

**Judicial Branch
Family Support Magistrate
Division**

**Problem Solving Initiative
Report**

June 30, 2010

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Introduction

~A Parent's Story~

The obligated noncustodial parent entered the court system because of her failure to make child support payments. She is a 34-year-old Caucasian with a 13-year-old child. From birth to three years old, she was living with her child and the child's father as an intact family. She gave up custody of her child when the child was three years old and has not had a relationship with the child for the past ten years. She reports a history of unstable housing and stays mainly with her mother. She has not earned her high school diploma or completed her GED. Her longest period of employment was a four-month part-time job. She has never had a driver's license because she does not trust herself driving, thus she relies primarily on public transportation. She reports being diagnosed with both bipolar and mood disorders and has received treatment at an inpatient treatment facility. Presently, she is not complying with her mental health treatment plan. During her initial contempt hearing she reported being a "raging" alcoholic.

Since the passage of *AAC Responsible Fatherhood and Strong Families*¹, the Judicial Branch, with the assistance and support of community partners, has been actively working to design and implement a viable problem solving court model for Title IV-D child support matters heard in the Family Support Magistrate Division of Superior Court. The Family Support Magistrate Division (FSMD) is the statutory court that hears child support cases for the Title IV-D Child Support Program.

The Judicial Branch Problem Solving Initiative (Initiative) collaborated with community service providers and state agency partners, to develop and design a judicial process using multidisciplinary, court-based problem solving techniques to address the underlying issues of the parents appearing in family support court. The goals of the Initiative include, but are not limited to: 1) increasing a parent's employment skills; 2) increasing a parent's ability to pay child support; 3) determining appropriate child support orders; 4) assisting parents in accessing the services that will help better their lives; and 5) assisting parents in strengthening their relationship with their children.

Presently, the Initiative has resulted in the creation of a Problem Solving Pilot Program (Pilot) in the Judicial District of New Haven, at New Haven. The Pilot began on January 27, 2010. Cases are heard on Wednesday of each week. As of May 5, 2010, there have been fourteen (14) court dates and sixty-one (61) cases have been referred to the Pilot for problem solving activities and monitoring.

¹ Public Act 09-175, codified at CGS Sec. 46b-232a

Judicial Branch Implementation Activities

During 2009, the Judicial Branch and a number of State and community partners met to explore the feasibility and to ultimately design a pilot problem solving court model in the Family Support Magistrate Division. The two key groups working on this issue were the *Problem Solving in Family Matters Committee* and the *Problem Solving in Family Support Magistrate Court New Haven Pilot Implementation Team*.

Problem Solving in Family Matters Committee

In January 2009, the Judicial Branch convened the *Problem Solving in Family Matters Committee*². Chaired by Judge Lynda Munro, Chief Administrative Judge, Family Division, the committee was charged with exploring the feasibility of creating a problem solving justice model to assist parents with cases in the FSM D by linking them to community services that would help them achieve the personal and economic stability needed to meet their support obligations. In June 2009, the committee produced a report that contained a variety of recommendations, including implementation of a pilot problem solving court session in either the Judicial District of New Haven or Waterbury. The report also recommended that the pilot program partner with community agencies to provide key services in areas such as, housing, employment, education, fathering/parenting, and mental health and addiction services.

New Haven Pilot Implementation Team

In November 2009, the Branch convened the *Problem Solving in Family Support Magistrate Court New Haven Pilot Implementation Team*³ to design and establish the recommended Problem Solving Pilot Program in New Haven. The implementation team was chaired by Chief Family Support Magistrate Sandra Sosnoff Baird. The team had Branch membership from the Family Support Magistrate Division, Support Enforcement Services (Child Support), Superior Court Operations (Court Clerk's Office), Court Support Services Division (Adult Probation and Family Services) and New Haven Family Alliance, Male Involvement Network (community input). The Team also consulted with a number of other organizations such as the Institute for Municipal & Regional Policy (Central Connecticut State University) and the City of New Haven Mayor's Office. Through these collaborative efforts within the Branch and with the greater New Haven community, the inaugural problem solving court session launched on January 27, 2010.

² See <http://www.jud.ct.gov/Committees/pst/problemsolving/default.htm> for the record of committee activities.

³ See http://www.jud.ct.gov/Committees/pst/problemsolving/NH_pilot/default.htm for the record of team activities.

Pilot Design

The Pilot heavily relies on a “collaborative justice” design using a team model. This design focuses on a non-adversarial team approach between the judicial authority, through the Family Support Magistrates; Support Enforcement Services, through a case manager; community resources and treatment providers; and the parties or litigants and their attorneys. A key element is a strong judicial role. This is accomplished through frequent status hearings before a dedicated Magistrate having direct interaction with the litigants. Sanctions and rewards, which replace the traditional coercive order of incarceration, are clearly defined and implemented. Active involvement by a Support Enforcement case manager provides additional follow through and links the participants to appropriate community-based programs and resources to address the parent’s identified barriers. The Pilot is designed to provide parents with increased resources and intensive monitoring in a supportive environment that provides sufficient time to address the personal challenges interfering with their ability to provide regular and reliable financial support for their children.

The Pilot activities fall into four phases: eligibility, assessment, problem solving hearing and non-hearing case management activities.

Eligibility Phase

In situations where an obligated noncustodial parent has failed to make child support payments, an obligated parent may be summoned to court to show cause as to why he or she should not be found in contempt. During a pre-hearing discussion with the obligated noncustodial parent, the Support Enforcement Officer asks a series of questions to determine if any of the following criteria are present:

- The parent reports having a criminal record.
- The parent reports an inconsistent record of employment or earnings.
- The parent reports a lack of secondary school education and/or skills necessary to meet basic employer requirements.
- The parent reports the existence of one or more personal factors (e.g. limited English proficiency, lack of housing, mental health needs, drug and/or alcohol abuse) that may be impeding his/her ability to fulfill the duty to support.

The existence of two or more of the above factors, plus the parent’s willingness to participate, makes a case potentially eligible for referral to the Pilot. The existence of the criteria is reported to the Family Support Magistrate presiding over the contempt docket. The Family Support Magistrate canvasses the obligated noncustodial parent and reviews the reported criteria. In addition, the Magistrate will determine if the custodial parent objects to transferring the case to the Pilot. If the Magistrate is satisfied that there is a substantial likelihood that the claimed barriers exist, the case is referred to the Pilot and an order is entered for the parent to meet with the SES problem solving case manager for a full assessment.

Assessment Phase

The SES case manager uses a formal, but streamlined intake procedure that moves potential participants rapidly through screening and assessment to formalized participant status. During this phase, the case manager meets with the obligated noncustodial parent and conducts a detailed assessment, using a variety of formal tools⁴. The assessment offers the Family Support Magistrate presiding in the problem solving court a detailed portrait of the obligated noncustodial parent's personal history and current needs. The assessment covers items such as educational and employment background, criminal history, housing and transportation needs, receipt of government benefits (e.g. SAGA, SNAP, SSI, SSDI), and whether the parent has government-issued identification documents such as a social security card or driver's license. The case manager also uses two screening tools to help determine whether the obligated noncustodial parent needs either substance abuse or mental health counseling or care. The Judicial Branch Protective Order Registry is also reviewed to determine if there are any active protective or restraining orders between the parents. Finally, if the custodial parent chooses to be an active participant in the process, the case manager will interview him/her to ensure that his/her concerns, opinions and needs are adequately addressed in the process.

Problem Solving Hearing Phase

Problem solving hearings are regularly held by a Family Support Magistrate who is dedicated to the Pilot. The court engages in direct conversation with the participants about progressive conduct and setbacks. The Family Support Magistrate, case manager, and community-based service providers, work collaboratively with the parents (and at times, their attorneys) to promote activities that are designed to provide personal and financial stability for the parents. Issues addressed by problem solving may include sobriety, lack of housing, the need for vocational and rehabilitation services or lack of education.

Rewards and sanctions are core elements of the hearing process. Frequent court monitoring provides judicial oversight that is intended to increase incentives for participant success. This includes positive feedback from the Magistrate, which focuses the parent's successes as barriers are addressed. This approach is designed to foster a relationship between the parents and the Magistrate which focuses on the common goal of successful completion of court ordered community-based programming.

Common behavioral modification techniques are used in the hearing phase. For example, general supportive comments from the Magistrate and other team members are designed to motivate and demonstrate support for the changed behavior. In addition, tangible rewards, or "tokens," such as journals and writing implements are used to assist participant performance.

⁴ The screening and assessment tools were collaboratively developed by the New Haven Pilot Implementation Team.

Failure to comply with the court orders will result in the imposition of sanctions. Ultimately, noncompliance with problem solving orders will result in the obligated noncustodial parent being removed from the Pilot and being referred for an immediate contempt hearing before a second Magistrate. At the contempt hearing, the obligated noncustodial parent faces potential incarceration until a purge, or a set monetary amount, is paid. The sanction for noncompliance is clearly and frequently articulated to the obligated noncustodial parent to increase the parent's understanding of the process and serve as an incentive for successful participation and compliance with the orders.

The Magistrate may impose graduated sanctions prior to removing a parent from the Pilot. These sanctions include, but are not limited to, more frequent court monitoring, increased participation in programming or more strenuous documentation of participation in court ordered programming.

In addition to the increased frequency of hearings, the Pilot hearing itself is unique in that each hearing is individually scheduled for a specific time and is allotted a half hour. This element of the Pilot uses scheduling as an additional reward or sanction for the participant's compliance with the court's orders. Because of the nature of some of the barriers presented, the Magistrate ensures that the participants are provided a meaningful opportunity to complete the programs and make measurable progress towards personal goals. The frequency of hearings or the period of time over which they are conducted is measured by behavior and progress towards the participant's goals. This type of judicial monitoring will continue until the obligated noncustodial parent is in a position to manage the personal challenges that have historically interfered with their ability to provide regular and reliable financial support for their children.

~A Parent's Story Continued~

She was ordered by the court to immediately arrange for mental health and alcohol treatment and her case was continued one week to check on her progress. Knowing she needed to be in treatment to avoid a contempt hearing for non-payment of child support, she applied pursuant to the problem solving court order for SAGA medical insurance and contacted a dual diagnosis treatment program.

At her continuance date, she reported back to court with SAGA medical insurance and an intake appointment scheduled for a dual diagnosis program. Ultimately she was admitted into an inpatient program for the time period of four to six months based on the findings from the intake. Arrangements were made for the court to monitor her progress throughout treatment.

Non-Hearing Case Management Activities

During the time between the hearing dates, the case manager will follow up with the obligated noncustodial parent to offer support and additional assistance if necessary. When appropriate, the case manager will contact community service providers to verify compliance.

The case manager is also available to speak with the custodial parent to ensure that the goals of the process meet the needs of the entire family. Finally, both parties will be reminded by telephone of the upcoming hearing. This extensive case management provides the obligated noncustodial parent with encouragement and support as he or she attempts to comply with the court orders. Activities, such as a telephone call to remind a parent of an upcoming court date, produces greater court attendance rates and better overall outcomes.

Information gathered during this phase of the process may be conveyed to the Magistrate at future problem solving hearings as it is directly related to the court's prior orders.

Personnel Requirements

The list below represents the Judicial Branch personnel assigned to the Pilot:

- One Family Support Magistrate
- One Support Enforcement Officer/case manager
- One Court Monitor
- One Temporary Assistant Clerk
- Access to Judicial Marshal as needed
- Access to a Family Services Officer as needed

The list below represents other Judicial Branch personnel associated with the management of the Pilot:

- Chief Family Support Magistrate
- Support Enforcement Services management staff
- Clerk's Office management staff

In addition to the Judicial Branch personnel, the following partners make staff available for the problem solving docket:

- Institute for Municipal & Regional Policy at Central Connecticut State University
- New Haven Family Alliance, Male Involvement Network

It is important to note that neither the Judicial Branch nor the partners received state funding for this Pilot. In order for it to be successful and possibly replicated in other locations, it is absolutely critical to have the necessary programs in place to assist the parents with their barriers. Without these programs, the problem solving pilot will not succeed. In addition to the programs, the Judicial Branch would require additional resources to replicate this labor intensive Pilot.

Outcome Measures

To ensure that the Pilot is fully evaluated for overall effectiveness, a number of outcome measures have been developed to correspond with specific pilot goals. These measures will assist the Pilot management team and the Judicial Branch to objectively assess the program's success.

Measurement categories (with goal) include:

- Current support collection rate
 - Goal: increase the number of cases with improved collection rate
- Total dollars collected
 - Goal: increase the number of cases with improved total dollars collected
- Frequency of child support payments
 - Goal: increase the number of cases with more frequent child support payments
- Court attendance rate
 - Goal: improve court attendance for problem solving participants
- Program participation (participation in appropriate community-based social service oriented programming)
 - Goal: increase program application rate
 - Goal: increase program eligibility rate
 - Goal: increase program attendance rate
 - Goal: increase program completion rate
- Order appropriateness
 - Goal: increase the percentage of cases with an order based upon actual earnings as determined by the Connecticut Child Support and Arrearage Guidelines
- Employment rate
 - Goal: increase the percentage of obligated noncustodial parents who obtain full-time employment (non-temporary)
- Access and visitation
 - Goal: increase the parent's ability to resolve access and visitation issues
- Overall Program Success
 - Goal: 50% of parents have underlying contempt action concluded (no finding of contempt) within 6 months from entry into pilot
 - Goal: 85% of parents have underlying contempt action concluded (no finding of contempt) within 12 months from entry into pilot

Data

Support Enforcement Services, in cooperation with the Family Support Magistrate Division, developed a comprehensive data collection tool to record demographic information as well as process and outcomes needed for assessing the success of the problem solving pilot. In addition, a data collection tool has been developed to assist the entire Family Support Magistrate Division in capturing the statewide referrals to community resources that provide job training, skill-building, work programs, educational services, and rehabilitation services.

~A Parent's Story Continued~

In the time that she has been in treatment for her mental health and substance abuse issues, she has become more verbal and is able to express herself in a manner that she could not at the beginning. According to her treatment providers, she has been making steady progress and is learning how to make and sustain healthy relationships with her peers. She is alcohol-free and is participating in intensive individual and group therapy. She has been prescribed medications needed for her mental health issues and has made steady progress.

Her presentation in court has changed dramatically since her first appearance in the problem solving pilot. She is now better able to communicate and make eye contact with the Family Support Magistrate. She is smiling and speaking on her own behalf about the progress she has made. She has thanked the custodial parent for his patience throughout the process. The custodial parent in the case is also impressed by the progress made. An exchange of phone numbers occurred so that she and the father could make arrangements for her to contact her child by phone if the child was willing to talk. Both parents left the courtroom with a sense of accomplishment and a willingness to try to repair years of hurt.

Volume of cases at the New Haven Pilot Program

As of May 5, 2010, there have been fourteen (14) problem solving court dates. Sixty-one (61) cases have been referred from the regular contempt docket for problem solving review and forty-seven (47) cases remain active. Fourteen (14) cases have been concluded for reasons such as: obligor's unwillingness to participate; securing full-time employment; or the Magistrate found the need for a full contempt hearing due to a failure to cooperate/comply with the problem solving consent order. It is important to note that the data that follows represents approximately only three months of Pilot activities, thus it is too early to draw any definitive conclusions from such data.

Demographics

As of May 5, 2010, forty-five (45) obligated non-custodial parents comprising sixty-one (61) cases have been referred to the Pilot.

The basic demographic information of the Pilot population is as follows:

Gender

- 86% are male
- 14% are female

Race

- 55% identify as Black
- 25% identify as White
- 20% identify as Hispanic

Age

- The average age of the parents is 36 years old

Education

- 41% of the parents have not graduated high school or received a GED

Past Due Support

- The average amount of past due support owed: \$16,600

The list below is a summary of issues facing the 45 obligated non-custodial parents (note that each parent has multiple issues):

- 77% are currently receiving some form of government assistance (e.g. medical, food stamps, SAGA, etc.)
- 73% have a criminal history (convictions)
- 60% do not have a valid driver's license
- 52% have substance abuse issues
- 48% do not have a reliable form of transportation
- 45% have mental health issues

The following is a summary of orders made by the Family Support Magistrate based on the preceding issues:

- 47% of obligors were referred to New Haven Family Alliance, Male Involvement Network for services such as: job readiness, parenting skills, personal finance skills
- 29% of obligors were ordered to apply for substance abuse treatment services
- 24% of obligors were ordered to apply for mental health services
- 16% of obligors were ordered to apply for social security benefits
- 9% of obligors were ordered to reentry services
- 9% of obligors were ordered to apply for SAGA benefits

Performance

Although the Pilot has only been in operation for a quarter of the year, some of the early payment related data is encouraging. The data below reflects the average payment pattern of the obligated noncustodial parents involved in the problem solving pilot.

<i>6 months preceding entering the Pilot</i>	<i>3 months after entering the Pilot⁵</i>
Average # of payments/month: 1.5	Average # of payments/month: 3
Average payment amount: \$50.58	Average payment amount: \$66.37
Average monthly payments: \$75.87	Average monthly payments: \$199.11

The early data indicates that, on average, parents in the Pilot have increased both the frequency and the amount of their support payments.

These increases have resulted in a 162 percent increase in child support payments. In addition, 42% of the parents have filed motions to have their support orders modified to an amount that more accurately reflects their current income.

Parent Satisfaction

As part of the overall assessment of the effectiveness of the problem solving model, the Judicial Branch partnered with the Institute for Municipal & Regional Policy at Central Connecticut State University. The Institute offered to conduct a survey to explore whether the parties were satisfied with their problem solving justice experience. The preliminary results are encouraging.

⁵ Note that the “after” data is based upon 15 weeks of information, and that no single case has exceeded 15 weeks in the Pilot.

"All respondents believed that they were treated fairly by both the Magistrate and Child Support Officer (100%). In addition, the majority of respondents reported their case was handled fairly by the court (96%) and the overall outcome and referrals matched their needs and current circumstances (93%).

Overall, both the obligated and custodial respondents (*18 in total*) appeared satisfied with the problem solving court model. Across all eighteen (18) satisfaction questions, the majority of survey respondents indicated a positive satisfaction rating; not one respondent strongly disagreed with any question.

The Child Support Officer seemed to establish a positive rapport with all respondents as 93% reported the Child Support Officer seemed interested in helping them, 96% felt the Child Support Officer treated them with respect and 96% reported they were provided with clear answers throughout the process.

Respondents also felt they were listened to by the court, as both the Magistrate and Child Support Officer took the time to understand the respondent's individual case. According to 93% of respondents, the hearing afforded time to adequately explain and discuss their circumstances with the court. To that end, 96% felt the court understood their particular needs. When it came time for the court to make a decision, the majority of respondents (93%) felt the court carefully considered what the respondent said.

Prior to the initial hearing, the majority of respondents (86%) felt the court was provided with all necessary information regarding their case. Once the hearing was over, 89% of respondents left feeling they had a good understanding as to what was happening with their case. Overall, instructions given by the court (Magistrate and Child Support Officer) were understandable according to 93% of respondents."⁶

Problem Solving Oriented Activities Not Associated with the Pilot

In addition to the comprehensive problem solving pilot in New Haven, Family Support Magistrates have been applying problem solving techniques and practices throughout the state, outside of the specialized court setting, pursuant to Public Act 09-175 to assist parents throughout the State. Since October 1, 2009, Family Support Magistrates have made over 925 referrals to community resources and state agencies. Parents have been referred to programs which provide job training, skill-building, work programs, educational services, and rehabilitation. The purpose of these referrals is to significantly increase the obligated noncustodial parent's ability to fulfill his or her duty of support within a reasonable period of time.

⁶ Ruffolo, L. and Payne, L., CCSU Preliminary Survey Results - Family Support Magistrate Court (Problem Solving Session) January 2010 to April 2010, Institute for Municipal and Regional Policy (CCSU)

Conclusion

At this time, early indicators support the preliminary conclusions that there is strong community support for the Pilot, that the participating litigants are satisfied with the Pilot, and that the Pilot is producing positive financial results for children. The Judicial Branch will continue to closely monitor and record all aspects of the performance outcomes previously outlined to provide a full, objective evaluation of the Pilot in July 2011. If the Pilot program proves to be successful, strong consideration must be given to the additional resources that would be required for the Judicial Branch to replicate this Pilot in other Judicial Districts.