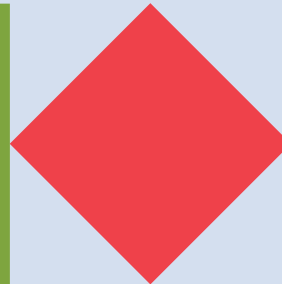


Testing a New Approach to Addressing Nonpayment of Child Support

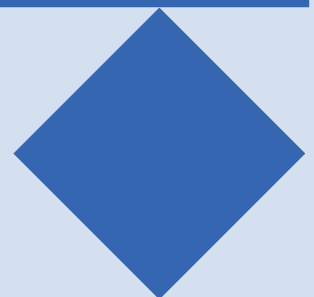
Effects of the Procedural Justice-Informed Alternatives to Contempt Demonstration

Melanie Skemer

Executive Summary



April 2023



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OVERVIEW

When a child does not live with both parents, the parent with whom the child does not live is known as the “noncustodial parent.” The noncustodial parent may be responsible for a share of the costs associated with raising the child. Parents who do not make their child support payments can be subject to enforcement measures such as license suspensions or interceptions of tax refunds. If these measures do not yield sufficient payment, child support programs can refer parents to the legal system for civil contempt of court. Civil contempt proceedings require noncustodial parents to attend hearings and may lead to arrest or jailing.

In recent years, some child support policymakers and researchers have questioned the fairness and effectiveness of pursuing civil contempt to secure child support payments, particularly for parents with low incomes. Civil contempt proceedings are costly, burdensome, and often counterproductive to the goals of the child support program. They can impede employment, increase child support debt, alienate noncustodial parents from their children, and decrease parents’ future cooperation.

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration tested a different approach to improving child support payments. Developed by the Office of Child Support Enforcement, it integrated principles of procedural justice (the idea of fairness in processes) into enforcement practices in six child support agencies across the United States as an alternative to standard contempt proceedings. PJAC services aimed to address noncustodial parents’ reasons for nonpayment, promote their positive engagement with the child support program and the other parent, and improve the consistency and completeness of their payments, all while avoiding a court-led civil contempt process.

The PJAC demonstration used a random assignment research design. Parents who had reached the point of a contempt referral were assigned either to a PJAC services group, which had access to child support services informed by procedural justice, delivered by a specially trained PJAC case manager, or to a business-as-usual group, which proceeded to the standard contempt process. This report compares the outcomes of parents in these two groups. Findings include:

- The PJAC intervention did not meet its primary goals of improving payment compliance and regularity. It generated a small but statistically significant reduction in payment compliance and had no effect on payment regularity.
- PJAC successfully reduced reliance on civil contempt filings, both in the year after study enrollment and over a longer time frame of 30 months. Notably, however, this effect is a feature of the demonstration design, in that parents assigned to the PJAC services group were diverted from contempt

- and, for the most part, were only referred to the contempt process if they were not responsive to their PJAC case managers.

All parents in the study were assessed as having an ability to pay. Nevertheless, both parents and child support staff members reported that, in actuality, many struggled with obtaining and maintaining consistent employment that paid enough for them both to meet their own basic needs and to make child support payments in the amount they were ordered. Noncustodial parents' difficulty meeting their child support obligations point to some of the limitations of the PJAC model: limited earnings may make it difficult for many parents to comply with their orders regardless of whether they perceive the process to be fair. However, it is noteworthy that only small decreases in payment outcomes accompanied PJAC's large reduction in civil contempt filings, suggesting that PJAC may still be a better option overall. A future report will compare the costs and benefits of PJAC services with those of business-as-usual child support enforcement.



ACKNOWLEDGMENTS

This report would not have been possible without the support of many individuals and organizations. In particular, the report and the research upon which it is based are funded by the U.S. Department of Health and Human Services, Administration for Children and Families (ACF), Office of Child Support Enforcement (OCSE). The Procedural Justice-Informed Alternatives to Contempt (PJAC) evaluation grant is overseen by the Georgia Department of Human Services. Review of study design and analysis was conducted by ACF's Office of Planning, Research, and Evaluation (OPRE). I am grateful to many individuals within these offices for their helpful comments on previous drafts, including Michael Hayes, Tanya Johnson, and Melody Morales with OCSE, and Megan Reid and Elaine Sorensen with OPRE.

I thank the many MDRC staff members, past and present, who made this report possible. Danielle Cummings and Brit Henderson led the development of the impact analysis plan. Brit Henderson oversaw and guided our data team in the early stages of creating impact outcomes. Jenny Hausler and Cassie T-Pederson wrangled all of the child support administrative records, patiently working their way through many data complications. Sally Dai processed the jail and employment and earnings data. Cynthia Miller served as impact adviser, providing expert consultation as the team conducted the impact analysis. Jacqueline Groskaufmanis developed the parent case studies presented in Chapter 3 of the report.

This report benefited greatly from review by Lily Freedman, Joshua Malbin, Dan Meyer, Cynthia Miller, Sarah Picard, and Louisa Treskon, who provided insightful comments. Kyla Wasserman was a treasured partner in identifying the policy implications of the impact results.

I sincerely appreciate the dedicated case managers, supervisors, attorneys, and other staff members at the child support agencies, and at their partner organizations, who participated in the PJAC demonstration: the Arizona Division of Child Support Services, Maricopa County; the California Department of Child Support Services, Riverside and San Bernardino Counties; the Ohio Office of Child Support, Franklin and Stark Counties; the Michigan Office of Child Support, Muskegon County; and the Virginia Division of Child Support Enforcement, Newport News and Richmond District Offices.

The PJAC team accessed and interpreted child support administrative records with the help of each site's PJAC manager and data providers. In particular, the following people tirelessly answered our many questions, ensuring we used their data correctly: Jonell Sullivan, Vanessa Taylor, and Roseanne Silva in Arizona; Will Williamson, Nathan Hartel, and Jaclyn Neal in California; Caitlin Campbell and Christy Nichols in Franklin County; Amy Rebideaux and Brian Weeden in Michigan; Ann Durkin in Stark County; Traci Lambert with the state of Ohio (covering both Franklin and Stark County data); and Michelle Franco and Kevin Butler in Virginia.

Jeanne Vaughn, Patrick Donohue, and James Lanholm at the Maricopa County Sheriff’s Office helped us access and interpret that office’s jail data. Many people at both OCSE and the Georgia Department of Human Services assisted in the process of sharing National Directory of New Hires data with MDRC. I am grateful to the large team that collaborated across organizations to make this data sharing possible.

I thank Joshua Malbin, who edited the report, and Ann Kottner, who designed it, formatted it, and prepared it for publication. Jayce Helpley fact-checked the report and coordinated its production.

Last, I would like to extend my gratitude to the many parents who participated in interviews and shared their experiences. Their voices are invaluable to this study and I am deeply appreciative of their contributions.

The Author



EXECUTIVE SUMMARY

When a child does not live with both parents, the parent with whom the child does not live is known as the “noncustodial parent.” The noncustodial parent may be responsible for a share of the costs associated with raising the child. The primary goal of child support programs is to improve children’s well-being by emphasizing the roles of both parents in providing for them.

Some families receive child support from noncustodial parents regularly. For other families, however, payments may be sporadic, partial, or nonexistent. Parents who do not make their child support payments can be subject to enforcement measures such as license suspensions, interception of tax refunds, or seizure of bank accounts.¹ If these measures do not yield sufficient payment, child support programs can refer nonpaying parents to the legal system for civil contempt of court. Civil contempt proceedings require noncustodial parents to attend hearings and may lead to arrest or jailing if they fail to appear in court or continue not to meet their child support obligations.

In recent years, some child support policymakers and researchers have questioned the fairness and effectiveness of pursuing civil contempt to secure child support payments, particularly for parents with low incomes. Civil contempt proceedings are costly, burdensome, and often counterproductive to the goals of the child support program. They can impede employment, increase child support debt, alienate noncustodial parents from their children, and decrease parents’ future cooperation with the program.²

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration project tested a different

¹ Enforcement measures are actions taken by child support agencies with the intention of collecting past-due child support and securing current and future payments.

² Elizabeth Patterson, “Civil Contempt and the Indigent Child Support Obligor: The Silent Return of Debtor’s Prison,” *Cornell Journal of Law and Public Policy* 18, 1 (2008): 95-142; Rebecca May and Marguerite Roulet, *A Look at Arrests of Low-Income Fathers for Child Support Nonpayment: Enforcement, Court and Program Practices* (Madison, WI: Center for Family Policy and Practice, 2005).

approach to improving child support payments. Developed by the Office of Child Support Enforcement (OCSE), it integrated principles of procedural justice into enforcement practices at six child support agencies across the United States as an alternative to standard contempt proceedings (see Box ES.1).³ Procedural justice, sometimes referred to as “procedural fairness,” is the idea that “how individuals regard the justice system is tied more to the perceived fairness of the *process* and how they were treated rather than to the perceived fairness of the *outcome*.”⁴ Research suggests that if people perceive a process to be fair, they will be more likely to comply with the outcome of that process, whether or not the outcome was favorable to them.⁵ With oversight from the Georgia Division of Child Support Services, MDRC led a random assignment evaluation of the model’s effectiveness in collaboration with MEF Associates and the Center for Court Innovation. PJAC services aimed to address noncustodial parents’ reasons for nonpayment, promote their positive engagement with the child support program and the other parent, and improve the consistency and completeness of their payments, all while avoiding a court-led civil contempt process. Between 2018 and 2020, eligible parents were randomly assigned either to a group offered PJAC services or to a business-as-usual group sent through standard contempt proceedings. The research team compared the outcomes of these two groups over time.

Box ES.1

The Five Key Elements of Procedural Justice as Applied to the Child Support Context

- **Respect:** Parents should believe they were treated with dignity and respect and their concerns were taken seriously.
- **Understanding:** Parents should understand the child support process and have their questions answered.
- **Voice:** Parents should have a chance to be heard by sharing their perspectives and expressing their concerns.
- **Neutrality:** Parents should perceive the decision-making process to be impartial.
- **Helpfulness:** Parents should feel that the child support agency was helpful and interested in addressing their situations.

This is the third major report in the PJAC evaluation.⁶ Earlier reports assess the implementation of the PJAC service model and detail the contrast in service and enforcement experiences between parents in the PJAC services and business-as-usual groups.⁷ Building on those findings, the present

³ These six participating PJAC study agencies are hereafter called “sites.”

⁴ Emily Gold, “The Case for Procedural Justice: Fairness as a Crime Prevention Tool,” *Community Policing Dispatch* (website: https://cops.usdoj.gov/html/dispatch/09-2013/fairness_as_a_crime_prevention_tool.asp, 2013).

⁵ Tom R. Tyler, “Procedural Justice and the Courts,” *Court Review* 44, 1 (2007): 26–31.

⁶ Additionally, there are nine practitioner-focused briefs, all available at: <https://www.mdrc.org/project/procedural-justice-informed-alternatives-contempt#related-content>.

⁷ Louisa Treskon, Douglas Phillips, Jacqueline Groskaufmanis, and Melanie Skemer, *Procedural Justice in Child Support Enforcement: Lessons from an Implementation Study of the Procedural Justice-Informed Alternatives to Contempt Demonstration* (New York: MDRC, 2022); Melanie Skemer, Jennifer Hausler, Olivia Williams, Louisa Treskon, and Jacqueline Groskaufmanis, *A Comparison of Approaches Informed by Procedural Justice and Traditional Enforcement in the Procedural Justice-Informed Alternatives to Contempt Demonstration* (New York: MDRC, 2022).



report analyzes PJAC's overall effectiveness at improving parents' payment and debt outcomes, along with outcomes in other domains, in the year following study enrollment. This analysis primarily draws on child support administrative records.⁸ A future publication will compare the benefits and costs of PJAC services with those of business-as-usual child support enforcement.

Characteristics of Parents in the PJAC Demonstration

The target population for the PJAC demonstration project was noncustodial parents who were at the point of being referred for contempt because they had not met their child support obligations, yet had been determined by child support agency staff members to have the ability to pay. They owed an average of \$26,000 in child support debt when they enrolled in PJAC and had been in the child support program for an average of 10 years.

Most noncustodial parents in the PJAC study had low reported incomes: just over half were formally employed in the year before their enrollment into the study, earning about \$5,000 in that year.⁹ Ninety percent were identified as male and 62 percent were identified as Black or Hispanic. The demographics of noncustodial parents in PJAC have important implications for thinking about their prior experiences with the child support program, employment, and law enforcement. Men of color, who make up the majority of noncustodial parents in PJAC, face higher rates of discrimination in the labor market and criminal legal system (issues that reinforce one another). Additionally, a higher percentage of Black and Hispanic men experience unemployment and underemployment.¹⁰

Service and Enforcement Differences Between PJAC and Business-as-Usual Services

For parents in the PJAC services group, PJAC case managers conducted in-depth case reviews, outreach and engagement with both parents, and case-planning activities to address underlying reasons for nonpayment and connect parents to services and other forms of support. The principles of procedural justice underpinned this intensive casework. While PJAC case managers did not engage and thoroughly serve all noncustodial parents in the year after their study enrollment—for example, they only succeeded in making contact with about two-thirds—those whom they did engage received a

⁸ Administrative records are data collected in the normal course of administering a program.

⁹ Formal employment is work with an employer that reported earnings to the government so that its employees would be eligible for unemployment insurance. Among only those parents who were formally employed in the year before study enrollment, annual earnings from that employment averaged \$8,819.

¹⁰ Harry J. Holzer, *Why Are Employment Rates So Low Among Black Men?* (Washington DC: Brookings Institution, 2021); U.S. Bureau of Labor Statistics, "Civilian Unemployment Rate" (website: <https://www.bls.gov/charts/employment-situation/civilian-unemployment-rate.htm>, 2022); Ryan Nunn, Jana Parsons, and Jay Shambaugh, "Race and Underemployment in the U.S. Labor Market," *Up Front* (<https://www.brookings.edu/blog/up-front/2019/08/01/race-and-underemployment-in-the-u-s-labor-market>, 2019); Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology* 108, 5 (2003): 837-975.

different set of services than parents in the business-as-usual group. Though some elements of the PJAC model were present in business-as-usual services, they were ad hoc and enforcement workers did not apply them systematically.

PJAC parents who participated in interviews reported improved interactions with their case managers relative to their business-as-usual peers in terms of experiencing the elements of procedural justice.¹¹ Additionally, compared with business-as-usual enforcement, PJAC services generated modest increases in parents' receipt of child support services such as order reviews, license reinstatements, and debt forgiveness, and a modest reduction in license suspensions, an enforcement action.¹² When examining PJAC's effects on civil contempt filings within one year of enrollment, the research team estimated a large reduction of about 60 percentage points.

Taken together, the implementation of core PJAC service components, effects on the receipt of child support services and enforcement actions (though these effects were generally modest), and substantial reductions in contempt filings reflect a meaningful service contrast. This contrast suggests that the evaluation provided a fair test of whether PJAC services were effective.¹³

Effects of PJAC Services After One Year

Table ES.1 presents PJAC's effects on confirmatory and secondary outcomes. This executive summary focuses only on these outcome categories; additional discussion of exploratory outcomes is available in the full report.¹⁴ Confirmatory and secondary outcomes were all measured using state child support administrative records.

Effects on Child Support Payments and Debt

- The PJAC intervention did not meet its primary goals of improving payment compliance and regularity. It generated a small but statistically significant reduction in payment compliance and had no effect on payment regularity.

As shown in Table ES.1, the first confirmatory outcome is the proportion of monthly child support obligation paid. This measure is intended to capture overall payment compliance. It is calculated as the sum of all payments a parent made across cases over the one-year follow-up period divided by the

¹¹ Louisa Treskon and Jacqueline Groskaufmanis, "Parents' Reflections on Their Experiences with the Child Support Program in the Procedural Justice-Informed Alternatives to Contempt Demonstration" (New York: MDRC, 2022).

¹² Order reviews are reviews of the terms of a child support order to determine whether a modification is warranted. Licenses can be suspended as a means of compelling payment and reinstated if sufficient payment is made or other terms are met. Debt forgiveness is when some amount of a parent's child support debt is forgiven, meaning it is no longer owed.

¹³ Skemer et al. (2022).

¹⁴ In an impact evaluation, confirmatory outcomes generally relate to the study's main research questions. They are selected before data analysis begins and are used to test whether the intervention succeeded. Secondary outcomes usually relate to the study's secondary research questions or reflect factors that may help explain effects on confirmatory outcomes. Exploratory outcomes are typically not directly connected to the main research questions and may be less likely to show an effect, but are still of interest for future research.



TABLE ES.1 Effects on Child Support Payments and Debt and Civil Contempt Filings After One Year

Outcome	PJAC Services Group	Business-as-Usual Group	Difference	90 Percent Confidence Interval
Confirmatory outcomes				
Proportion of monthly child support obligation paid ^a (%)	24.8	27.1	-2.3***	(-3.7, -0.9)
Proportion of months with any payment (%)	25.1	25.9	-0.8	(-2.0, 0.4)
Civil contempt of court filed (%)	20.9	80.0	-59.0***	(-60.9, -57.2)
Secondary outcomes				
Any payment made (%)	62.5	64.7	-2.2*	(-4.3, -0.1)
Total amount paid (\$)	1,156	1,315	-159***	(-256, -62)
Total debt amount in the final month of the follow-up period (\$)	28,291	28,230	60	(-485, 605)
Sample size (total = 5,628)	3,650	1,978		

SOURCE: MDRC calculations based on child support administrative data.

NOTES: Results in this table are regression-adjusted, controlling for pre-random assignment characteristics.

Rounding may cause slight discrepancies in sums and differences.

Statistical significance levels are indicated as: *** = 1 percent; ** = 5 percent; * = 10 percent.

The sample includes noncustodial parents enrolled from February 1, 2018, through April 30, 2019. Sample sizes by site are: Arizona = 963; California = 1,278; Franklin County = 908; Michigan = 825; Stark County = 904; Virginia = 750.

^aTo construct this measure, the research team had to address data gaps at a few sites. In Arizona, information on monthly obligations for child support debt was unavailable for almost all participants. Where data were available, the median order on debt was \$50, so \$50 was added to the calculation of monthly obligations in all months during which a case had a positive debt balance. In California, the team did not receive monthly obligation information in all months due to delays in initial file delivery and minor data issues. Where there were gaps, the research team filled them using information provided at study enrollment via the PJAC management information system and obligation amounts from adjacent months in child support administrative records. In Virginia, like Arizona, information on monthly obligations for child support debt was unavailable. According to the Virginia Division of Child Support Enforcement, the regulatory minimum order on debt is \$65 for an administrative child support order; this regulatory minimum also applies to judicial orders, though a court may deviate from this amount. In lieu of a better proxy, \$65 was added to the monthly calculation of orders for all cases with debts. Various sensitivity checks were conducted to see whether different assumptions would have affected the final results; there is little evidence to suggest they would have.

total amount the parent was ordered to pay across cases during that same period.¹⁵ PJAC services had a negative effect on the proportion of monthly child support obligations parents paid, reducing it from 27 percent to 25 percent. Though small, this effect is statistically significant.¹⁶ Notably, compli-

¹⁵ This measure of overall compliance differs somewhat from the measure that is typically used by the child support program. The standard child support measure focuses on current support on a monthly basis, and is intended to reflect reliability. To illustrate, the measure here treats a one-time payment of \$1,200 on a \$100 monthly current support order the same as 12 monthly payments of \$100 per month over a one-year period. The child support program measure considers the first case to have 8 percent compliance (1 month of compliance in 12 months, thus 1 divided by 12) and the second to have 100 percent compliance. Moreover, the child support program measure's compliance rates are often calculated without including orders on debt.

¹⁶ Statistical significance refers to differences that are larger than would generally be expected if an intervention had no true effect.

ance levels are quite low for both groups, suggesting that neither the standard contempt process nor the PJAC approach is particularly effective at increasing payment compliance.¹⁷

The second confirmatory outcome in this domain is the proportion of months with any payment. This measure calculates the number of months in the one-year follow-up period in which a parent had an open case and any payment was made, divided by the number of months in the follow-up period in which that parent had an open case.¹⁸ This measure is intended to capture the regularity of payments, as promoting regular payments was a main goal of the PJAC service model. The hope was that—contrary to the contempt process, which often compels one-time “purge payments” due to the threat of jail time—PJAC services could improve parents’ overall cooperation, resulting in more regular monthly payments on which families could rely. However, PJAC services had no significant effect on the proportion of months with any payment. Parents in both research groups made a payment in about one-fourth of follow-up months.

Secondary payment and debt outcomes include the proportion of parents who made any payment in the one-year follow-up period, the total amount they paid, and their debt level at the end of this period. PJAC is associated with statistically significant declines in both making payments and payment amounts. Sixty-three percent of parents in the PJAC services group made any payment in the one-year follow-up period and the average total payment for this group was \$1,156. Meanwhile, 65 percent of parents in the business-as-usual group made payments, and their average total payment was \$1,315. While a goal of PJAC services was to reduce debt, both by increasing payments and decreasing the amount owed through debt forgiveness and adjustments, the research team did not observe a statistically significant effect on this outcome. At the end of the follow-up period, parents’ debt levels were similar across research groups, at a little over \$28,000. A likely explanation for PJAC’s small, negative effect on compliance without a corresponding increase in parents’ debt levels is that PJAC decreased the amount parents owed through debt adjustment and forgiveness.

Effects on Civil Contempt Proceedings

- PJAC achieved its goal of reducing reliance on civil contempt filings, both in the year after study enrollment and over a longer time frame of 30 months, showing that the large, statistically significant effect persisted. Notably, however, this effect is a feature of the demonstration design, in that parents assigned to the PJAC services group were diverted from contempt and, for the most part, were only referred to the contempt process if they were not responsive to their PJAC case managers.

¹⁷ In the year before their enrollment into the PJAC study, parents paid about 17 percent of their total child support obligations, indicating that both PJAC services and the business-as-usual approach are associated with some improvement in payment compliance.

¹⁸ PJAC services had no effect on the number of months of the follow-up period in which parents had an open case.



As shown in Table ES.1, PJAC services led to a large, statistically significant reduction in civil contempt filings in the year following study enrollment.¹⁹ About 80 percent of business-as-usual parents had a civil contempt filing during this time frame compared with 21 percent of parents in the PJAC services group, amounting to an effect of 59 percentage points. This reduction in filings resulted in declines in subsequent aspects of the contempt process, such as being served with notice to appear in court, having a bench warrant issued, and attending court hearings (since the reduction in filings meant fewer parents in the PJAC services group were required to attend hearings, not shown).

However, given the findings presented in the previous section that show PJAC did not improve parents' compliance with their child support obligations, a natural question is whether PJAC's downward effect on civil contempt filings lasted beyond the first year. Did PJAC merely delay parents' experiences of the contempt process past the initial follow-up period for the study, with filings coming later as parents continued not to make their required payments despite receiving PJAC services? To address this question to the extent possible, the research team extended the time frame for its analysis of PJAC's effects on civil contempt filings from 12 months following study enrollment to 30 months following study enrollment. This 30-month measure includes three sites—Arizona, Michigan, and Virginia—as these were the sites where sufficient follow-up data were available.

PJAC did sustain its effect on civil contempt filings over this longer, 30-month follow-up period. While the percentage of parents with a contempt filing increased slightly for both groups over time (to 87 percent of parents in the business-as-usual group and 31 percent of parents in the PJAC services group), the difference between the two groups remained large, at 56 percentage points.²⁰ In interviews, PJAC case managers said they generally referred parents for contempt only if they were not responsive or if the custodial parent was pressing for a contempt filing. Payment was not necessarily a criterion, as it was for business-as-usual parents, thus explaining the lower contempt filing rate for parents in the PJAC services group even in the absence of improved payments. Therefore, even at 30 months, it appears that the effect on contempt filings is largely a feature of the intervention and study design.

Notably, extending the follow-up time frame to 30 months means that all parents' follow-up periods include months after the start of the COVID-19 pandemic. The pandemic disrupted child support and court operations and made child support staff members more reluctant to refer parents for contempt

¹⁹ The shorter-term measure of civil contempt filings, based on a one-year follow-up period, was conceived of as both a measure of service contrast and an impact outcome. It is a measure of contrast in that it reflects a difference in the service experiences of the two research groups that occurred as a direct result of the intervention and study design. Simultaneously it can be thought of as an impact outcome in that, for the PJAC services group, it measures how effective PJAC services were at engaging parents in activities aimed at increasing their payment compliance so that PJAC case managers did not resort to contempt filings. Thus, the contempt filing outcome measures the performance of the PJAC intervention at reducing the use of contempt, a central goal of the project.

²⁰ Among the three sites that contribute to the 30-month contempt filing measure, 22 percent of parents in the PJAC services group and 86 percent of parents in the business-as-usual group received a contempt filing in the first 12 months of the follow-up period.

The research team measured the percentage of parents in each research group who had any contempt filing during a 30-month follow-up period. It is possible that, in addition to being more likely to have had any contempt filing during this time frame, parents in the business-as-usual group may also have been more likely to experience multiple contempt filings. Due to data limitations, the research team cannot investigate this question empirically.

due to its economic fallout (as described in a previous report).²¹ The longer-term effect on contempt filings may have looked different in a more typical context.

Discussion

PJAC services significantly reduced contempt filings by nearly 60 percentage points in the year following study enrollment. The difference in contempt filings was a feature of the demonstration design and it was effectively implemented. Parents in the PJAC services group could have been referred to contempt in large numbers if they refused to comply with PJAC services. Instead, only about one-fifth of PJAC parents were referred to contempt during the 12 months following study enrollment. This marked reduction in contempt persisted when the follow-up time frame was extended to 30 months. Overall, this longer-term effect reflects a continuing decision by PJAC staff members to defer contempt filings for parents in the PJAC services group as long as they were responsive to outreach efforts, regardless of their level of payment compliance. This choice was probably in recognition that, in many instances, parents' underlying reasons for nonpayment required a longer period to resolve. Reducing reliance on contempt was a central aim of the PJAC model, one that was successfully met.

The overarching goal of PJAC, however, was to increase reliable child support payments and compliance with child support orders by improving noncustodial parents' perceptions of fairness in the child support process, thereby making them more likely to comply with their orders. Contrary to the goals of the intervention, PJAC services slightly decreased child support compliance and did not affect payment regularity. It is noteworthy, however, that only small decreases in payment outcomes accompanied PJAC's substantial downward effect on contempt filings.

All parents in the study were assessed as having an ability to pay as a condition of their contempt referral and study eligibility. However, the research team learned both from parents and child support staff members that, in actuality, many parents struggled with obtaining and maintaining consistent employment that paid enough for them both to meet their own basic needs and to make child support payments in the amount they were ordered. This enhanced understanding of parents' true ability to pay probably contributed to PJAC case managers' continued deferral of contempt filings. Both staff members and parents cited employment struggles as the primary reason for child support nonpayment, as previous PJAC evaluation briefs and reports describe.²² Administrative data from the National Directory of New Hires corroborate these struggles: fewer than half of parents in both research groups had formal employment in the year after study enrollment and, among those who did, annual

²¹ Skemer et al. (2022).

²² Danielle Cummings, "Who Is at Risk of Contempt of Court for Child Support Noncompliance?" (New York: MDRC, 2020). Treskon, Phillips, Groskaufmanis, and Skemer (2022); Treskon and Groskaufmanis (2022).



earnings from that employment hovered a bit over \$11,000, a figure that is below the federal poverty line for a one-person household.²³

Regardless, these findings suggest that a substantial portion of parents being sent to contempt do not have a current ability to pay, calling into question the validity of the screening tools and processes that child support agencies use when conducting ability-to-pay assessments. Common approaches to such assessments include checking state and national employment databases for evidence of employment in recent quarters, reviewing social media accounts for evidence of having recently spent money, and confirming the absence of an inability to pay (that is, being incarcerated, disabled, or otherwise unable to work).²⁴ These methods can fail to account properly for an individual's actual ability to find and keep employment that would make complete child support payments possible. Child support agencies may benefit from more robust guidance regarding how to assess parents' ability to pay. This guidance should take into account local labor market conditions, racism in hiring and wages, and the effects of mental health and substance use disorders on job stability. At the same time, if the child support program wishes to avoid applying enforcement measures to parents without a true ability to meet the terms of their child support orders, obligation amounts should be set within parents' means from the point of establishment, in accordance with federal guidance, and be more responsive to fluctuations in parental income over time.²⁵

A previous PJAC report focused on parents' perspectives found that parents in the PJAC services group reported improved interpersonal interactions with child support staff members and greater experiences of procedural justice principles relative to parents in the business-as-usual group. However, their overall perceptions of the child support program remained negative. Noncustodial parents may have felt that their case managers listened to them or tried to be helpful, but those perceptions did not seem to translate into them feeling that child support was taking their financial circumstances into account in setting their order amounts or using enforcement actions.²⁶ In addition, as parents described in interviews and as other studies have corroborated, factors other than perceptions of fairness influence the regularity and completeness of child support payments.²⁷ Noncustodial parents' difficulty meeting their child support obligations point to some of the limitations of the PJAC

²³ Office of the Assistant Secretary of Planning and Education, "2018 Poverty Guidelines" (website: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2018-poverty-guidelines>, 2018); Office of the Assistant Secretary of Planning and Education, "2019 Poverty Guidelines" (website: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2019-poverty-guidelines>, 2019); Office of the Assistant Secretary of Planning and Education, "2020 Poverty Guidelines" (website: <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2020-poverty-guidelines>, 2020).

²⁴ The limitations of sites' screening approaches have been discussed in a previous PJAC publication. See Cummings (2020).

²⁵ Office of Child Support Enforcement, "Final Rule Summary" (website: https://www.acf.hhs.gov/sites/default/files/documents/ocse/fem_final_rule_summary.pdf, 2017).

²⁶ While the PJAC model emphasized order modifications, only about 9 percent of parents in the PJAC services group received a modification during their one-year follow-up periods. State guidelines govern order setting and eligibility for modifications, and those guidelines meant that many parents probably could not receive modifications and continued to have orders that outstripped their ability to pay; the same may have been true even for parents who did receive modifications. See Skemer et al. (2022) for additional information about order modifications in the PJAC demonstration.

²⁷ Lisa Klein Vogel, "Help Me Help You: Identifying and Addressing Barriers to Child Support Compliance," *Children and Youth Services Review* 110, 2 (2020): 104763.

model: limited earnings may make it difficult for many parents to comply with their orders regardless of how fair they perceive the process to be. Procedural justice cannot address the structural barriers many noncustodial parents face in the labor market.

While the PJAC model was not designed to address parents' employment challenges, inadequate earnings seem to be at the heart of nonpayment for many parents in the PJAC study, indicating that many parents at the point of contempt referral are unlikely to be able to make the payments expected of them. Notably, other initiatives aimed at tackling employment issues for similar populations of parents have met with limited success.²⁸ This lack of success is probably a reflection of the scale of the problem: the U.S. economy is one in which workers with limited skills and education or past involvement with the criminal legal system often struggle to earn a living wage. A different policy tool outside the typical child support toolbox will probably be needed to tackle this systemic issue.

Regardless of the PJAC impact results, all people engaging with social service programs should be treated fairly and with respect. Procedural justice remains an important and useful framework to be applied by social service agencies. Additionally, PJAC is an example of applying procedural justice to child support at a late stage in that process, after parents have already had substantial, formative interactions with the system. It is possible that interventions that aim to incorporate procedural justice earlier in the process could prove more effective. At the same time, it is important to understand the limitations of the PJAC model in improving child support compliance for parents who have reached the point of a contempt referral, so that new solutions can be identified to assist families in need of additional financial resources.

Looking Forward

A future report will compare the costs and benefits of PJAC services with those of business-as-usual child support enforcement, allowing practitioners and policymakers to understand the economic costs or benefits of adopting the PJAC service model.

²⁸ Danielle Cummings and Dan Bloom, *Can Subsidized Employment Programs Help Disadvantaged Job Seekers? A Synthesis of Findings from Evaluations of 13 Programs*, OPRE Report 2020-23 (Washington, DC: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services, 2020); Maria Cancian, Daniel R. Meyer, and Robert G. Wood, *Final Impact Findings from the Child Support Noncustodial Parent Employment Demonstration* (Madison, WI: Institute for Research on Poverty, 2019); Kyla Wasserman, Lily Freedman, Zaina Rodney, and Caroline Schultz, *Connecting Parents to Occupational Training: A Partnership Between Child Support Agencies and Local Service Providers* (New York: MDRC, 2021).

