

SUBJECT: Creating court monitors for child support cases

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 8 ayes — Goodman, Pickett, Isett, P. King, Morrison, Naishtat, A. Reyna, E. Reyna
0 nays
1 absent — Truitt

WITNESSES: For — Olen Underwood
Against — None
On — Howard G. Baldwin, Jr., Office of the Attorney General

BACKGROUND: The federal government requires each state to designate a single agency to administer child support cases for recipients receiving certain federal benefits and others who apply for services from the agency. The agency often is referred to as the IV-D agency, a reference to Title IV, Part D of the U.S. Social Security Act. The Office of the Attorney General is the Texas IV-D agency.

The cases handled by the attorney general’s office include all automatic referrals for recipients of Temporary Assistance for Needy Families (TANF) and medical assistance under Medicaid, as well as parents with non-TANF cases who request the attorney general’s assistance. The attorney general’s office provides services to families in need of child support by locating non-custodial parents, establishing paternity and court-supported obligations, and enforcing collections.

There are 36 child support court masters that hear child support cases. The presiding judge of each of the nine administrative judicial regions appoints court masters based on specific court needs. A court master hears all the child support cases in the jurisdiction. The Office of Court Administration, a secondary recipient of Title IV-D funds, oversees this program.

DIGEST:

CSHB 3272 would allow the presiding judge in each judicial district to appoint one child support court monitor for every court master to be responsible for ensuring compliance with the requirements of a child support order. The presiding judge also could authorize the Office of Court Administration (OCA) to contract with a monitor. The court monitor would:

- ! assess the needs of an obligor (support paying parent) to help the parent to comply with the child support order;
- ! refer the paying parent to employment and other services as needed;
- ! provide appropriate mediation services or referrals;
- ! meet periodically with the paying parent to assess compliance and determine whether additional support services were needed; and
- ! monitor the amount and timeliness of child support payments.

OCA and the Attorney General's Office would be required to develop and implement guidelines for the duties of child support court monitors and a procedure to evaluate success in increasing compliance with child support orders in monitored cases.

The bill would require the Texas Workforce Commission (TWC) to provide employment assistance services for parents referred by the Attorney General's Office because they fell behind in payments. Services would include skills training, job placement, literacy classes, or counseling, including substance abuse or parenting skills counseling. The bill would include underemployed parents along with unemployed parents as provided in current law. CSHB 3272 would remove references to provisions that require that financial assistance be offered under Chapter 31 of the Human Resources (AFDC).

The bill would require the attorney general, TWC, and OCA to conduct a study to determine the effectiveness in increasing child support collections by referring parents to the employment assistance program. A joint report with the results of the study would have to be issued to the Legislature by January 31, 2001.

The bill would take effect on September 1, 1999.

SUPPORTERS
SAY:

CSHB 3272 would provide an important tool for improving collection of child support payments and helping unemployed or underemployed parents who must make the payments. Currently, as much as 50 percent of a court

master's time could be taken up with trying to enforce child support, time that would be better used in hearing child support cases. A court monitor would take the burden of enforcement off of the court master and reduce court backlogs.

That backlog is a serious issue. Of the 442,962 cases with obligated payments in fiscal year 1997, only 198,056 actually were paid during that year. The backlog usually means that the problem of delinquent payments is compounded before collection efforts even begin. The interest costs piling up for late child support payments wind up making it even harder for indigent or low-income parents to pay.

Several Texas counties have tested a court monitor program. The test cases have shown better rates compliance and payment.

The court monitor also could provide valuable services to parents who claim they are unable to pay child support. By offering employment services, training, and counseling to these parents, the court monitor would help indigent parents find ways to meet their child support obligations.

Current law does not require delinquent parents to participate in TWC job training programs. The bill was written to conform with current law.

It would not be appropriate for the court monitor to have broad enforcement powers. That is the court's job. The court monitor would act as a case worker and, as the title suggests, a monitor. The position would not be intended to police or enforce court orders, but to find help for parents who cannot pay.

OPPONENTS
SAY:

Children and custodial parents would be better served if the court monitor had more power of enforcement. Under this proposal, the court monitor only would be able to refer a noncompliant parent back to the court master for a hearing. The monitor should be given more authority to enforce compliance.

The bill should require delinquent parents to participate in job training or referral services. Simply allowing or encouraging them would not be enough.

NOTES:

The committee substitute would allow OCA to contract with personnel, including the court monitor, to implement child support procedures. It would require OCA to be involved in determining the effectiveness of the court

monitors, and would require OCA and TWC to participate in the joint report presented to the Legislature.

The original bill would have required the court monitor to monitor compliance only in cases where the paying parent had been put on probation for noncompliance.