; and problem resolution teams in large offices to handle complaints and monitor problematic cases
11. Central locate service at the state office for hard-to-find non-custodial parents and/or assets for cases other than the arrearage-only cases that are referred to the Minnesota Collection Enterprise in the Department of Revenue, along with promotion of initiatives in large counties to establish intensive enforcement units

Figure 1: State/County Responsibilities Table shows the responsibilities of the state and county child support offices in relation to each of the performance management model components.

Figure 1: State/County Responsibilities Table

MODEL COMPONENT	STATE	COUNTIES
1. State/County Agreement	Accountability concerning state responsibilities delineated in cooperative agreement	Accountability concerning county responsibilities delineated in cooperative agreement
2. Goals and Standards	Direction and support to performance goals and service delivery standards task forces	Participation on performance goals and service delivery task forces
3. Performance Management	County performance and service delivery planning direction and support Technical assistance and targeted training Compliance and performance monitoring and evaluation	Biennial performance and service delivery planning and monitoring

MODEL COMPONENT	STATE	COUNTIES
4. Legal Services Procurement	Standard procedures/ formats for contracts and agreements Technical assistance Reports concerning usage and costs Training for child support attorneys	Legal services procurement and management
5. State Office Legal Support	Attorney General delegation of authority for designated legal analyst positions	
6. Performance Management Funding	Performance management funding system	
7. Program Communication	Streamlined communication system, including use of structured policy input from counties and expedited procedures for dissemination of policy	Participation on Policy Input Teams
8. Cooperating Agencies – Liaison	Liaisons to the agencies working with the child support program	
9. Comprehensive Training Program	More frequent/timely New Worker Training Timely/convenient training for policy changes Targeted training per performance and service delivery plans	
10. Centralized Customer Service		Centralized customer service unit for case-specific non- financial questions in some large counties Problem resolution teams for handling complaints and problematic cases in some large counties
11. Specialized Locate/ Enforcement	Centralized locate service for hard-to locate NCPs/assets (current support obligations)	Intensive Enforcement Units in some large counties

Recommendations

This section presents our recommendations for improving the child support enforcement program in Minnesota. The recommendations are listed in the same order as the components listed above for the performance management model.

Recommendation 1: Execute Written Agreement between State and Each County

Design Lab Expectation

The design lab participants envisioned a system in which:

- Accountabilities are clearly defined
- The state and county partners are responsible for different complementary tasks
- Accountability goes both ways

Description of Current Practice

No formal written agreements exist between the state and the county child support offices to delineate their respective responsibilities for the administration and operation of the child support program.

Problematic Elements of Practice

The relationship between the state and the counties was a major focus of Design Lab deliberations. The Design Lab participants ultimately described a relationship that retains the basic organizational structure of a state-supervised, county-administered system, but increases alignment around common goals and expected results. The Design Lab participants also identified an expectation for accountability—by both the state and the counties, in relation to performance and the quality of service delivery—as a key feature of the system. In the absence of clear lines of responsibility between the state and the counties, however, goals and standards to which a county may be held accountable are limited.

Recommendation

Execute formal written agreement between the state and each county office outlining their respective responsibilities in the administration and operation of the child support program.

How Recommendation Addresses the Problem

The process of reducing specific responsibilities of an organizational relationship to a written agreement generates the type of dialog that brings out misperceptions and misconceptions regarding those responsibilities. That dialog, in turn, helps “pave the way” to a clear understanding of the roles each plays in the overall operation of a program. Once the responsibilities are clearly delineated, the organizational partners have a basis for establishing performance goals and service delivery standards.

Description of Recommended Practice

We recommend that the state enter into a written cooperative agreement with each county office operating a child support program. The agreement would serve to delineate the state's general responsibilities in relation to the counties and the counties' general responsibilities in relation to the state. The agreements would be operationalized via county-specific plans described in *Recommendation 3* (see page 30) concerning a county performance management program.

Some examples of responsibilities that might be expressed in the cooperative agreement between the state and county are as follows.

Examples of State Responsibilities

- Provide and maintain centralized operations and support such as PRISM, Payment Center, automated enforcement programs (tax refund intercepts, driver's license suspension, and others).
- Develop and disseminate legal positions and policy.
- Provide policy interpretation.
- Represent the Minnesota child support program in the state legislature and other external arenas.
- Provide standard procedures for county procurement of legal services.
- Provide user support and training.
- Provide direction and support for county performance and service delivery planning.
- Conduct case reviews to evaluate compliance, performance, and/or data integrity.
- Provide direction and support for corrective action planning, if needed.
- Monitor corrective action plans, if needed.

Examples of County Responsibilities

- Comply with provisions of federal and state regulations and program instructions issued by the state.
- Develop and submit a biennial performance and service delivery plan.
- Cooperate with state compliance, performance, and/or data integrity reviews.
- Monitor performance/progress against plan goals and objectives.
- Procure legal services to represent the child support program.
- Send staff to required policy and system training.
- Develop and submit a corrective action plan, if needed, and monitor performance/progress against plan goals and objectives.
- Provide services to families with the support of the state automated system, PRISM.

The cooperative agreement between the state and county, once executed, would continue in effect until and unless terminated or amended under the terms specified in the agreement.

Benefits

- Meets Design Lab expectations in terms of a state-county relationship with clearly delineated responsibilities
- Meets Design Lab expectations by promoting an adaptive system with situational supervision
- Establishes a base for implementation of other recommended components of the performance management model

Risks

- Some counties may have concerns that entering into a written agreement with the state might impinge on their authority to administer the program as they see fit.

Staffing the Recommended Practice

Currently, there are some resources dedicated to reviewing the contracts between county child support offices and the County Attorney's offices. However, staff reviewing the recommended agreements between the state and each county would require a broader skill set than what is required to review contracts for legal services. Specifically, staff reviewing agreements would need to have knowledge of child support program administration and operations in addition to legal expertise. An assessment should be done to determine if these skill sets are available from current staff members, or if a team of staff could be composed with the requisite skills to review the agreements.

Recommendation 2: Implement Processes for Setting Statewide Performance Goals and Service Delivery Standards

Design Lab Expectation

The design lab participants envisioned a system where the state office would lead ongoing strategic planning and the counties would fully participate in developing performance goals and service delivery standards. The designers identified the following specific state office responsibilities:

- To set performance standards, including outcome and process standards
- To give feedback and "publicly" report on performance of each county office

Description of Current Practice

Currently, the Minnesota child support program has no formal, structured process for setting statewide performance goals and service delivery standards.

Problematic Elements of Practice

One outcome of the Design Lab sessions was an expressed expectation for a delivery system where the state, in a cooperative effort with the counties, would set statewide performance goals and service delivery standards. Without a structured process for setting such goals, the state lacks the basis for assessing counties' performance in light of ongoing and changing federal and state practices and requirements. Similarly, without a process for setting service delivery standards, the state lacks the basis for ensuring a "floor level" of consistency among county

programs. Furthermore, the methods and targets for incentive funding that were written into state law several years ago are not fully consistent with current program priorities.

Recommendation

Design and implement processes structured around formally convened task forces to address the issues and options regarding statewide performance goals and service delivery standards.

How Recommendation Addresses the Problem

A formal, structured process for setting statewide goals and standards has the following characteristics:

- Provides counties with a mechanism for input into the setting of the goals and standards by which they will be evaluated
- Provides the state information essential to the operation of a county performance management program, as described in *Recommendation 3* (see page 30)

Description of Recommended Practice

Performance Goals

We recommend that the state convene a task force, whose mission would be to develop and recommend statewide performance goals. The task force would be composed of state office performance management unit staff (see *Recommendation 3, Establish a County Performance Management Program*, page 30) and county office child support directors or leaders selected from large, medium, and small counties with all geographic areas represented. The duties of the task force would include the following:

- Develop recommended statewide goals concerning performance in areas such as: establishment of paternities, establishment of child support orders, collections on current child support due, collections on past child support due (arrears), and cost effectiveness.
- Review the goals at least annually in order to recommend revisions, as appropriate, based on changes in state and federal law and/or accomplishments in relation to the goals.

Service Delivery Standards

Additionally, it is recommended that the state establish a separate task force for the specific purpose of developing and recommending a set of program services standards that will ensure a "floor level" of consistency for service delivery across the state. The composition of this second group would have the same type of representation as defined for the statewide performance goals task force. The duties of the service delivery standards task force would include the following:

- Develop recommended program standards that are intended to provide for a basic level of services to custodial parents and non-custodial parents in all Minnesota counties.
- Review the standards, at least annually, to recommend revisions, as appropriate, based on changes in state and federal law and/or accomplishments in relation to the standards.

Part of the process would include formal mechanisms for communicating the progress and outcomes of the task forces' work.

Benefits

- Meets Design Lab expectations in terms of statewide performance goals and service delivery standards
- Enhances the partnership between the state and counties and their respective complementary roles

Risks

- Cross-organizational work groups can get “bogged down” due to conflicting positions and fail to produce the desired outcomes.

Staffing the Recommended Practice

The goal and standard setting processes would be staffed based on existing county positions (county office child support program directors selected to participate as members of a task force) as well as state positions that would be added under a separate recommendation (see *Recommendation 3, Establish a County Performance Management Program*, below).

Recommendation 3: Establish a County Performance Management Program

Design Lab Expectation

The design lab participants envisioned a system that:

- Supports, encourages, and requires a high level of performance from the county child support offices, with the state office being seen as an integral part in this success
- Varies its response to each county depending on the county's willingness, ability, and knowledge of how to meet expectations
- Provides counties with opportunities to improve service delivery and collaborate across county lines to improve their program

Description of Current Practice

Minnesota has had a county review process in place for a number of years. The reviews are conducted outside of the CSED by reviewers in the Quality Enhancement unit of the Program Assessment and Integrity Division of the DHS. The focus of the reviews is compliance with federal and state requirements. The formal report of findings concerning the child support program is prepared by the reviewer, approved and signed off through CSED, and then forwarded to the county. The county is responsible for preparing a corrective action plan, if needed. Until recently there was no procedure in place for monitoring these corrective action plans.

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), state child support agencies are required to implement a self-assessment program. States must conduct annual assessment reviews that document compliance with federal requirements and provide to the federal OCSE performance data that serve as the basis for allocation of incentive funds among the states.

The state recently added a self-assessment program position to the Business Unit. This position is responsible for analyzing counties' performance for the purpose of targeting the county compliance reviews; participating in preparation for the reviews and post-review corrective action

planning; and performing ongoing monitoring of corrective action plans. The CSED is currently looking at ways to expand its role to include program improvement planning activities as well.

Problematic Elements of Practice

Currently, the state lacks the ability to meet expectations of the Design Lab for a system that is adaptive and can:

- Vary its response, depending on the relative performance of a county
- Provide support to counties that is appropriate to each county's needs, based on size as well as geographic location and other relevant conditions
- Provide a structured way to assess and improve counties' ability to meet expectations for a basic level of quality services in all Minnesota counties

It is also important to note that since the state's self-assessment program is an integral component of the federal incentive allocation process, the program needs to be staffed adequately in order to ensure that Minnesota is able to maximize its portion of federal incentive dollars.

Recommendation

Establish a county performance management unit at the state office. In order to implement all aspects of the performance management program as recommended in this study, this unit will need to be staffed with one program manager and six management analysts.

How Recommendation Addresses the Problem

A county performance management unit is essential to the operation of the design, development, and implementation of the performance management model initiatives.

Description of Recommended Practice

The county performance management unit would have overall responsibility to provide direction and support for the following functions:

- Planning, assessment, and evaluation of performance and service delivery for all county office child support programs
- Technical assistance and targeted training to meet jointly determined needs of individual counties or groups of counties
- Intensive cooperative assessment and corrective action planning for poorer performing county programs

Some specific responsibilities of the county performance management unit would include:

- Convening and participating in the work of the goals and standards task forces
- Developing, implementing, and supporting a process for the completion and submittal of county biennial performance and service delivery plans
- Assisting counties in identifying needs/resources for specialized training or state and/or peer technical assistance
- Monitoring, assessing, and evaluating county performance

- Designing, implementing, and supporting a process for targeting poorer performing counties for corrective action planning and for the development, submittal, and monitoring of corrective action plans
- Processing requests for performance enhancement grants, as presented in *Recommendation 6* (see page 40)

The biennial performance and service delivery plans mentioned above would have five components:

1. The county's performance goals
2. The county's plan for working with each type of parent group identified in the Design Lab, including complying, misinformed/uninformed, unable to pay, reluctant, and evading
3. The county's plan for improving one or more areas of service delivery, such as the timeliness and quality of responses to phone calls from custodial and non-custodial parents
4. A statement of how the county expects to meet its performance goals and achieve service delivery improvements
5. The county's requests, if any, for training or other forms of technical assistance that the county may need to achieve the goals/improvements

We have not made a specific recommendation as to the manner in which the biennial planning process might be conducted. The state already has a county review program that can serve as the foundation for a performance and service delivery planning process. It is recommended that the state draw upon some examples and experiences from other states' best practices regarding the integration of a self-assessment program into a comprehensive, performance-based planning process.

In the course of conducting interviews concerning best practices, three states shared information regarding their self-assessment programs: Colorado, Missouri, and Ohio. Colorado, in particular, combined its self-assessment processes with a compliance and performance planning process to create a comprehensive planning, assessment, and evaluation program. The stated emphasis of Colorado's program is on a partnership that holds the county offices accountable for their performance, but also provides a role for the state office to recognize and be responsive to county office needs.

The information gathered through interviews with other states is compiled and summarized in a separate report. Additional details concerning these interviews may be found in the *Child Support Delivery Study Report of State Best Practices Interviews*, submitted to the state on November 30, 1998.

Benefits

- Provides a focal point for county performance management issues
- More adequately staffs the essential functions of performance monitoring, self-assessment and evaluation, and planning for performance and service delivery improvements
- Meets Design Lab expectations in terms of state-county relationship and application of statewide performance goals and service delivery standards
- Provides opportunity for performance and service delivery improvements without risks/costs associated with a move to a state-administered system

Risks

- Recommended staffing level of the county performance management unit may be inadequate at start up, given the number and scope of initiatives to be directed and staffed by the unit.
- Counties may resist the increased level of involvement by the state in their operations.
- Requires system modifications and support to develop and produce compliance and performance reports.
- Requires some modifications to the current county review process.

Staffing the Recommended Practice

The skill sets for staffing the performance management unit would be comparable to other units operating under the direction of a program manager. In addition to other management skills, the manager would need to possess the following skills and competencies:

- A demonstrated capability dealing with the complex nature of the state-county relationship
- Knowledge of relevant program requirements
- Experience and skill in analyzing statistical, performance data
- Experience and skill in use of project management techniques
- A demonstrated ability, in a comparable setting, to work well with peers in other units or agencies as necessary to achieve the program objectives
- Demonstrated success in recruiting and retaining highly competent management analyst-level staff

The six management analysts would need to be selected based on their competency and skills in the same general categories, but specifically having to deal with:

- State-county relationship
- Program requirements
- Statistical, performance analysis
- Public administration
- Program management
- Project management
- Ability to work well with peers in other units or agencies that impact the functioning of their unit

Recommendation 4: Institute Standard Procedures and State-level Program Support for Procurement of Legal Services

Design Lab Expectation

The design lab participants envisioned a system in which:

- Organizational partners are responsible for different complementary tasks and accountabilities are clearly defined

- The state office informs, guides, and provides “tools” to aid success

The designers also expressed an expectation that the system would offer consistency of services, regardless of where a parent or child lives or enters the system.

Description of Current Practice

In most counties, the county attorney's office is engaged through a cooperative reimbursement agreement to provide legal services for the child support program. Some county offices have contracted for services from private attorneys.

County offices are required to submit cooperative agreements and/or contracts to the state office for approval by the director of the child support division. However, the Commissioner of Human Services provides no procedures or state-level support to counties to provide direction or assistance concerning procurement of legal services. There is also no statewide delineation of the scope of legal services required to meet State Plan requirements as set out in 42 USC §654, and, in particular, subsection (B)(ii).

The state does not provide a training program for child support attorneys.

Problematic Elements of Practice

Under current practice, there are few mechanisms by which the state can hold county child support offices accountable for the scope and level of legal services to be provided, whether through a cooperative reimbursement agreement with the county attorney or by contract with private legal counsel. This leads to considerable variation among the counties in the level, quality, costs, and scope of services provided by county attorneys or by private counsel to the county child support programs. This practice results in inconsistent interpretations of legislation, case law, policies, and procedures.

In addition, most counties have continued to contract with the county attorney's office even when the services provided by that office have been unsatisfactory or even problematic. County child support offices have rarely exercised their right to contract for private legal services and have been reluctant to control the nature or scope of legal services provided by county attorneys in child support cases. This failure of the county child support offices to exercise authority is primarily due to the historic relationship between the county attorney and the county agency. The mutual perception in many counties is that the county, rather than the state agency, is the client in IV-D cases, requiring the county attorney to control legal policy rather than the state. These two elements of current practice do not meet Design Lab expectations regarding accountabilities between the counties and the state and consistency of services across counties.

Recommendation

Institute standard procedures and provide state-level program support for the procurement and management of legal services by the counties. This recommendation requires the state child support office to set parameters for contracting legal services by the counties, where the state will have the ability to set direction and require attorneys in the counties to represent the position taken by the child support program, with minimal exceptions.

The state will authorize federal financial participation (FFP) for child support program legal services that are within the parameters established in the contract or cooperative agreement. Counties will have the option to select the legal services provider. Legal services outside the scope of the contract or cooperative agreement would not be eligible for FFP.

To the extent that state statutes appear confusing or contradictory, they should be amended to clarify that it is the state child support enforcement program, not the county or the county child support office, that is the public authority being represented in child support cases. Similarly, state law should be reviewed to determine whether it remains appropriate to continue to vest a limited number of specific child support functions with the county attorney rather than the child support enforcement program. This recommendation is *not* intended to remove county attorney involvement from the child support enforcement program. Rather, it is designed to vest in each county child support office the authority to obtain legal services in the manner most responsive to and consistent with its program responsibilities.

How Recommendation Addresses the Problem

Standard procedures will help counties procure and manage cost-effective legal services, promote a consistent level of services statewide, and ensure consistent interpretation of statutes and policy. Providing state-level support will enhance counties' ability to meet expectations concerning performance-based management of child support program services, including legal services. This will also deter county child support offices from over-utilizing legal services, as services outside the parameters set by the state office will be paid for with county funds. Clarification of state law will also ensure that all Minnesota citizens receive equal services in every county.

Description of Recommended Practice

Before instituting standard procedures, it is recommended that the state clarify and document the responsibilities of the state and county partners, as related to the provision of legal services for the child support program. We have set forth below, in general terms, the responsibilities of each organizational partner in the provision of legal services. Appendix B, Legal Research, documents research conducted by the Center for the Support of Families in this area (see page 79).

- The state child support office is responsible for determining the scope of services offered under contract or agreement, and for setting policy and establishing general legal positions.
- The Attorney General retains responsibility for providing legal advice to the state.
- The county child support office is responsible for obtaining the services of an attorney to provide legal support and for performing its duties in accordance with policy and procedures issued by the state office.
- The attorney, under agreement with, contract to, or employ of the county, is responsible for representing the child support program in hearings and performing related duties within the scope of services set forth in the contract or agreement and in compliance with state policy and procedures.

After the responsibilities are clearly defined, we recommend that they be set forth in the cooperative agreement between the state and the county. Refer to *Recommendation 1* (see page 26) for more information concerning the recommended written agreement between the state and county.

Once the responsibilities of the organizational partners have been clearly defined and documented, we recommend that the state provide needed direction and support to counties concerning procurement and management of legal services for the child support program. The state would provide:

1. Standard procedures, including standard formats for contracts and agreements, for the procurement and management of legal services

2. Technical assistance to county child support program managers regarding the procurement and management of legal services, including multi-county options
3. Statewide reports concerning usage and costs of legal services
4. Training for new child support attorneys and ongoing training, as needed, regarding new policy and procedures that impact their responsibilities as providers of legal services

We recommend use of a standard format for the contracts and agreements not only to facilitate measures to achieve greater consistency of practice throughout the state, but also to provide a common base for gathering and reporting statewide information to the counties concerning usage and costs of legal services.

Benefits

- Meets Design Lab expectations regarding clear accountabilities among organizational partners and the reporting of information to assist the counties in assessing the quality and cost-effectiveness of their programs
- Meets Design Lab expectation that child support professionals be supported with training and technical assistance to ensure a high quality of service in individual county offices and consistency of services across the state

Risks

- Some counties may view the state's role of providing direction and support as a measure to reduce their authority to administer the child support program.
- If amending current law is found necessary or advisable, reliance on legislative action may delay or defer implementation.

Staffing the Recommended Practice

Staffing of the recommendations concerning clarification of responsibilities of the state and county partners, technical assistance, reporting usage and costs would rely on existing state office positions and those that would be added under *Recommendation 3* concerning a county performance management program (see page 30).

Staffing the recommendation concerning the training of county child support attorneys would be based on needs assessments conducted to determine staffing levels, as described in *Recommendation 9* (see page 50).

Recommendation 5: Request Assistant Attorney General Designation for Selected State Office Legal Staff

Design Lab Expectation

The Design Lab participants envisioned a system in which accountability goes both ways. While the county offices are expected to comply with state-issued policy and procedures, the state office is expected to support the counties by providing clear and timely policy direction and interpretation.

Description of Current Practice

The state office has limited access to legal support and advice to interpret statutes and promulgate policy and procedures in order to achieve the purpose of state law and federal regulations. While the division does have attorneys on staff, they are employed as legal analysts and do not have a privileged relationship with their employer. Such support and advice is available only on the basis of requests submitted to the Office of the Attorney General.

Problematic Elements of Practice

The process for obtaining legal advice is not efficient and inhibits timely responses to questions that arise in the development and promulgation of policy, or requests for interpretation and clarification of existing policy. Also, when the Attorney General is consulted for legal advice, competing priorities among state agencies, a lack of program expertise, and/or political concerns that may further delay a response. The state's credibility in meeting its responsibilities to the counties suffers when the division is not able to respond to priorities of the child support program.

Recommendation

We recommend that CSED ask the Attorney General to delegate authority to designated legal analysts in the division who may provide legal services in specified program areas.

How Recommendation Addresses the Problem

By providing direct legal support to the child support program, the division could expect to improve the timeliness and quality of policy development and dissemination. Improved performance in this area would put the state in a better position to meet Design Lab expectations concerning its accountability to the counties and the counties' perception of the state as an integral part of program successes.

In addition, as the locus of activity in the child support enforcement program in Minnesota moves toward the state, this recommendation shifts the legal focus of the program to the state as well. Since the Attorney General is the state's legal authority, the delegation of authority to designated legal analysts in the state child support enforcement office is consistent with the programmatic shift.

Finally, this option removes or reduces the impact of any political dispute that *may* arise between the child support enforcement agency and the Attorney General's office. In this setting, consistency, communication, and integration of legal advice can be enhanced between those providing legal direction and those responsible for carrying out operations based on that direction.

Description of Recommended Practice

By revising the status of selected legal analyst positions to Assistant Attorneys General, requests for legal advice and support would be processed within the division. The child support program director would set priorities, as needed, to ensure that issues were addressed in priority order from a child support program perspective. The program would have in-house attorneys with knowledge of child support program requirements and related laws and regulations.

Benefits

- Streamlines the process of obtaining legal advice for the state program office
- Enhances the state's ability to meet Design Lab expectations concerning accountability and being seen by the counties as an integral part of program successes

Risks

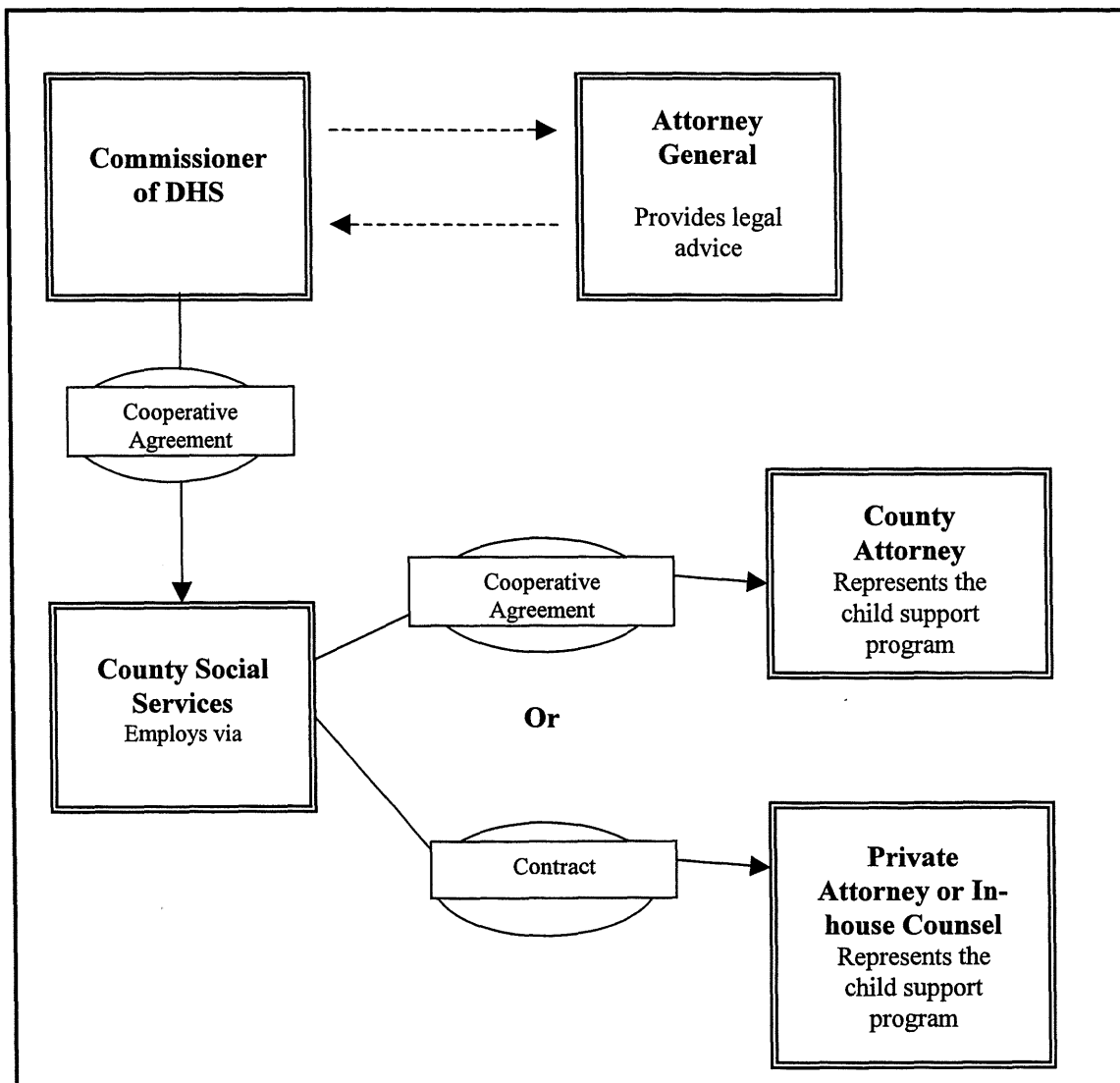
- Relies upon an office outside the DHS to achieve the objective of the recommendation.

Staffing the Recommended Practice

The recommendation calls for designating existing staff positions as Assistant Attorneys General. No new staff positions would be required to implement this recommendation.

Figure 2: Legal Services, graphically presents the structure for Recommendations 4 and 5.

Figure 2: Legal Services



Recommendation 6: Implement Proposed State Funding Plan

Design Lab Expectation

The Design Lab participants envisioned a system where high performance is expected from all partners. The state office “encourages, supports, and requires” that level of performance from the counties. They envisioned that dollars would follow performance.

Description of Current Practice

The state office’s role in child support program funding has been, for the most part, serving as a conduit, passing through county administrative cost claim and incentive claims to the federal government, and then passing the federal funds back to the counties. The state also developed incentives several years ago to encourage counties to establish paternity, enforce medical support, and conduct reviews and modifications of orders.

In addition to state and federal funds, the counties fund part of their child support operations using county money.

Problematic Elements of Practice

The state has a set of financial incentives intended to provide an impetus to the counties to improve performance in targeted areas. Minnesota, by law, funds and awards incentives to counties for the following actions:

- Paternity establishments - \$100
- Support order establishments - \$100
- Modifications of support orders - \$100
- Medical support - \$50

These incentives do not address goals or performance standards; instead, they link funding to performance. The shortcoming of this funding scheme is that a) it will be redundant (for the most part) with the new federal incentives, and b) counties do not earn all the money that is appropriated. As a result, the state should avail itself of the opportunity to guide practice in the counties through tighter control of funding and tying program funds to program performance measures, thereby rewarding good performance.

Recommendation

During the course of the delivery study, state office staff drafted a series of funding modifications that, if enacted, would be very consistent with the operational model. Under the proposed system, the state will reward good performance and compliance with program requirements and encourage counties to manage their programs prudently, making necessary modifications to improve performance, productivity, efficiency, and customer service. However, it would be difficult to implement the funding initiative fully without the program management component recommended in this document. This innovation ties funding to performance, and the model supplies the necessary means to collect and monitor data and to support county performance in order to meet performance standards as well as receive incentives.

This concept is consistent with the program management concept of accountability, as counties would be held accountable for their performance as it relates to use of resources. By establishing a baseline of performance standards and expectations through the county performance management function, and tracking each county’s performance against the baseline, the state

would be supplied with the information required to measure performance as it relates to funding. Holding counties programmatically, as well as fiscally, accountable can be accomplished through the integrating mechanism of the county performance management function. We therefore recommend that the state move forward with their funding strategy in concert with the other recommendations presented here.

Benefits

- Increases state control of program funds
- Increases fiscal accountability of county programs
- Provides incentives for improved performance

Risks

- Requires additional state office time and resources to monitor county program performance and calculate funding
- Requires commitment of counties and state office to concept of accountability
- Counties may balk at losing control of funding and increased state performance monitoring

We have divided our specific recommendations below regarding implementing the proposed state funding plan into the following three areas:

- Incentive payments
- Fiscal penalties
- Funding new initiatives

Incentive Payments

Description of Current Practice

Minnesota passes federal incentive funds back to the counties in addition to the state bonus payments that counties earn for completing targeted case processes.

Problematic Elements of Practice

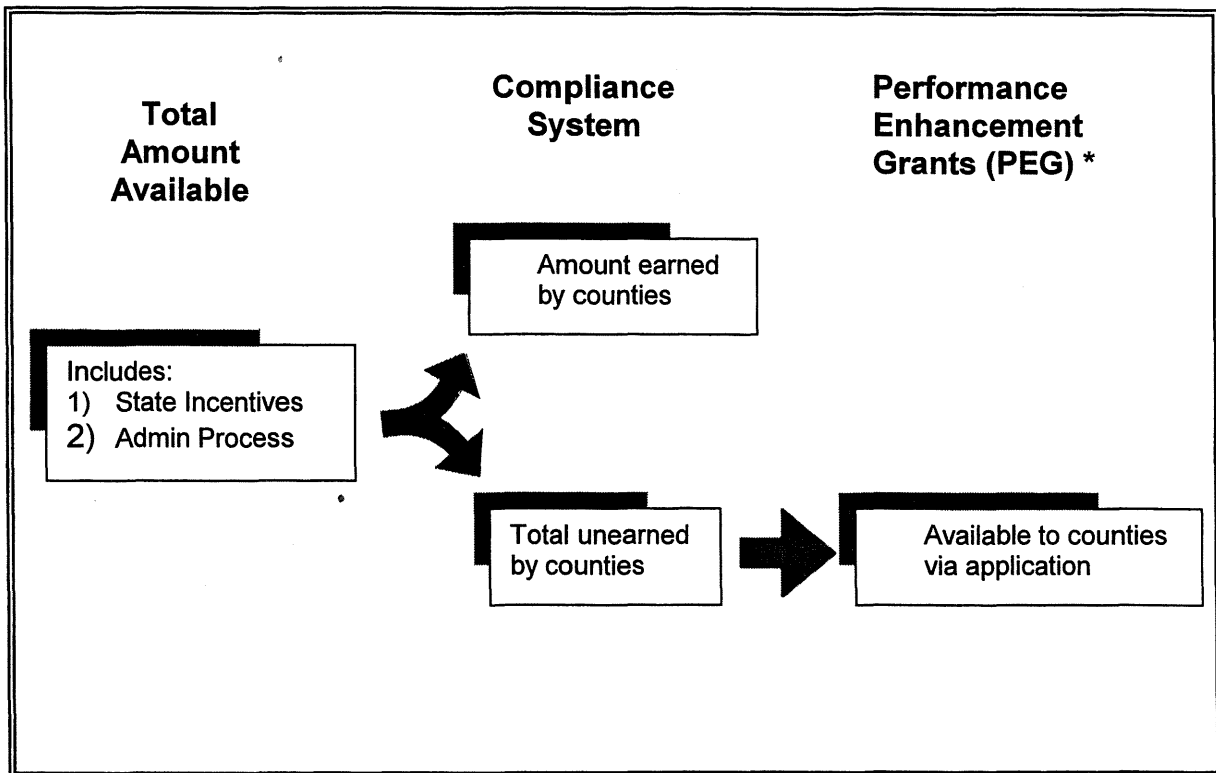
There are no problems with the current practice. However, the federal OCSE has issued a new incentive structure that bases incentives on paternity establishment percentage, collections on current support, cases with support orders, collections on arrears, and cost-effectiveness. (A recommendation on medical support is due to Congress no later than October 1, 1999.)

Recommendation

The new federal incentive structure should be built into the proposed county funding system.

Figure 3 below displays county funding via the compliance system.

Figure 3: County Funding Via the Compliance System



* In addition to amounts unearned through the compliance system, the amount available through the PEG application process will also include profits and monies withheld as penalties.

Benefits

- Enables state to gain federal incentive funds
- Provides additional funds for state to use for program goals

Risks

- None

Fiscal Penalties

Description of Current Practice

There are no fiscal penalties currently in use in the Minnesota child support enforcement program other than those that could be levied by the federal government.

Problematic Elements of Practice

The state office has no formal, fiscal means to sanction those county programs that are performing poorly. As a result, there is little fiscal incentive to improve performance.

Recommendation

Fiscal penalties represent a new dimension to the relationship between the state and counties in Minnesota. The proposed funding mechanism ties these penalties to performance, as counties that do not meet performance standards would be subject to a reduction in funding. The amount of the reduction would correlate with the distance between county performance and the set standard. While a reduction in funding represents the “stick” in county management, the county performance management function provides a “carrot” in the form of support to the counties to improve their standing (and possible financial assistance in the form of program enhancement grants—see following funding component of this recommendation). It is recommended that fiscal penalties, as drafted by state office staff, be implemented along with other modifications to county program funding.

Benefits

- May force some counties into evaluating their operations to determine how to improve efficiency
- Provides strong motivation to counties to improve program performance
- May foster closer working relationships between counties and the state office

Risks

- Takes funds from those counties that may need it the most—that is, poor performers.
- Counties may balk at losing funding due to performance.
- May result in antagonism between counties and the state office.

Funding New Initiatives

Description of Current Practice

None. This is a new initiative that has been drafted by the state office.

Recommendation

The state is proposing funding Performance Enhancement Grants to assist counties in making state-approved changes to improve their operation. These grants are funds paid to counties in response to their formal request to make substantive changes to their delivery systems, with a view toward enhanced productivity effectiveness and/or efficiency. Funds for this initiative will come from those incentives not earned by the counties and from profits and penalties. Counties will compete for these funds through an application process to the state. Given the enhanced level of information that will be at state disposal from higher levels of monitoring in the counties, state office staff will be able to evaluate these proposals thoroughly to determine how realistic and feasible they are in the county making the proposal. We recommend that this initiative be implemented in conjunction with the other elements of the fiscal innovation.

Benefits

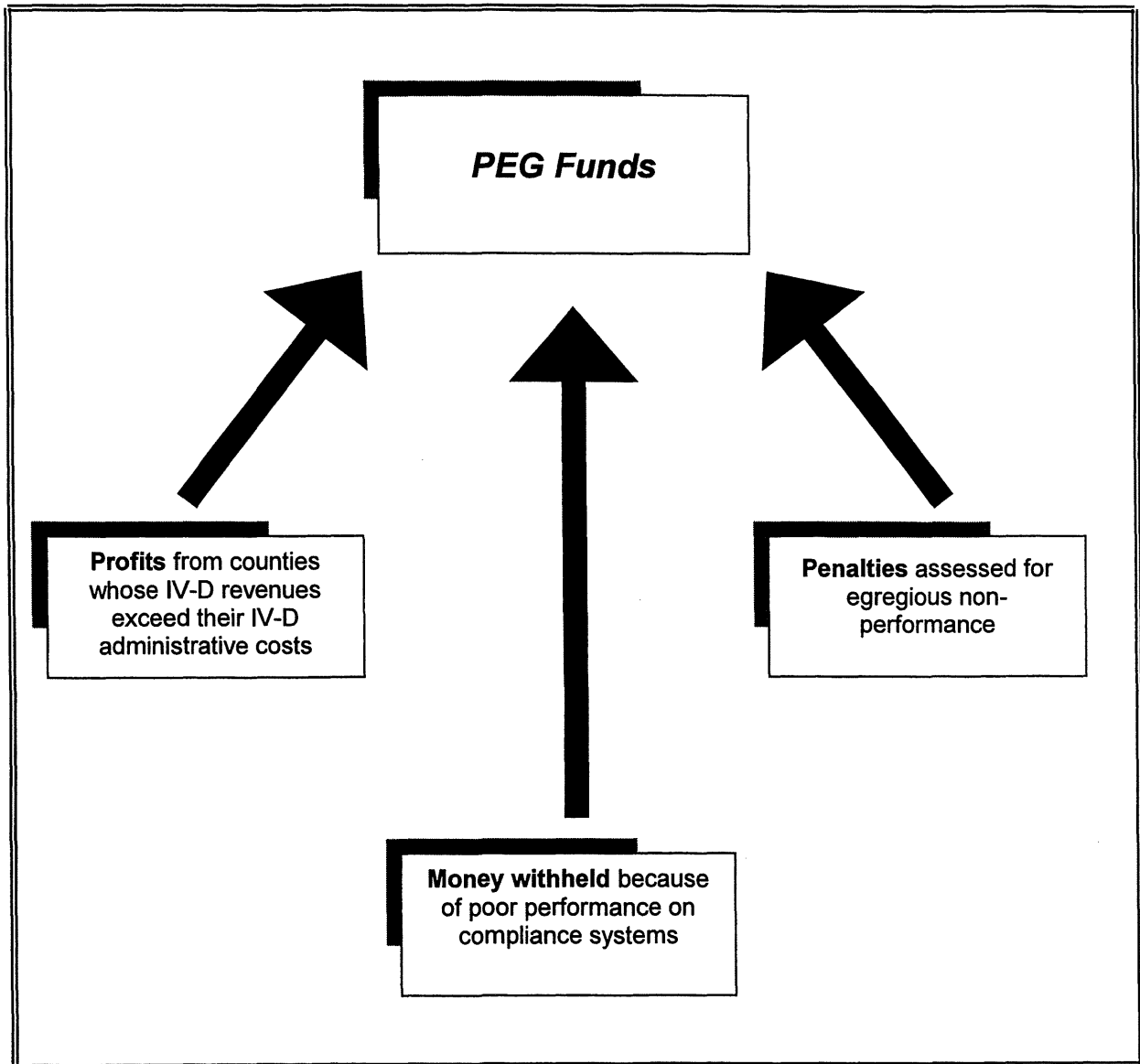
- Encourages the counties to work more closely with the state in developing plans
- May encourage counties to become creative in identifying ways to improve their programs
- Increases accountability of counties and the state to program improvement
- Creates competition for funds not previously available
- Knowledge gained from the county's use of grant funds may be transferred to other counties

Risks

- The state will have to devote resources to reviewing the proposals and monitoring outcomes.
- Some counties may be struggling to keep their heads above water and may not see that they need to invest in program changes, never making a proposal as a result.
- Increased contracting responsibilities at the state office.

Figure 4 below displays the sources for PEG funds.

Figure 4: Sources of PEG Funds



Recommendation 7: Improve Program Communication

Design Lab Expectation

The Design Lab participants envisioned a system that improves continuously in its capacity to listen to its customers and share best practices among partners.

Description of Current Practice

It is county staff's perception that the current mechanisms for communicating information from the highest policy level at the state office to line staff in the counties are loosely organized, informal, indirect, and numerous. Messages are carried from state office staff to members of advisory groups, who then share information with county supervisors at regional meetings, and they then take information back to their respective counties. There have been special communication mechanisms developed for special projects, however, such as the PRISM-ERs network, which have proven to be effective means of communication.

Problematic Elements of Current Practice

Unfortunately, the current communication routes present many opportunities for "dropping the ball," modifying the message sent, not getting the message out in a timely manner, and allowing other shortcomings. While the Policy Help Desk is intended to be a single, central location where staff can go for information, it appears that not all staff are familiar with the role of the Help Desk. As a result, line and supervisory staff in county offices often go to familiar sources for information, such as former co-workers who now work in the state office, counterparts in other counties, or other sources.

While the state office formulates and disseminates policy, there is little follow up to determine how the policy has been implemented in the counties, and our findings indicate that in some instances counties have chosen to ignore or greatly modify the policy. This situation, combined with the many players involved in the process, has resulted in a system where there are few mechanisms by which child support organizations can be held responsible. Recently, this problem has been exacerbated by a lack of management report data while PRISM has been under development.

Recommendation

A more streamlined, less fragmented communication system is required to ensure that information is received in a timely, efficient manner by those staff who need it. It is also imperative that this information system be managed by the state office to facilitate uniform content of communication.

We have divided our recommendations regarding improvements to program communication into the following three areas:

- County Input to Policy and Procedures Development
- Policy Dissemination
- Policy Interpretation

County Input to Policy and Procedures Development

Description of Current Practice

There has been a lack of a systematic method by which counties can provide input regarding policy to date.

Problematic Elements of Practice

Without a stable mechanism for input into policy, policy development staff at the state level may not be receiving all of the necessary information required to formulate sound policy.

Recommendation

We recognize that the state has begun development of Policy Input Teams, which will be charged with the responsibility of providing input on policy issues. We recommend that these teams be established and implemented as soon as possible.

Benefits

- Policy Input Teams provide a standard, stable mechanism for providing direct input to state office staff who formulate policy
- Structure of teams enables staff with special interests/knowledge to provide input in those areas

Risks

- Team members need to be rigorous in soliciting input from counterparts in the counties to ensure solid policy formulation
- Team members' terms should be limited, as planned, to provide for a broader range of staff input and investment in the statewide program. Without this limitation, the range of input will be narrowed and the credibility of the team lessened.

Policy Dissemination

Description of Current Practice

Our findings indicate that policy dissemination is viewed differently by the state office and the counties. The state office strives to include county input during policy development, while attempting to deliver finalized policy to the counties in a timely manner. From the counties' point of view, the state office does not get the information out in a timely fashion, which delays implementation.

Problematic Elements of Practice

Policy formulation and dissemination focuses on competing priorities for state and county staff. State office staff attempt to develop solid policy, but that effort may conflict with the needs of county staff for quick release of policy so that it can be implemented. Under the current structure, there is no middle ground.

Recommendation

The State's Policy Manual must be up to date, and provide clear and complete instructions regarding existing and new policy.

One of the best practices identified in another state was the policy dissemination method in Washington. In that state, when the Policy Unit determines that a new policy and/or procedure is needed, a staff person in the Unit is assigned to draft a "Canary Notice," or draft policy direction. (The name "Canary Notice" refers to the color of the paper on which new notices were sent out.) The policy is reviewed by a team before being sent out to the field offices. Canary Notices are released prior to scheduled training on the new policy. Once the notice has been finalized, and approved, it is released in final form.

Our recommendation is to develop a similar method for policy formulation and dissemination. Through the Policy Input Teams (discussed above), input on draft policy from the counties can be received and reviewed. Once a policy is drafted, it could be sent out to the counties from a single source, using a single method to send the information. Once final, the policy would be disseminated one last time. Whether training is required to be a part of the process may depend upon the magnitude of the policy change. If additional training resources are committed to the program, though, instruction on new policy could be delivered as a preventative measure targeted toward uniformity of policy implementation.

Benefits

- Counties receive policy direction in earlier, draft form in order to prepare for implementation
- Draft policy can be reviewed and input provided by Policy Input Team members prior to finalization
- Policy formulators have the opportunity to disseminate policy in stages, with the understanding that the first round provides direction but does not contain the final level of detail
- Single-source mechanism for policy dissemination distinguishes policy from other communication

Risks

- Potential for confusion between draft and final policy
- Major changes between draft and final policy could frustrate county staff

Policy Interpretation

Description of Current Practice

In practice, county staff may go to any number of sources within their own office and in the state office for policy interpretation. There have been mechanisms established by the state office that have a role in policy interpretation, including PRISM-ERS, trainers, the Policy Help Desk, and the Policy Development Unit (PDU). There is an escalation process in place for dealing with both policy and PRISM questions. County staff escalate to PRISM-ERS (who are located in the counties), who escalate to the Help Desk, who escalate to the PDU. Such an escalation process is needed so that questions can be resolved at the lowest possible level.

Problematic Elements of Practice

The problem with the current system has nothing to do with a lack of sources to access for policy interpretation. Rather, the proper sources appear to be underutilized. The result is that any number of staff are providing policy interpretation with little consistent coordination overall.

Recommendation

We recommend that the Policy Help Desk function as the single source for policy dissemination. There are two prerequisites for this recommendation. First, an assessment of the Policy Help Desk staffing should be undertaken to determine its adequacy in light of post-PRISM implementation workloads and the anticipated increase in calls. Second, a marketing effort targeted to county staff to promote use of the Policy Help Desk would raise the awareness level, and hopefully the utilization rate, of the Help Desk. The Policy Help Desk did make such a marketing effort at one time, but it appears that the effort is needed again.

Benefits

- Promotes uniform information to staff regarding policy interpretations
- Reduces the burden of policy interpretation previously held informally by staff with other responsibilities
- Availability of policy interpretation assistance, if adequately staffed, will be uniform and enhanced with unit dedicated to this task

Risks

- Practice must live up to marketing effort. If staff experiences are not positive with the Policy Help Desk, the problem will return.
- May require additional staff.
- Must coordinate this effort with existing and proposed policy dissemination efforts or the problem of multiple sources of differing information will remain.

Recommendation 8: Improve Relationships with Other Agencies

Design Lab Expectation

The Design Lab participants envisioned a system that is capable of responding to differences among organizational partners entering or within the system. It improves continuously in its capacity to share best practices among partners.

Description of Current Practice

The child support enforcement program in Minnesota is dependent upon several state agencies to ensure that all available information is gathered for locate purposes and that all possible enforcement remedies are used when necessary. Our interviews with key personnel from other state agencies indicate that the staff in those agencies working with the child support program are not consistently kept informed of how, when, and why they are to cooperate with child support. In addition, they often do not know whom to contact to receive the information required.

Problematic Elements of Current Practice

Agencies working with child support are at a disadvantage due to a lack of information coming from child support regarding their roles and responsibilities. As a result, the cooperating agencies are not able to utilize the resources designated for child support efficiently. Since child support is dependent upon these agencies to conduct activities that are vital to the program, it is in the program's best interests to ensure that agencies have the information required in a comprehensive, timely manner.

Recommendation

A liaison should be appointed from the state child support office to the agencies working with the child support program. The liaison would be responsible for ensuring that effective lines of communication are established and maintained, inquiries from the cooperating agency are responded to promptly, and changes in child support practice impacting the cooperating agency are incorporated into practice.

The liaison would become the single point of contact for each cooperating agency and would be responsible for soliciting input and assistance from other state staff as necessary to meet the needs of the agencies.

Description of Recommended Practice

Each liaison would meet on a periodic (quarterly) basis with the representative(s) of his/her agency to establish a regular communication pattern. Matters requiring attention between meetings could be addressed by telephone or other communication means as necessary. Liaisons would seek out assistance from other state staff (and perhaps input from county staff) in order to determine the best solution(s) to identified problem(s) or to determine an enhancement to existing practice.

Benefits

- Improves the working relationships between child support enforcement and cooperating agencies
- Enhances efficiency of work performed by cooperating agencies (and, in turn, performance of child support enforcement program)
- Clarifies for the cooperating agencies who in child support is responsible for communicating program information and coordinating efforts between the two agencies

Risks

- May require additional state office resources

Recommendation 9: Provide Comprehensive Training Program

Design Lab Expectation

The Design Lab participants envisioned a system that offers consistency of services regardless of where a parent or child lives or enters the system. Participants also envisioned that the system would be capable of ongoing learning, adapting to changing conditions, learning from its own experience, and intervening to prevent ongoing performance decline.

Description of Current Practice

Currently, most training is provided by the state CSED, through the User Support unit. In its training role, the User Support unit develops and delivers training, prepares materials on the child support mission, goals, and objectives, and maintains collaborative relationships with external partners (such as employers and fathers' groups). While some counties also staff training positions, most counties have limited resources available to meet their staff's training needs. County workers who participated as PRISM-ERS during implementation provide some ongoing informal system training.

Currently there are sixteen training staff positions from CSED; this includes ten training staff and one supervisor in the state office, as well as five staff stationed outside the metropolitan area. These staff provide training, produce awareness and educational materials in a variety of media, and act as collaborative liaisons on some projects. According to training staff interviewed, county workers appreciate it when the trainers make county visits and provide personalized support.

Problematic Elements of Practice

Training provided by the CSED User Support unit is uniformly praised for its content, but county staff report that not enough training is offered, and sometimes the training is untimely. Some county staff feel there may be too great of a lag between the time an employee is hired and when that employee attends New Worker Training. However, state training staff feel that newly hired county staff need to spend some time in the county so that they come to training with some exposure to their job in order to develop a frame of reference that will enhance their individual learning experience.

The success of Minnesota's child support program as defined in the Design Lab document will be highly dependent on training for all employees. The Design Lab calls for supporting workers with training, information, and resources.

Recommendations

The state needs to work with the counties to formulate a new worker development and training plan that will include the delineation of both state and county roles.

New employees should receive New Worker Training within one month of being hired. The training team needs to evaluate hiring trends and turnover rates, as well as class size for training delivery, and determine how often the New Worker Training should be offered (for example, one session a month, one every three weeks, etc.). A training schedule for New Worker Training should be published at least quarterly, so that counties might coordinate their hiring plans with scheduled training.

The State Merit System will have to be involved if questions arise concerning the classification of county positions. In addition, a training needs assessment should be structured to identify those skills and attitudes necessary to support the Design Lab vision, and determine whether staff have the requisite skills and attitudes. As a result of the needs assessment, the training team should then develop a training plan that addresses any global training needs.

The training unit, in cooperation with the counties, should determine what training effort might be required to ensure that staff can meet the differing needs of parents entering the Minnesota child support system. The Design Lab conceptualized the system's job as retaining the compliance of willing parents while moving other categories of parents to the "complying," or at a minimum, the "reluctant." Staff will need the skills to recognize where a parent fits on the "continuum of readiness" (as described in the Design Lab document in Appendix A) and the skills to move parents closer to "readiness."

The training unit will need to support the training needs expressed in county performance and service delivery plans. Training might be needed to improve a county's operations, and the training team may need to provide direct services to a county or assist the county in searching for and evaluating outsourcing options.

The resourcing of the training team will need to be evaluated in light of expanded responsibilities and a potential increase in the amount of training that they deliver. Such an evaluation should include not only FTEs, but also their access to and comfort with technology. Depending on needs identified and the resulting training plan, some training might best be delivered through distance learning (such as computer-based training [CBT], video- or tele-conferencing, video production, web-based instruction, etc.). Finally, county access to these new technologies will impact how broadly these innovations can be implemented.

How Recommendations Address the Problem

According to the Design Lab considerations for the child support delivery system, workers are expected to provide timely and accurate information and services to the public, and child support professionals are to be supported with training, information, and resources. The Design Lab desires a system that is responsive to change, recognizing changing needs regarding employees' skills and knowledge.

An expanded training unit will aid the agency's progress toward their goal of 100 percent compliance by ensuring that all employees are knowledgeable regarding the agency's policies, can convey that knowledge to the public, and have the skills to help custodial parents and non-custodial parents translate the knowledge into action—specifically, compliance with the terms of their child support orders. An expanded training unit will also meet the expressed needs of the counties for more training.

Discussion of Recommended Practice

Three types of training are recommended to support the vision contained in the Design Lab document.

New Worker Training

The New Worker Training course currently offered is perceived to be of high quality and is praised for its content. Workers must be on the job for four weeks, or attend the two-day Getting Started course, prior to attending New Worker Training. Our findings indicate that there is too much of a lag between the employee's date of hire and the dates that the employee attends training. There is also some concern about availability of the course. New Worker Training is critical to the success of a new employee—not only because of course content, but because New Worker Training provides the new employee with the agency's vision and goals, and helps the new employee become a part of the child support community. As such, we recommend that a new employee should have to wait no longer than one month before attending New Worker Training.

To assist counties in planning their hiring, the schedule for New Worker Training and the Getting Started course should continue to be published at least quarterly. If a county intends to do large-scale hiring, the training team should work with the county with an eye toward adding sessions of New Worker Training to help the county meet its needs. This effort must be coordinated between responsible county and state staff in order to implement it successfully.

Ongoing Training

Policy changes need to be disseminated quickly and uniformly—ideally in advance of the implementation date—in order to ensure that all employees receive the same information and are capable of applying the new information correctly. All employees affected by the change should be afforded the opportunity to receive training on the new policies. As such, training delivery should occur close to the time of the policy issuance to the employees—either in a classroom setting or via distance learning. Generally, the more sweeping the policy change the larger the training effort.

In addition to training on new policies and procedures, there may be a need to provide training on existing policies or procedures. The state training unit should conduct a statewide needs assessment to determine if staff have the skills needed to move in the direction envisioned in the Design Lab document. The result should be a training plan—supported by the counties and the state—designed to address the training needs uncovered in the assessment. The skills needed may be soft skills (such as customer service, domestic violence) or hard skills (such as a PRISM refresher), and may be met using in-house resources or through outsourcing. With PRISM in place, and a new vision for the agency, the time is ideal for deciding what skills and attitudes employees need to ensure the success of the agency, and deciding how to best meet those needs.

Targeted Training

As a result of performance reviews and the development of associated Performance and Service Delivery plans, additional training for staff may be a component of a county's plan for improvement. Training might be needed to improve operations. The state training unit must be in a position to support the specific training needs of a county. The Performance Management Model suggests that the deployment of outreach trainers to office sites throughout the state should be continued/expanded.

The Performance Management Unit should work closely with the training unit while the county develops its performance and service delivery plan in order to ensure that the training unit is in a position to support the county, either by providing direct services or assisting the county in a search for and evaluation of outsourcing options. The state training unit should also function as a “reality check” for the county plan, ensuring that the county's training plan meets its expressed goals.

Benefits

- Ensures consistency in policy and procedure dissemination
- Ensures availability of and access to training
- Provides more timely training
- Provides for an assessment of what training is needed, and then provides for filling the need
- Meets the counties' needs by supporting training efforts contained in performance and service delivery plans

Risks

- Increased costs for personnel, travel, and technology; an expansion of the training team's roles and responsibilities represents a significant investment.
- Resistance—those counties with in-house trainers may see an expansion of the state training team as a threat to their autonomy. An increased emphasis on uniformity may also be perceived as a loss of local program control.
- Expanding outstationing trainers may also have associated costs—such as equipment, space, access to training materials and supplies, and access to policy and Help Desk staff. There is some benefit to having trainers closer to where new policy is being formulated and debated, so that they can quickly determine training needs based on upcoming changes to state or federal policy.
- Increased training means increased costs to the counties—in the areas of travel, time, etc.—which is not always supported by the county budgets.

Staffing the Recommended Practice

Providing more training means more trainers may be needed. As needs assessments are conducted and hiring trends evaluated, the number of additional trainers needed will become apparent. When determining staffing levels, special consideration should be given to the counties' desire to have more trainers available in the field through outstationing. However, to support current training and support the county performance and service delivery plans, we recommend that initially, a number of trainers be added proportionate to the number of performance management analysts assigned. (If the state establishes six performance management analyst positions, they should establish six training positions. Each trainer would be paired with a performance management analyst to assist counties in formulating their plans and providing the needed training support.)

Recommendation 10: Centralize Selected Customer Service Functions

Design Lab Expectation

The Design Lab participants envisioned a system in which both parents are treated with respect and dignity. Timely, accurate, and thorough responses are given to incoming questions. Providing information to parents and the general public is part of the culture and everyday work of child support workers.

Description of Current Practice

Minnesota provides the public with several points of access to the child support program. As with most child support programs, the most common method of access is by phone. Child support parents receive needed information regarding their case from the interactive voice response system and from county workers. The interactive voice response provides both general information about the child support program and specific information regarding a particular child support case. Some custodial parents and non-custodial parents do not receive the information that they need from the interactive voice response. They need a county worker to provide answers or information specific to their case.

In addition, the interactive voice response provides county workers with access to the Help Desk. It also provides employers and other child support partners (the medical and legal communities,

for example) with access to specialized information, or personal assistance from a specialized unit or the Help Desk.

The Help Desk estimates that 25 percent of the calls that they receive are from the public, including employers, custodial parents, non-custodial parents, hospitals, and other agencies.

There are several state staff at the child support payment center who respond to custodial parents' and non-custodial parents' questions regarding financial issues that the interactive voice response system cannot answer.

The interviews with the stakeholders suggest that there is wide variation in clients' ease of access to information about their child support cases. Some reported prompt and courteous service, while others were less complimentary.

Problematic Elements of Practice

Some stakeholders (custodial parents, non-custodial parents, and their representatives) report that it is difficult for them to get the information that they need from county child support staff. Most workers we interviewed report that they are expected to return phone calls within 24 hours, and that it sometimes feels as though all they do is answer the phone. They also stated that some customers think that they need to speak with "their worker," when in actuality, a well-trained customer service representative could respond to the majority of the calls. They feel that the high number of phone calls forces them to be reactive, rather than proactive, when working their cases.

The Help Desk reports receiving calls from custodial parents and non-custodial parents, as well as county staff and other members of the child support community. County staff report that Help Desk staff do not consistently return their (the county's) phone calls. (This was more problematic during PRISM implementation. The Help Desk is now more timely in responding to calls.) From nearly everyone's perspective, phone calls are problematic in that they are not handled consistently, and not everyone receives the quality or level of service that they expect.

According to the Design Lab document, the agency is committed to ensuring that "timely, accurate, and thorough responses are given to incoming questions." The system the designers envisioned would measure and reward "customer satisfaction with services, including respectful, accessible, and responsive services for both custodial parents and non-custodial parents"

Recommendations

1. Establish centralized customer service units in the large county offices to respond to case-specific non-financial questions not handled by the interactive voice response system. Such questions might involve the balances reported by the interactive voice response, how funds are distributed, questions about scheduled hearings, or notices customers received in the mail.

Establishing a central customer service unit at the large county offices would require expansion of the interactive voice response so that if a caller had questions beyond (or about) the information provided by the voice response, his/her call could be transferred to the customer service unit in their county. The county customer service worker would provide answers, perform basic case maintenance (such as address updates), and take messages for the child support worker for more complex problems. Child support workers would be expected to respond to those messages within 24 hours.

Benefits

- Child support workers would have more control over their workday, and be able to be more proactive in working their cases.
- Customers could get quick answers to their questions, reducing "phone tag" with child support workers, and ultimately reducing the number of calls coming into the agency.

Risks

- Whether staffed in-house or outsourced, there is a tendency to staff customer service units with entry-level, lower paid workers. This, of course, leads to a lower level of service, higher turnover, and the perception that centralizing customer services does not work. Without sufficient consideration given to hiring, training, and support, centralized customer service units run the risk of being nothing more than expensive answering machines—unable to provide information or answer questions, and instead merely taking messages for the child support workers.
 - There is a large risk of turf wars. Customer service staff are often caught in the middle when a child support worker fails to return a phone call within the prescribed time frames and the customer calls back. Many times, child support workers feel that customer service staff either do not do enough and pass too many calls to the child support worker, or that they overstep their bounds, and try to answer questions best left to the child support worker. Unless expectations and boundaries are clear to all staff, misunderstandings and conflict will result.
 - Centralized customer services may result in missed opportunities. A customer service representative may be very proficient at responding to callers' questions, but there may be a need to elicit information from callers in order to move the case to the next step in processing (for example, "Have you learned anything more about what kind of car Mr. Smith was driving when he picked the kids up for visitation?"). A child support worker familiar with the case might use the phone contact as an opportunity to elicit information from the caller, whereas a customer service worker (whose mission is to handle a high volume of calls) might miss the opportunity.
2. Establish Problem Resolution Teams in the large county offices to handle complaints and monitor problematic cases. Members of this unit would decide whether cases and/or participants needed additional time and attention, and would decide the appropriate level of services.

Benefits

- Time-consuming cases are removed from the child support worker's caseload, allowing him/her to work more cases in the time available.
- A small number of custodial parents'/non-custodial parents' cases often create the most amount of work for the child support worker. By segregating these cases, an experienced worker could decide whether the extra attention was warranted and, using excellent customer service skills, could work with the customer in an attempt to reduce the amount of time devoted to the case.

Risks

- Employees may view this as the "squeaky wheel getting the grease"—and preferential treatment never feels right given the size of caseloads and the needs of all clients.
- Clear criteria must be established to determine which cases/participants should be assigned to the Problem Resolution Team in order to prevent the caseload from

becoming unmanageable or the Problem Resolution Team from becoming a convenient place for child support workers to “dump” difficult cases.

How Recommendations Address the Problem

When child support workers are required to answer a large number of phone calls, their work becomes driven by phone calls rather than agency priorities. Their workday becomes very reactive, and they lose some control over working their caseload. Working some complex cases requires large uninterrupted blocks of time. Phone calls regarding unrelated cases cause the workers to switch their focus to a new issue or problem, sometimes losing their work or momentum on the original case.

Centralized customer service workers—with appropriate training and defined responsibilities—can quickly answer most incoming case-related inquiries. By responding to callers quickly and professionally, centralized customer services should ultimately reduce the number of calls coming into the agency. Unanswered calls and unreturned messages only result in more calls and messages—and potentially angry clients.

The Help Desk should also experience a relief from calls from custodial parents and non-custodial parents. They will be able to transfer those calls to the centralized customer service units, freeing up their time so that they can better handle problem calls from the county workers.

Staffing the Recommended Practice

1. Determining staffing levels for centralized customer service units is always tricky. It is difficult to predict the number of callers who, when given the option, will opt out of the IVR. There are also various options for staffing, such as privatization, or for counties to enter into cooperative agreements to jointly staff a customer service unit.

Regardless of what staffing model is chosen, the best plan is to initially overstaff the customer service unit. Permanent staff levels can be augmented with trainers, supervisors, and senior child support workers. The experienced workers provide various benefits. First, they assist with answering calls, thereby reducing the number of calls each team member has to handle. Second, they can provide on-the-job training for permanent team members, helping them with more difficult calls and providing a quality control function. Third, the experienced workers can learn first-hand which unit procedures work—and which ones do not—and can make adjustments to internal procedures as appropriate. Fourth, they will also learn first-hand what kinds of calls are coming in, and can provide targeted training for staff in response. The additional staff give the permanent staff the opportunity to get up-to-speed, so that when the temporary staff return to their regular jobs, the permanent staff should be able to handle the increased volume without a marked decrease in the level of service being provided.

Experience in other states shows that an experienced, well-trained customer service representative should be able to handle 50 to 60 calls per day. (Most calls entail accessing and researching the computer records as well as documenting the phone call.) Minnesota and its counties will need to assess their anticipated volume of calls, establish acceptable levels for time on hold and call abandonment, evaluate any county-specific requirements (such as hours of operation), and staff accordingly.

2. Establishing a Problem Resolution Team at the large county may not require additional staffing but instead just a realignment of existing staff.

Recommendation 11: Centralize Selected Locate and Enforcement Functions

Design Lab Expectation

The Design Lab participants envisioned a system that requires parents to support their children financially. Compliance is expected from all parents. Supports are available to assist compliance, and enforcement for non-payment is certain, swift, and timely.

Description of Current Practice

Currently, the CSED has centralized the locate and enforcement functions for arrearages-only cases, transferring responsibility for those cases to the Minnesota Collection Enterprise in the Department of Revenue (DOR). For cases with no order and those with current support obligations, all locate and enforcement responsibilities are assumed by the counties.

According to our discussions with county staff, workers rely primarily on the automated functions within PRISM for locate. Most counties do not staff the locate function beyond routine actions taken during initial case opening. Little manual "skip-tracing" is being practiced in the field.

For the majority of cases, routine enforcement remedies are used. Such remedies include income withholding, new hire reporting, tax intercept, license suspension, and contempt. Most workers felt that they had all the tools they needed to enforce the obligations on most cases.

Problematic Elements of Practice

The stated goal in the Design Lab document is 100 percent compliance. According to the same document, however, "the level of compliance, when defined as the number of orders established and collected, remains below 50 percent." The Service Delivery Statistics from the OCSE FY 1997 Preliminary Data Report show Minnesota as 47th in the nation with regard to locating absent parents. Everyone recognizes that there is room for Minnesota to improve its locate and enforcement performance.

Recommendations

1. Centralize locate for "hard to locate" non-custodial parents and assets—for cases with a current support obligation or no support order—at the state office.
2. Promote the use of Intensive Enforcement Units (IEUs) at the large counties, as part of their performance and service delivery plans.

How Recommendations Address the Problem

Centralized locate for hard to locate cases:

- Allows for development of "skip trace" expertise in a group of workers, at no expense to other duties or cases
- May provide access to high security databases (such as NLETS) that, because of certification requirements, may not be available to staff in the county offices
- Supports the Design Lab approach to dealing with parents who are "evading" their responsibility to support their child or children

An Intensive Enforcement Unit:

- Allows for the development of specialized skills as well as partnerships within the community (such as law enforcement) that may have a positive impact on all cases in the county's caseload, in addition to the targeted cases
- Provides an opportunity for publicity on high-profile or particularly egregious cases, serving as a deterrent to other non-custodial parents
- Supports the Design Lab approach to dealing with parents who are "evading" their responsibility through "swift, visible reaction"

Description of Recommended Practices

1. Using either manual or automated tools—or a combination of both—cases identified as "hard to locate" would be transferred to a centralized locate team. Team members utilize locate tools—such as access to other databases, auto-phone dialing, the Internet, etc.—in an attempt to locate non-custodial parents and their income and assets, so that establishment and enforcement activities can be initiated. Once the non-custodial parent (and assets/income in enforcement cases) is found, the case would be transferred back to the county office for immediate action.

Benefits

- Some "lost" non-custodial parents—especially in paternity cases—may not know they are lost. Once found, they may become "complying" participants (as described in the Design Lab document).
- Manual skip trace is an art, requiring creativity, logic, and tenacity. Because this would be their only assigned duty, team members will be able to follow up on leads—warm or cold—whereas a child support worker with a "regular" caseload may not be able to follow up as thoroughly.

Risks

- Once found, some of the non-custodial parents may try to hide—both themselves and their assets—quickly. An issue for management is ensuring that action is taken immediately on found "evading" cases. One performance measure might be measuring the action taken by county offices as a result of successful locate on these centralized referrals.
 - If the agency elects to privatize this function, CSED will need to monitor the vendor closely to ensure that their skip tracers' activities are in compliance with state and federal Debt Collection laws, and that their actions support (rather than contravene) the agency's stated mission of treating all parents with dignity and respect.
2. Large counties should be encouraged to consider establishing IEUs as part of their performance and service delivery plans in order to work those cases where regular enforcement tools did not work. IEUs support the agency's approach to "evading" parents, as detailed in the Design Lab document. By segregating this population, the "evading" parents can be dealt with in a swift and visible manner.

Home and business contact, property seizure, “till taps,” bank account seizures—all are very convincing enforcement tools for the self-employed and for those non-custodial parents working “under the table” who refuse to meet their child support obligations. Seizing boats and luxury cars also provide the opportunity for media coverage, which often encourages other non-custodial parents (such as the “Reluctant”) to make payment arrangements so as to avoid the publicity.

Benefits

- Takes the “unproductive” cases out of the worker’s caseload, allowing them to use available time on more routine and high production activities
- Should result in increased collections, and will send the message to the “reluctant” and “evading” parents that the agency is serious about child support

Risks

- Without appropriate training and precautions, there is a real risk of physical harm to workers involved in high-profile enforcement activities (such as home and office visits).
- If the task is outsourced, the agency will need to perform close monitoring to ensure that the vendor’s agents are acting in accordance with state and federal Debt Collection laws, and are supporting CSED’s stated mission of treating all parents with respect and dignity.
- Regardless of whether handled in-house or outsourced, cases referred to the IEU must be “squeaky clean.” The agency runs the risk of negative publicity if they pursue a non-custodial parent aggressively who, it turns out, has custody of the children, or has paid his/her obligation in full to another state or jurisdiction.

Staffing the Recommended Practice

A centralized locate unit will entail an increase in staff, since this function is not currently being performed. To determine how many staff are needed, CSED should undertake an automated caseload analysis to determine how many non-custodial parents are truly “hard to locate” and thus likely to be referred to the central locate unit. The agency should also decide what acceptable performance levels for the unit are—that is, how many successful locates and within what timeframe. Once expectations regarding workloads and performance standards are determined, CSED could look to other states’ experiences and recommendations for appropriate staffing levels.

IEUs in the counties may or may not require additional staff. The caseloads will not grow because of the IEU, but workloads will. The cases subject to high-profile enforcement activities will require more time—for coordinating with other agencies (such as law enforcement) and for case review.

A county considering an IEU might want to perform a caseload analysis to determine how many of their obligated parents are not paying. They may then want to try more traditional enforcement remedies for these cases before considering them as candidates for intensive enforcement activities. Such an analysis, coupled with the traditional enforcement effort up front, would result in a more accurate case count upon which to base staffing decisions.

Appendix A: A Design for a Child Support System for the New Decade

Why Redesign?

Preamble: The Context

It is rare that public organizations take the opportunity to step back and reflect on their core purpose, their direction, and their performance. The Minnesota Child Support Program took advantage of a 1997 Legislative directive to do just that. In its review, the Child Support Program observed that:

- Child Support started in 1975 as primarily a cost recovery mechanism for federal and state governments to recoup public assistance dollars granted through the Aid to Dependent Children program. It has shifted to a universal program available to any family. Today, the majority of cases involve non-public assistance families.
- In the face of welfare reform, the urgency and volume of child support cases is expected to rise. For children in low-income families with time-limited access to public assistance, child support will increasingly be a critical life support.
- Federal and local discussions raise many questions about the future of child support. Is it “collection at all costs?” How can “collection” of dollars fit within a vision of helping parents assume responsibility for the economic and social well-being, health, and stability of their children? What if all the enforcement tools in the world are used and they fail to bring in any more money for children?
- Up until three years ago, child support workers were to “represent” the interests of the parent with custody—which was usually the mother. As a result, the system was seen as gender-biased. Now, it works to support both parents in their financial support of the child.
- The bottom line: Minnesota is consistently at the top nationally for collection of child support dollars in an efficient manner. However, the *level of compliance*, when defined as the number of orders established and collected, remains below 50 percent of caseload.

Given these observations, the resulting challenge for Minnesota’s Child Support Program is to design a system that can improve compliance and at the same time adapt to an ever changing and, as yet unknown, environment.

Design Purpose

To create an adaptive system that facilitates, encourages, and requires parental financial support of their child(ren)

By “adaptive,” the designers meant...

Capable of responding to differences among compliers entering or within the system. In the past, “fairness” meant treating everyone the same. In this design, “fairness” means everyone pays what is expected, but the system tailors its responses to gain or retain that compliance.

By “system,” the designers meant...

A combination of governmental and non-governmental entities that is focused on the same purpose and the results expected.

By “facilitates, encourages, and requires,” the designers meant...

The compelling of child support obligations through a variety of means, including ones that reinforce, enable, inform, prod or enforce compliance.

By “parental financial support,” the designers meant...

Child support obligations are fulfilled as required by law or order.

Vision: 2005

A vision describes what we intend to become; it is the ideal towards which we strive. Even though we may never fully reach it, a vision helps us set direction, and lets us know when we are off course.

The Purpose of the Child Support System: The overall goal of the system is to produce 100 percent compliance with parental responsibilities for child support.

In the creation of the design, we strive for a time when we can say:

- The general public understands and values the contribution of parental financial support for children. Paying child support is a community norm, supported with societal messages and actions. This is not about “deadbeat Dads” or “Bad Parents;” this is about “all parents.”
- Parents acknowledge and support their children. They understand what it costs to raise a child. Both parents form an economic partnership that financially provides for their children. In a non-custodial situation, paying child support is seen as a badge of honor. Parents see these contributions as important to their child’s total well being.
- Children know who their parents are by the time they are one year of age. They can rely on financial support as one element of the support they receive from their parents.
- Within the child support system, both parents are treated with respect and dignity. Expectations for results are the same across the state, but there are diversified means to achieve those results.
- The child support system is responsive to change. The needs and demands of its participants, the knowledge and skill of employees, the expectations of stakeholders, the capacity of technology, and the context of the society and communities served are all changing.

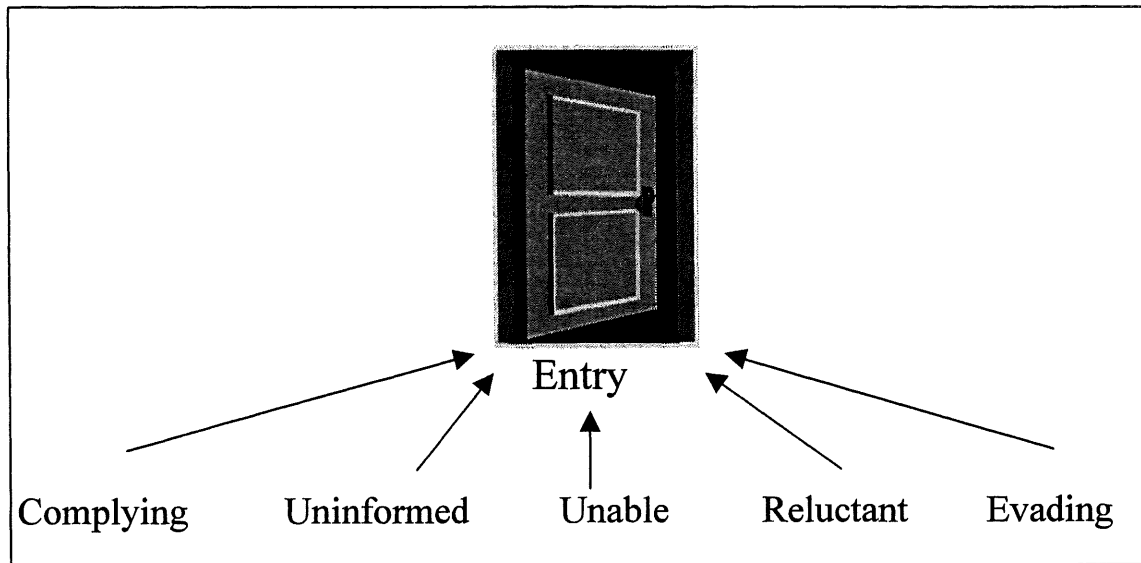
What is not changing in this vision is the requirement that parents financially support their children. Compliance is expected from all parents. Supports are available to assist compliance, and enforcement for non-payment is certain, swift, and timely.

Design Context

Rather than starting with the organizations, programs, or structures of today, *designers started with the people who are expected to comply*. Designers distinguished five major categories of parents based on *readiness, willingness, and ability* to comply with child support obligations. Designers crafted the responses needed from the system to gain or maintain compliance from each parent category.

<i>Parent</i>		<i>System Response</i>
Complying	⇒	Reinforce/ reward
Misinformed/ uninformed	⇒	Inform
Unable to pay	⇒	Enable/ connect
Reluctant	⇒	Motivate/ prod
Evading	⇒	Compel

In other words, people enter this system from different places.



Designers have designed a system to respond accordingly. Under this design, the system's job is clear: to keep or retain the compliance of willing parents, while moving parents in other categories to the complying, or at a minimum, the reluctant. Its ultimate measure of success: 100 percent of parents are fulfilling their financial obligations to their child or children.

Each category is further described on the following pages. These categories are not intended to be "labels" or indicate permanent states. It is recognized that people could cycle through these states multiple times. (In other words, once informed is not always informed.) These categories are intended to provide the system with an extra "lens" to better understand and differentiate populations served. Within these descriptions are clear direction and expectations for how the system can respond.

Design Category: Complying

Definition: “Complying” parents are knowledgeable of expectations and are ready, willing and able to comply. Custodial parents are willing to give information. Non-custodial parents are willing to fulfill orders. Both are willing to form economic partnership in support of their child(ren).

System Results Expected: To reinforce and keep willing participants.

Specifically,

- **Community norms are reinforced that support voluntary compliance**
- **Willing compliers are earned and retained**
 - ⇒ Parentage is established before a child reaches the age of 1
 - ⇒ Orders are established as a percent of caseload increases
 - ⇒ Percent of orders complied with defines compliance (replacing “collection occurring” or “dollars collected”)

Characteristics of the Child Support System for the Complying Parents

The system assumes most people will voluntarily comply. Its strategies reinforce and provide incentives for willing compliance. Obligations are met; orders regarding payments, further training, counseling or other expectations, etc. are fulfilled. People experience society and the system as rewarding this behavior.

- Society and the system reinforce the message that “most people comply” by using success stories and tapping a common norm: “I am a responsible parent for my kids and proud of it.”
- Non-monetary incentives for compliance are used with both parents, including feedback on data and trends about their own and others’ compliance.
- Amicable resolutions of any issues are pursued first and celebrated.
- Expedited, non-adversarial processes are added. Existing ones are enhanced.
- Custodial parents most frequently seek paternity establishment and order establishment. Non-custodial parents seek paternity establishment and order modification. Effective services are equally available and responsive to both parents.
- Non-obtrusive, excellent services, such as income withholding, facilitate billing and payment. Ongoing financial transactions are further automated for ease of service delivery; face-to-face services are available to ease entry or reflect changing conditions.
- Clear and mutual expectations are set between the system and parents. The system expects “you will comply.” Conversely, parent opinions are sought on how their obligations can be met more easily. Service delivery meets standards for timely, respectful service.

Redress occurs if the system interferes with a willing complier. This means that the system acknowledges errors and acts quickly to resolve or “make it right” with both non-custodial and custodial parents.

Design Category: Uninformed

Definition: “Uninformed parents” may or may not know they are a parent, don’t know of their responsibilities or rights, and are not familiar with the child support system or processes.

System Results Expected: To inform those who do not comply because they are uninformed or misinformed.

Specifically,

- **The general public is informed**
 - ⇒ They know of the child support system and they value it
 - ⇒ The public can anticipate the level of child support expected if they parented a child
 - ⇒ The system reinforces the community norm that parents have a financial responsibility to support their children
- **Individual participants are informed**
 - ⇒ They know they are a parent
 - ⇒ They can anticipate what is expected of them to comply and the level of their obligation
 - ⇒ They know how to participate effectively in the child support system

Characteristics of the Child Support System for the Uninformed

On entry or at the sign of first non-compliance, the system does not make assumptions about people’s willingness or ability to pay. It strives to meet their information needs, while consistently reinforcing overall messages.

- Public messages are articulated by the state Office of Child Support to reinforce that “most people pay” and “these are the costs to raise a child.”
- Public messages are distributed via multiple means (for example, a public spokesperson who has benefited from the program, public service announcements, contracting for the delivery of the public message).
- Interested organizations and established programs with compatible purposes are identified and partnered with, such as Parents Forever.
- Welfare reform and child support messages are linked and support each other.
- Timely, accurate, and thorough responses are given to incoming questions.
- Outgoing messages avoid “insider” acronyms or words—that is, they are understandable.
- Specific groups are targeted for early, compelling information about parental responsibilities. These groups include expectant parents, pre-teens and teens, and separating and divorcing families.
- Outreach efforts are channeled through established access and referral points, such as schools, churches, employers, local governments, advocacy groups for parents and genders, and community groups. New access points are encouraged where gaps exist.
- Providing information to parents and the general public is part of the culture and everyday work of child support workers.

Design Category: Unable

Definition: "Unable Parents" are knowledgeable and willing, but unable to pay or participate. The non-custodial parent may be financially unable due to being unemployed, under-employed, impaired, imprisoned, or otherwise rendered unable. The custodial parent may have information, but is unable to provide it to the system due to language or other barriers.

System Results Expected: To enable those who do not comply because they see themselves as unable.

Specifically,

- Increase parent contributions
- or
- Improve parent's ability to contribute by:
 - ⇒ Identifying the reason for inability to pay
 - ⇒ Getting financial contributions started
 - ⇒ Connecting participants to appropriate services to improve ability to pay or participate

Characteristics of the Child Support System for the Unable

The system *assumes all parents can contribute to their children*. Financial contributions are of first priority. Non-cash contributions that support the child or family are encouraged, such as providing day care directly rather than day care contributions.

- The system actively listens for the causes of non-payment and accurately connects that person to an appropriate service, such as employment, training, school grants, or financial management. People inside and outside the system accept that different responses for different people is okay.
- The system links those parents who are financially unable to contribute to successful services that increase financial capacity. The system also encourages the development of missing services that can provide this support, in both the public and non-public sectors. When appropriate, performance contracts exist between the child support program and service providers around the results and services desired for unable compliers.
- The system uses performance information to steer people to successful services that can resolve relevant issues.
- Establishment and modification of orders reflect changing abilities in a timely way. Forgiveness of arrears may occur.
- Delayed or deferred financial contributions may be ordered, as long as the expected financial ability to contribute over the life of the childhood is increased.
- People who are unemployed or under-employed are supported with job skill development to the level that is available under welfare reform practices.

- Child support workers are supported with training, information, and resources to accurately assess participant's inability and link them with service offerings. Increased resources or reallocation of resources is likely.
- Barriers to participation for custodial parents are addressed, whether through peer support groups, safety plans, or other services.

Design Category: Reluctant

Definition: “Reluctant Parents” are knowledgeable and able to comply, but reluctant; they wish to avoid the system or other parent.

System Results Expected: To motivate or prod those who do not comply because they are reluctant.

Specifically,

- **Move these people to complying category by:**
 - ⇒ Making participation in the system better than non-participation
 - ⇒ Responding to reason for reluctance
 - ⇒ Reinforcing reasons for compliance
 - ⇒ Using clear, swift, predictable, visible tools to compel compliance

Characteristics of the Child Support System for the Reluctant

The system assumes the person is reluctant due to perceived or real threat, fear, anger, or cynicism. The system is cognizant of power or domestic violence issues and knows how to respond. The system is clear that compliance is expected while other issues are dealt with.

The system:

- Reinforces societal norms with effective front-end messages.
- Sets clear expectations for its compliers: “You must pay. No dealing. But we’ll work with you on your issues.” Actions and words are consistent across the state on these expectations.
- Uses visible, predictable, swift, automated collection tools
- Addresses underlying issues with early linkages to effective services
 - ⇒ Provides options for face-to-face or technological access to information
 - ⇒ Provides staff who are skilled at diffusing emotionally-charged situations
 - ⇒ Offers cross-language and cross-cultural alternatives for people to access
 - ⇒ Offers people the means to correct mistakes
 - ⇒ Provides referrals for assistance on custody and visitation issues
 - ⇒ Provides links with family counseling services, financial management services, or other services

Design Category: Evading

Definition: “Evading” parents are knowledgeable and able, but refuse to comply. They act affirmatively to avoid obligations, such as flight or willful refusal to work with system or other parent.

System Results Expected: To compel compliance from the few who are evading.

Specifically,

- **Move these people to the willing or reluctant, by:**
 - ⇒ Locating them quickly
 - ⇒ Using automated actions to get compliance started
 - ⇒ Applying aggressive, discretionary tools before a year is up
 - ⇒ Making non-participation unacceptable, punishing

Characteristics of the Child Support System for the Evading

The system assumes that few people fall in this category, but those that do need swift, visible reaction. The system:

- Identifies or responds to self-identification with segregation of these cases. Segregation may include outsourcing to a “collection agency.”
- Utilizes intensive locate systems, such as automated systems and “skip tracing.”
- Applies all automatic enforcement tools possible.
- Applies aggressive, discretionary enforcement tools early, before a full year of non-compliance has passed. Examples include:
 - ⇒ Contempt proceedings occur prior to large accumulation of arrears
 - ⇒ Professional license revocation
 - ⇒ Liens against real and personal property
 - ⇒ State or federal criminal prosecution
- Imposes non-cooperation penalties on evading custodial parents.
- Makes sure that no “idle threats” are issued by winning necessary partners’ support, such as prosecutors.
- When publicizing any “success” story about evading parents being nabbed, emphasizes that the losers in these situations are the children. Consistent compliance is the only way children win.

Overall System Assumptions in this Design

- The system assumes most people will comply.
- The system's purpose is to achieve 100 percent compliance with orders (rather than level of dollars collected).
- People can enter the system from different places, with differing motivations and needs.
- The system is designed to be adaptive, rather than "one size fits all."
- What is not "adjustable" are the results expected: financial support of children within an economic partnership of two parents.
- The core excellence of this system is to gain or retain compliance with financial obligations. It is also expert at linking people with resources to support their ability to do so.
- This system educates parents on the importance of both parents being involved in their children's lives and contributes to a societal norm that financial support is a bottom line component of that norm.
- This design assumes that children are best served by a system that focuses on assisting their parents' success in supporting them
- This design assumes a transfer of funds from one parent to another on behalf of child(ren).
- This system will enforce compliance; compliance is not optional. It reserves aggressive, discretionary tools for the few who require them.
- No assumptions have been made as to "who" is in the best position to deliver the results and responsibilities of this designed system.

Design Parameters/Principles

Design Purpose: To create an adaptive system that facilitates, encourages, and requires the parental financial support for their child or children.

- Open to redesign of the entire Minnesota Child Support Program.
- Preference for current state office to remain in Department of Human Services.
- Preference to keep policy development together with collections operations.
- Personal and organizational accountability for performance is to be enhanced.
- System must deliver child support results in a timely way.
- Access to the redesigned system must be easy to understand and help accomplish the end result.
- Redesigned system must offer a consistency of services regardless of where a parent or child live or enter the system; yet be responsive enough to accommodate differences across the state that produce the desired results for children.

Attachment 1A: Design Extension to State-County Relationships

To create an adaptive system that facilitates, encourages, and requires parental financial support of their child(ren).

The designers asked how success could be “facilitated, encouraged, and required” within the system itself. They applied the strategies and philosophies of the design to the relationship among the State Office of Child Support Enforcement and County Child Support Offices.

The goal of the system remains the same: *to produce 100 percent compliance with parental responsibilities for child support.* Its vision remains the same.

The definition of “adaptive” is amended to reflect that the design now refers to “organizations,” rather than individuals. Its principles remain intact.

By “adaptive,” the designers meant...

Capable of responding to differences among organizational partners entering or within the system. In the past, “fairness” meant treating everyone the same. In this design, “fairness” means treating organizations according to what they need to comply with statewide expectations. The expectations are common to all; the responses to county partners may vary.

Adaptive also means that “the system” is capable of ongoing learning. It can adapt to changing conditions. It improves continuously in its capacity to listen to its customers and share best practices among partners. It reinforces success; learns from its own experience and experiences of others, including errors; and intervenes to prevent ongoing performance decline.

Design: State-County Alignment for Results

Definition: The State-County relationship has been described as “state supervised, county administered.” The principles and philosophy contained in this design inform how Minnesota can retain this basic organizing structure, but increase alignment around common goals and expected results.

This is not a “State versus County Office” design; this is a “State and County Office” design. Distinct and multiple jurisdictions are maintained. What this design clarifies are the accountabilities of each and the methods needed to gain or retain compliance with statewide expectations. The designers summarized this as: “one set of standards, with situational supervision.”

Results expected:

- Ultimate measure of success for any county: **100 percent of parents comply with their financial obligations to their child(ren).**
- The same, few common measures are used statewide. They build on prescribed Federal results. This design suggests that measures include:
 - ⇒ The degree to which a community norm has been established
 - ⇒ The degree to which the general public is informed
 - ⇒ The degree to which individual participants are informed
 - ⇒ Timely parentage establishment
 - ⇒ Order establishment as a percent of caseload
 - ⇒ Order compliance
 - ⇒ Payment compliance
 - ⇒ Improved ability to pay
 - ⇒ Timely locate and swift enforcement
 - ⇒ “Customer” satisfaction with services—including respectful, accessible, and responsive services for both custodial and non-custodial parents

Characteristics: Interdependent Accountability for Success

- High performance is expected from all partners. The state office “encourages, supports, and requires” that level of performance from the counties.
- Statewide “gain and growth” (that is, trend lines) on results are measured and publicly reported, along with “absolute levels” of performance.
- There is one set of standards, one set of expectations across the system. Consistent, clear messages exist across the state for its parent participants: “You must support your kids. No dealing. We’ll work with you on your issues.”
- Counties seek out opportunities to improve service offerings and collaborate across county lines to improve continually on their performance

- The state is seen as an integral part in this success, not “absent” or “overseeing.” The state office varies its response to each county depending on *the county’s willingness, ability, and knowledge* of how to meet its expectations. One size does not fit all. Counties are supported, not sanctioned, into success. Sanctions, however, are available and used for the few that require it.
- Accountability is clear. State and County partners are responsible for different, complementary tasks. Accountability goes both ways.

<i>County Office Responsibilities</i>	<i>State Office Responsibilities</i>
<ul style="list-style-type: none"> • To communicate and operate in a manner consistent with the public norms 	<ul style="list-style-type: none"> • To articulate the public norms
<ul style="list-style-type: none"> • To act as “owners” of this system by fully participating, leading, identifying, and developing alternatives to service gaps 	<ul style="list-style-type: none"> • To lead ongoing strategic planning, including a state-county process of shared decisionmaking and learning
<ul style="list-style-type: none"> • To perform 	<ul style="list-style-type: none"> • To set performance standards, including outcome and process standards
<ul style="list-style-type: none"> • To improve continuously 	<ul style="list-style-type: none"> • To give feedback and publicly report on the performance of each county office
	<ul style="list-style-type: none"> • To provide a continuum of “consequences” based on performance

What is a “continuum of consequences”?

Based on performance trends (a series of performance data over time), a county could be categorized as improving, static, or in decline. This again could be due to *readiness, willingness, and ability* to comply with expectations. The responses from the state office are “situational” to gain or maintain compliance from each county. Performance is expected from all.

<i>County Office Performance</i>		<i>State Office Response</i>
Improving performance	⇒	Reinforce, accelerate. The state office or its designees ¹ reward these counties. Opportunities are provided to “shine light” on these experiences—to share learning across the state.
Static performance: Misinformed/uninformed	⇒	Inform. The state office or its designees inform, guide, and provide “tools” to aid success.
Static performance: Unable	⇒	Enable. The state office or its designees provide technical assistance, mentoring, consultation.
Static performance: Reluctant	⇒	Motivate/ turnaround. The state office or its designees consult and develop joint recovery strategies.
Declining performance	⇒	“Sanction”/intervene. The state office or its designees could sanction, “take over,” or provide for alternate options for service delivery to the residents of these counties.

¹ “Designees” means that the state office doesn’t need to “do” all these things, but does willingly accept accountability for them to assure that they occur. County peer groups or other alternatives could provide the service offerings contained in this continuum of consequences. The services provided should be measurable and valuable to the counties who are receiving them.

Attachment 2A: Design Extension to Order Establishment

To create an adaptive system that facilitates, encourages, and requires parental financial support of their child(ren).

The designers applied the strategies and philosophies of the design to one function of the Child Support Enforcement program to test how the design would inform its operations.

Definition: An order exists when a governmental official (District Court or Administrative Hearing Officer today) confirms an allocation between parents for the support of their child(ren). It is a legally binding requirement. In the best case, an order verifies a mutual agreement made between the two parents.

Under this design, terms of the order can contain:

- Financial obligations
- Actions to be taken to improve ability to pay or increase contributions
- Non-cash contributions or obligations of either parent

Level of support and allocation of resources is prescribed through statutorily prescribed guidelines.

Results Expected

The design describes success as 100 percent compliance with obligations. Progress measures include:

- Order establishment as a percent of caseload (that is, the greatest number of orders—a growing percentage—is desired).
- Order compliance (that is, the percentage of orders complied with replaces dollar collections as the ultimate measure).

Characteristics

- In addition to the assumptions contained in the main design (such as *everyone is able to contribute*), three additional assumptions arose:
 - ⇒ It is always better to get some kind of order than no order.
 - ⇒ The more “voluntary” in nature the better. Non-adversarial, uncontested orders are “win-wins” for all concerned.
 - ⇒ Orders need to be obtained as early as possible.

These assumptions are based on experience that it is in the children’s best interest to have non-adversarial orders; to have and maintain contact with both parents; and to have this process done swiftly. It indicates that token payments or other contributions help keep a non-custodial parent active in his/her child’s life and will lead to contributions according to guidelines.

Implications by Parent Category

<i>Parent Category</i>		<i>System Response</i>
Complying	⇒	Consent orders
Uninformed	⇒	Inform the parties. There are two messages: 1. An order consists of these items.... It is guided by 2. You have a choice of two establishment routes: the easy and the hard. The easy is the voluntary process. The hard is the contested process.
Unable/ Reluctant	⇒	"No one is unable. Here are the guidelines. We will set up a plan to get you to this level of contribution."

Implications for service delivery

The delivery point to create orders needs to:

- Offer high-quality services
- Offer timely services
- Educate the parties
- Link parties with other needed services

The designers considered the county agency to be in the best position to do these services. However, today many parents are going directly to other sources, such as the Office of Administrative Hearings, because it is more timely. (This service involves a "higher cost" to the taxpayers, but there is no cost to the parties for having chosen this route.) Designers chose not to dictate the use of county offices or apply "across the board" fee structures.

Rather, guided by the design, the designers stated that service standards need to be defined for order establishment in terms of quality, quantity, and timeliness. Then, whoever does this service should experience positive and negative financial consequences for delivery of services to standards. They envisioned more collaboration/cooperative ventures across county lines as dollars followed performance.

Additional Work

In a similar manner, other functions could be taken and guided by the design. Child Support leaders could define the function, ask how the design informs its work, and address the implications for the five parent categories as well as service delivery.

Appendix B: Legal Research

Findings

Minnesota law confirms the state's position that the county attorneys do not act as lawyers for an individual client; they are contract attorneys representing the "public authority"—the Minnesota child support enforcement program. See, e.g., MINN. STAT. §518.255 (1998):

The provision of services under the child support enforcement program that includes services by an attorney or an attorney's representative employed by, under contract to, or representing the public authority does not create an attorney-client relationship with any party other than the public authority.... This section applies to all legal services provided by the child support enforcement program.²

The confusion over legal policy stems from an apparent blurring in the minds of the program participants regarding whether the state or the county is the "public authority" being represented. The sometimes contradictory or vague language in some of the applicable statutes obscures the overarching statutory scheme.

Inarguably, the county social services agency acts for the state and is subject to the supervision of the Commissioner of Human Services, when it administers the Child Support Enforcement program. MINN. STAT. §393.07, Subd. 3 (1998) provides in pertinent part:

Federal Social Security. The local social services agency shall be charged with the duties of administration of all forms of public assistance and public child welfare or other programs within the purview of the federal Social Security Act, other than public health nursing and home health services, and which now are, or hereafter may be, imposed on the commissioner of human services by law, of both children and adults... *The duties of such local services agency shall be performed in accordance with the standards and rules which may be promulgated by the commissioner of human services in order to achieve the purposes of the law and to comply with the requirements of the federal Social Security Act needed to qualify the state to obtain grants-in-aid available under that act.* [Emphasis added]

In order to perform its duties, the local social services agency has been delegated authority to employ attorneys to provide legal services with respect to child support enforcement, paternity establishment and related matters. Under MINN. STAT. §393.11, Subd. 2 (1998), the local social service agency or the commissioner of human services is permitted to contract with the county attorney to provide such services. Correspondingly, the county attorney is authorized to make

² The paternity statute has equivalent language at MINN. STAT. §257.69, Subd. 1 (1998). However, while clearly enacted to resolve the "who do we represent" question in paternity cases with a parallel provision, the language used in this particular section can be read to **mandate** the county attorney to represent the public authority in such cases. This apparent inconsistency with the overall statutory scheme under Minnesota law is discussed *infra*.

such a contract and receive reimbursement for such services beyond the salary set by the county commissioners.³

Two points require comment. First, the agency is permitted, not required, to contract with the county attorney. Contracting is not mandatory and the agency is not precluded from obtaining services elsewhere.⁴ Second, it is clear that the services to be provided by the county attorney are separate from and in addition to the mandatory duties of a county attorney under MINN. STAT. §388.051, Subd.1 (1998), for which he/she receives compensation set by the county commissioners.⁵ The agency, under direct supervision of the Commissioner of Human Services, not the county, is the “client,” and has the right to determine the scope of the attorney’s representation, subject to requirements of law and rules of professional conduct.

Given the nature of the representation, the State has the inherent authority and responsibility to direct the scope of services offered under the contract and to establish general legal positions. The agency retains authority, for example, to determine whether and under what circumstances a

³ This is the successor statute to M.S. 1967, §393.11 cited in the Attorney General’s Opinion 121-A (June 2, 1970) (Minnesota Legal Register Vol. 3, No. 23). However, the predecessor statute authorized the county welfare board to use welfare funds to pay “a share of the salary, clerk hire, and expenses of the county attorney or an assistant county attorney or both, such share to be proportionate to the expenses incurred on county welfare board matters and other county matters as determined by the county board of commissioners.”

⁴ Interestingly, this legislation appears to address a 1976 Attorney General’s Opinion regarding questions raised by the State Auditor on the legality of additional compensation received by a county attorney under an agreement with the welfare board to provide IV-D services. County Attorneys: Compensation: Cooperative Agreements Between County Attorney and Welfare Board (12/16/76) (122a-6). The discussion of the preclusion from using other than a public attorney to provide these services is not applicable under the federal IV-D requirements as they have evolved. Current federal law and OCSE policy confirm that the state has the option of obtaining legal representation either through cooperative agreements with a separate governmental unit, such as the county attorney, or by employment or legal counsel directly or by contract. This issue is discussed, *infra*.

However, the Attorney General’s opinion is clear on both the responsibility of the state to operate and set policy for the Minnesota child support enforcement program and that the IV-D services provided by the county attorney under this agreement goes beyond his duty as county attorney.

“The cases must be pursued according to federal standards. This removes the county attorney’s discretion in handling cases in favor of the federal standard and effectively goes beyond his duty as may have been perceived previously by either the county attorney or by the county board. He also must go beyond his statutory duty to represent non-indigents as required by Title IV-D, 42 U.S.C. §654(6).

“Thus, even though some child support matters have been within the scope of the county attorney’s authority there has been no clear duty imposed upon the county attorney to prosecute support cases at the level contemplated by IV-D.... The payments could be reasonably construed to constitute compensation *for undertaking extra duties on behalf of the state in implementation of the state plan.*” (emphasis added)

⁵ This section includes the county attorney’s mandate to “appear in all cases in which the county is a party.” In IV-D cases, the county is not a party; as noted above, the public authority represented is clearly the state child support program. While it is believed that the statutory scheme is sufficient to reach this conclusion as written, the state may wish to and redraft the sections pertaining to obtaining legal services in such a way as to remove any ambiguity. Should such amendment be undertaken, it is suggested that those few child support sections requiring the county attorney to act also be reviewed to ascertain if exclusive county attorney authority remains advisable. (See Attachment 1B.)

non-attorney employee of the program can represent the authority, unless otherwise set out in statute.⁶

MINN. R. PROF. CONDUCT 1.2 (1998), requires a lawyer “to abide by a client’s decisions concerning the objectives of representation,” and “consult with the client as to the means by which they are to be pursued.”

In questions of means, the lawyer should “assume responsibility for technical and legal tactical issues, but should defer to the client regarding such issues as the expense to be incurred and concern for third persons, who might be adversely affected.” “The objectives or scope of services provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer’s services are made available to the client....The terms upon which representation is undertaken may exclude specific objectives or means....” *Id.* Comment.

The agency retains authority to limit the scope of the county attorney’s representation in Title IV-D child support enforcement cases, by requiring that non-attorney employees be used to the fullest extent possible, under MINN. STAT. §§518.5511 and 518.5512 (1998). Thus, the state can direct, as part of its delegation, that the agency will be represented in an administrative hearing by a county Child Support Officer except under circumstances it defines, such as cases where the respondent is represented by counsel or the issues to be presented are legally complex.

The state has authority to direct child support enforcement attorneys to use consistent legal approaches in IV-D cases. The state may establish policies concerning attribution of income, whether and when paternity is challenged when a child was born during a marriage, or when to determine the controlling order in multiple-order cases. Such authority is constrained only by Minnesota law and the rules of professional conduct. The county attorney is free to decline the contract under such limitations.

Nothing in federal law restricts states to using another governmental body to provide legal services to the program. As noted above, the Attorney General’s Opinion in County Attorneys: Compensation: Cooperative Agreements Between County Attorney and Welfare Board (12/16/76) (122a-6) states that the only method for procuring legal services for the IV-D program is through a cooperative agreement with the county attorney as a “law enforcement official”.

⁶ For example, there are certain statutory provisions where a judge of the district or county court may request the county attorney to represent or conduct proceedings. See, e.g., “It shall be the duty of the county attorney to conduct such contempt proceedings *when directed by a judge of the district or county court or when requested by the local social services agency.*” MINN. STAT. §393.07, Subd 9 (1998). [emphasis added]

There is one code section that does restrict the ability of the local agency to obtain legal services elsewhere. MINN. STAT. §256J.396, Subd.2 (1998), addressing support from parents of minor caregivers living apart, requires the county agency to refer the matter to the county attorney where such a parent does not provide the required information. Far more problematic is MINN. STAT. §257.69 (1998):

Subdivision 1. Representation by counsel. In all proceedings under sections 257.51 to 257.74, any party may be represented by counsel. The county attorney shall represent the public authority.

The court shall appoint counsel for a party who is unable to pay timely for counsel

While it is clear that the intent of this statute was to clarify who was being represented in IV-D paternity matters, the section can be read to preclude representation of the public authority by other than the county attorney. Legislative clarification is required. See Attachment 1 for additional Minnesota statutes relating to county attorneys and human services matters.

This conclusion is reached to support additional pay for the county attorney but it does not contain a complete analysis of the current federal-state child support enforcement program.

State child support agencies can secure Federal Financial Participation (FFP) payment for services performed by state courts and law enforcement officials—including prosecutors—through the use of cooperative agreements entered into under 45 CFR §304.21(a). This section continues to authorize such agreements and to impose limits on reimbursement. However, it is clearly not the only method of obtaining such services. For example 45 USC §303.30(f)(1) requires the state to ensure that there are sufficient “attorneys or prosecutors to represent the agency in court or administrative proceedings with respect to the establishment or enforcement of orders of paternity and support....” As only prosecutors would qualify as “law enforcement officers” under §304.21(a), the federal program clearly contemplates state option on how to secure legal services for IV-D cases.

Similarly, 42 USC §654(27) (effective 10/1/98) requires the state to “have sufficient State staff (consisting of state employees and (at State option) contractors reporting directly to the State agency to –(i) monitor and enforce support obligations ...in cases being enforced by the State pursuant to [42 USC §654(4)] ...(ii) take the actions described in ...[42 USC §666(c)(1)].”⁷ Further, OCSE IM-9303 (The Role of the IV-D Agency and its Staff in Delivering Program Services) while addressing the “who is the client” problem raised throughout the program states:

Frequently, in order to deliver the program’s services, the IV-D agencies engage attorneys to take the appropriate legal action to establish and enforce support obligations. Remedies available under State law are relied upon to ensure compliance when the obligated parent(s) fail to voluntarily honor these obligations. Since the inception of the IV-D program, State IV-D agencies have wrestled with the public perception that lawyers who work for the program—*such as prosecutors under cooperative agreement or as hired counsel for the agency*—“represent” in an “attorney-client” sense, the individuals the program serves.

It is clear that there is no federal restriction on the use of contracted counsel as IV-D responsibilities are beyond the statutory duty of the county attorney (with limited exceptions noted in Attachment 1B). Graham v. Crow Wing County Board of Commissioners, 515 N.W. 2d 81 (MN. CT. APP. 1994) upholds the right of the county agency to secure representation through contract with private counsel.⁸

Operational Considerations

The operational issue—once the parameters of representation are set—is how the state will ensure that attorneys comply with state policy.

⁷ The referenced section pertains to the expedited procedures the state must have in place for administrative actions by the state agency.

⁸ In its analysis, the Minnesota Court of Appeals notes that “ ‘may’ is permissive when used in statutes.” *Id.* at p. 6. This conclusion supports the analysis that the agency and/or the human services commissioner has the authority to contract with the county attorney, and visa versa, but such a contract is permissive, not mandatory.

Each local social services agency must comply with state law and policy directives set by the Commissioner of Human Services in child support cases, as it is acting as an arm of the State.⁹ The local social services agency may contract with the county attorney for legal services in connection with Title IV-D child support and paternity cases, but the agency is not **required** to employ a county attorney who does not agree to the proposed terms of representation. The agency retains the right to terminate the attorney's services at any time. MINN. R. PROF. CONDUCT. 1.2 (1998).

The attorney general shall appear for the state in all causes in the supreme and federal courts wherein the state is directly interested; also in all civil causes of like nature in all other courts of the state whenever in the attorney general's opinion, the interests of the state require it, MINN. STAT. §8.01 (1998).

A statute that imposes upon the county attorney the duty of prosecuting certain types of actions does not grant the county attorney exclusive authority with respect to such proceedings. In the absence of some express legislative restriction to the contrary, the Attorney General may exercise all such power and authority as public interests may from time to time require. Minnesota has numerous instances where particular duties are expressly imposed upon the county attorney, yet it is clear that the Attorney General has the right, in virtue of his office to cooperate with or act independently of that official in all cases where the public interests justify it. *State v. Robinson*, 112 N.W. 269 (Minn. 1907).¹⁰

The state has important interests at stake in Title IV-D child support and paternity cases. Accordingly, the Attorney General may exercise his power and authority to cooperate with or act independently of the county attorney in cases where, in his/her opinion, the public interest justifies it. The Attorney General and staff can represent the Commissioner of Human Services in Title IV-D cases. Furthermore, the Attorney General has the authority to direct the county attorney to act as the attorney for the Human Services Commissioner. MINN. STAT. § 8.06 (1998), in pertinent part, provides that:

The attorney general shall act as the attorney for all state officers and all boards or commissions created by law in all matters pertaining to their official duties. When requested by the attorney

⁹ County governments have traditionally been viewed as an administrative arm of the state, and "can exercise only such powers as are expressly granted to them by the legislature and such as necessary to the exercise of the express powers." *Cleveland v. Rice County*, 56 N.W. 2d 641 (Minn. 1953). See also MINN. CONST. of 1974, Art.12 §§ 2,3 (1998); MINN. STAT. § 373.01 (1998). County "home rule" regulations pre-empt conflicting state general laws only in matters of purely local concern, where there is no legislative preemption, *ACE Equip. Co. v. Erichild support workern*, 277 Minn. 457, 460, 152 N.W. 2d 739, 741(1967). See also, *State ex rel Town of Lowell v. City of Crookston*, 252 Minn. 526, 528, 91 N.W. 2d 81 (1958). These powers conferred upon a county are given mainly, if not exclusively, for public purposes connected with matters of local administration and concern, and can never become vested as against the sovereign, whose right of control over all its civil, political and governmental powers is necessarily supreme in the absence of constitutional limitations, *State ex rel Shipp v. McFadden*, 23 Minn. 40 (1876), *Henderson v. Board of Commissioners*, 28 Minn. 515, 1 N.W. 91 (1881). The legislature has determined that Minnesota has an important interest in obtaining and enforcing child support orders, and has enacted comprehensive child support legislation.

¹⁰ See, also, MINN. STAT. §256.015, Subd 3 (1998) where the county attorney acts only at the direction of the attorney general to represent the agency. A similar statutory scheme is set out in MINN. STAT. §§256B.37, Subd.2 and 256.015, Subd.3 (1998) and in other sections throughout the Code. See Attachment 1B for some further examples.

general, it shall be the duty of any county attorney of the state to appear within the county and act as attorney for any such board, commission or officer in any court of such county. The attorney general may, upon request in writing employ, and fix the compensation of, a special attorney for any such board, commission or officer when, in the attorney general's judgment, the public welfare will be promoted thereby. Such special attorney's fees or salary shall be paid from the appropriation made for such board, commission, or officer.¹¹

The Attorney General thus has legal authority to direct county attorneys representing the child support enforcement authority to follow uniform policies established by the Attorney General or the Department of Human Services. An attorney cannot be asked or required to ignore his or her independent legal judgment. But state legal policy should be set aside only in a narrow range of cases, presenting unique factual circumstances or questions of the credibility of a witness.¹² Should the county attorney conclude that state legal policy conflicts with his/her judgment, the county attorney may withdraw from representation or decline the contract. A county attorney's advocacy of positions contrary to those taken by the Department of Human Services in the courts or in legislative proposals, would similarly present a conflict. This would make it unethical for the attorney to represent the agency.

¹¹ Article 5 §3 of the MINN. CONST. of 1974 (1996) states: "The governor may require the opinion of the principal officer of each executive department." The Commissioner of Human Services is obviously such an officer, an official of the state to whom a delegation of state power has been made. The attorney general routinely represents the commissioner and other department heads, pursuant to § 8.06. See e.g. *Johnson v. Dirkswager*, 315 N.W.2d 215 (Minn. 1982) (Commissioner of Public Welfare); *State v. Anderson*, 220 Minn. 139, 19 N.W.2d 70 (1945) (Highway Commissioner); *Regan v. Babcock*, 188 Minn. 192, 247 N.W. 12 (1933) (Highway Commissioner); *Hoff v. First State Bank of Watson*, 174 Minn. 36, 218 N.W. 238 (1928) (Commissioner of Banks); *Women of the State of Minn. V. Gomez*, 542 N.W. 2d (Minn. 1995)(Commissioner of Human Services); *In re Conservatorship of Sally Ann Foster*, 547 N.W.2d 81 (Minn. 1996)(Commissioner of Human Services); *In re Custody of S.E.G.* 521 N.W. 2d 357 (Minn. 1994) (Commissioner of Human Services); *In re the Petition to Adopt S.T. and N.T.* 512 N.W.2d 894 (Minn. 1994) (Commissioner of Human Services).

¹² One example is cases where the attorney believes that income testified to or obtained through discovery is incomplete or inaccurate and argues that income has been hidden.

Attachment 1B

Minnesota counties and county attorneys are creations of the state. County attorneys possess only the authority granted them by the state legislature and the Minnesota Constitution, and state law provides the mechanism for their election and removal from office.

Duties of Minnesota County Attorneys

Minnesota statutes require county attorneys to provide a multitude of legal services to state agencies and department heads. County attorneys are required to provide the following services to the commissioner of human services and local welfare agencies:

1. **Audit of County Social Welfare Funds.** The department of social services, rather than the state auditor, may audit county social welfare funds. If any such audit discloses malfeasance, misfeasance or nonfeasance in any county welfare office, *the county attorney is required to institute any civil or criminal proceedings required for protection of the public interests*, MINN. STAT. § 6.48 (1998).
2. **Human Services Licensing.** The Commissioner of Human Services may ask the appropriate county attorney to secure a court order against the continued operation of an unlicensed program. *"The county attorney and the attorney general have a duty to cooperate with the commissioner."* MINN. STAT. 245A.03 Subd.3 (b) (1998).

The Commissioner of Human Services can delegate licensing functions and activities to county and private agencies. Designated agencies must comply with the rules and directives of the commissioner governing those functions. *County attorneys are required to assist the county agency in the enforcement and defense of the commissioner's orders according to the instructions of the commissioner, unless a conflict of interest exists between the county attorney and the commissioner*, MINN. STAT. § 245A.16, Subd.1 (1998). The commissioner is responsible for ensuring that the rules are uniformly enforced throughout the state.

3. **Payment for Care in Public Institutions.** When a client, his guardian or relatives fail to pay the amount due for care in a public institution, the attorney general, upon request of the *Commissioner of Human Services, may institute, or direct the appropriate county attorney to institute, civil action to recover such amount.* MINN. STAT. § 246.52 (1998).
4. **Parental Contribution for the Cost of Children's Services.** If parents fail to reimburse the state appropriately for the cost of residential care, which the state provides to their child, the attorney general, at the request of the *Commissioner of Human Services, may institute or direct the appropriate county attorney to institute civil action to recover the required reimbursement*, MINN. STAT. § 252.27(1998).
5. **Public Assistance Lien on Recipient's Cause of Action.** The state has a statutory lien on Insurance benefits and/or causes of action arising from the injury requiring care, where the state has furnished medical care, subsistence or other payments to a person. The attorney general or *the appropriate county attorney acting at the direction of the attorney general, shall represent the state Department of Human Services to enforce such a lien, or prosecute an independent action on behalf of the state agency against a person, or entity that may be liable to the recipient*, MINN. STAT. § 256.015, Subd. 3 (1998).

6. Wrongfully Obtaining Assistance - Theft. To prosecute or recover assistance wrongfully obtained under this section, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general, may institute a criminal or civil action or both, MINN. STAT. § 256.98 (1998).
7. Medical Assistance for Needy Persons; Quality Assurance. The attorney general or the appropriate county attorney appearing at the direction of the attorney general shall be the attorney for the state agency and the county attorney of the appropriate county shall be the attorney for the local agency in all matters pertaining hereto. To prosecute under this chapter or sections 609.466 and 609.52, subdivision 2 or to recover payments wrongfully made under this chapter, the attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general may institute a criminal or civil action, MINN. STAT. § 256B.12 (1998).
8. Theft of Needy Person's Personal Allowance. The attorney general or the appropriate county attorney, acting independently or at the direction of the attorney general may institute a criminal action against any person who, with the intent to defraud, uses a needy person's personal allowance for purposes other than the well being of the recipient, MINN. STAT. § 256B.35, Subd. 5 (1998).
9. Enforcement of Agency's right of Subrogation. The state agency shall be subrogated to the extent of the cost of medical care furnished to any rights the patient may have under the terms of his/her insurance coverage or against the organization or entity liable to provide health or medical care or under a cause of action, stemming from the injury, which required treatment. The attorney general, or the appropriate county attorney, acting upon direction from the attorney general, may institute or join a civil action to enforce the agency's right of subrogation, MINN. STAT. §§ 256B.37, 256D.03 (1998).
10. Recovery of Assistance Wrongly Received. If it appears that an applicant provided false information, which materially affected the applicant's eligibility of general assistance or general assistance medical care, or the amount of an applicant's general assistance grant, the county agency may refer the matter to the county attorney. The county attorney may commence a criminal prosecution or a civil action for the recovery of any general assistance wrongfully received, or both, MINN. STAT. § 256D.07 (1998).
11. Children, Custody, Legitimacy, Parentage Act. In all proceedings under sections 257.71 to 257.74. (the Act) the county attorney shall represent the public authority. MINN. STAT. § 257.69 (1998).
12. Adoption. It is a gross misdemeanor for a person, not being the commissioner or an agency, knowingly to engage in placement activities, without being licensed by the commissioner, except as authorized. This offense shall be prosecuted by the county attorney, MINN. STAT. § 259.47, Subd. 11 (1998).
13. Payment of Birth Parent Expenses. It is a gross misdemeanor to give money or anything of value to a birth parent of a child if the person is engaged or has engaged in any placement activity in connection with the adoption of the child. An offense under this section shall be prosecuted by the county attorney, MINN. STAT. § 259.55, Subd. 3(b), (c) (1998).

14. Juveniles Hearing Procedures. Except in adoption proceedings, the county attorney shall present the evidence, upon request of the court. In representing the agency, the county attorney shall also have the responsibility for advancing the public interest in the welfare of the child. MINN. STAT. § 260.155, Subd. 3 (1998).
15. Costs of Care, Examination or Treatment. Except where parental rights are terminated, parents and child are liable for certain costs of care, examination or treatment of a juvenile under the supervision or legal custody of the social services agency. A parent or custodian, who fails to pay without good reason may be prosecuted for contempt, or *the court may inform the county attorney, who shall proceed to collect the unpaid sums, or both procedures may be used*, MINN. STAT. § 260.251(d) (1998).
16. Domestic Relations - Administrative Process for Medical or Child Support Orders. Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county court administrator and the county sheriff shall jointly establish procedures.... MINN. STAT. 518.5511 Subd. 4(d) (1998).
17. Marriage Dissolution, Administrative Process. If the public authority responsible for support enforcement refers the arrearage to the county attorney, the county attorney may initiate enforcement proceedings against the obligor for support or for maintenance and support combined. MINN. STAT. § 518.61(d) (1998). If the person obligated to pay support or maintenance is beyond the jurisdiction of the court, the county attorney may institute any proceeding available under state or federal law for the enforcement of duties of support or maintenance. MINN. STAT. § 518.61(f) (1998).
18. County Attorney Expenses -- Paternity - Child Support. The local social services agency or the commissioner of human services may contract with the county attorney for the provision of legal services to the local social services agency in paternity actions, child support enforcement and related matters as specified in Title IV-D of the Social Security Act. The county attorney may contract as to and perform the services and received reimbursement therefore as determined by the commissioner. The contract may specify that the reimbursement shall be in addition to the salary of the county attorney as set by the county commissioners pursuant to chapter 388. MINN. STAT. § 388, Subd. 2 (1998).
19. Support from Parents of Minor Caregivers Living Apart. A county agency must notify the parents of the minor caregiver that they are liable for the amount of support determined by the county agency as specified in paragraph (e). When the support payment is received by the minor caregiver, it must be treated as unearned income of the assistance unit. When the support payment is not received, or a lesser amount is received in any payment month, the county agency must refer the matter to the county attorney. MINN. STAT. § 56J.396(f) (1998).

Appendix C: Study Participants

Office of the Commissioner

David Doth, Commissioner, Minnesota Department of Human Services

Deborah Huskins, Assistant Commissioner, Minnesota Department of Human Services

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Sen. David Knutson

Rep. Andy Dawkins

Rep. Matt Entenza

Rep. Lee Greenfield

Rep. Jim Farrell

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Vicky Turetsky, Center for Law and Social Policy

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Sue Robertson, Children's Agenda, The Jefferson Forum

Brad Johnson, Administrative Law Judge

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Paula Gonzalez, Center for the Support of Families

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Pat Conley, Minnesota Association of Counties
Ken Schamberger, RKIDS Spokesperson
Shawn Fremstad, Legal Aid

Rosemary Frazel, Children's Defense Fund

Robin Graham, ACES

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Clark Gustafson, Chair, Child Support Policy Committee for Minnesota Association of County Social Service Agencies

Aviva Breen, Legislative Commission on the Economic Status of Women

John Wodele, Christene Kilduff, Ramsey County Child Support Enforcement

Ruth Munding, Anoka County Child Support Enforcement

Gail Crandell, Winona County Child Support Enforcement

Mark Gardener, Family Law Section, Minnesota State Bar Association

Brad Johnson, Administrative Law Judge

June Ammend, Minnesota Association of Court Administrators

Bill Jeronimus, Minnesota County Attorney's Association

Project-related presentations were also made before the Minnesota Child Support Advisory Board and the Commissioner's Advisory Committee.

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Darius Sams, Colorado

Melissa Ingalls, Colorado

Craig Goellner, Colorado

John Bernhart, Denver County, Colorado

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