

Judicial Council of California

CALIFORNIA'S CHILD SUPPORT COMMISSIONER SYSTEM:

An Evaluation of the First
Two Years of the Program



May 2000

Judicial Council of California .
ADMINISTRATIVE OFFICE OF THE COURTS

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EXECUTIVE SUMMARY

The child support commissioner system, which consists of child support commissioners and family law facilitators, was implemented in 1997 by Assembly Bill 1058 (Speier) (Stats. 1996, ch. 957) to further the goal of making the child support system speedy, efficient, conflict reducing, cost effective, and accessible to families. This report constitutes findings of the evaluation of the child support commissioner system, mandated by Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249).

Eleven counties (which account for 61 percent of California's population) were selected to evaluate the child support commissioner system in depth. Court data was collected and analyzed from the study counties that had automated systems. Six focus groups composed of child support commissioners, family law facilitators, and district attorneys from the study counties were conducted by independent, non-Judicial Council researchers to provide qualitative data on program strengths and weaknesses, barriers to optimal program performance, and strategies to overcome barriers and improve the program.

In addition, all counties' child support commissioners and family law facilitators were surveyed to document local changes or enhancements to Title IV-D child support court and family law facilitator resources, facilities, services, and procedures as a result of AB 1058. Information on child support commissioner and facilitator professional qualifications and experience and professional development activities also was collected. Customer satisfaction data was also analyzed.

After two years of statewide implementation, the following were found to be strengths of the child support commissioner system:

- Systemwide structural changes to the child support system have taken place that build courts' capacity to process child support cases: child support commissioners are established in all California counties but one, and family law facilitator offices are in place in every county. Changes in forms and

procedures as a result of AB 1058 also have increased efficiencies in how cases are processed.

- Child support commissioners and family law facilitators have many years of specialized experience: on average, commissioners as a group practiced family law approximately 13 years, and family law facilitators practiced family law approximately 12 years, before assuming their new roles in this program.
- Families' access to the child support process has been significantly increased by the family law facilitators' assistance and information.
- Speed and efficiency in processing child support cases in courts were improved as a result of the assistance provided by the family law facilitators. Also, because child support commissioners are dedicated to hearing IV-D cases, they have the knowledge, expertise, and consistency that allow them to institute efficiencies in their courts.
- Conflict between parties was reduced as a result of family law facilitators' efforts to educate litigants on the child support process, and as a result of efforts made by many facilitators to help parents work out child support agreements.
- Good working relationships among district attorneys, child support commissioners, and family law facilitators have led to greater efficiency and less conflict among these system partners.
- Focus group participants reported that the child support system is fairer as a result of the child support commissioner system because of efforts made by child support commissioners to give time and attention to Title IV-D matters and by the assistance that family law facilitators provide to noncustodial parents.
- Available data on customer satisfaction shows an almost totally positive response.

- Focus group participants perceived the child support commissioner system to be cost effective because of the efficiencies it created in the overall child support system. The child support commissioner system also builds on existing resources, and two-thirds of its program costs are federally funded.
- The education and training opportunities provided by the Judicial Council contribute to the professional development of child support commissioners and family law facilitators and encourage more uniformity and the development of best practices.

Weaknesses of the child support commissioner system itself centered on the lack of uniform procedures across counties, which was identified as an impediment to fairness, access, and efficiency. Also, some role conflict among district attorneys, child support commissioners, and family law facilitators was noted. Finally, the filing fees and the economic consequences of missing work to attend court were viewed as barriers to greater participation in the child support process, particularly with respect to low-income parents.

Other weaknesses identified by focus group participants affected the optimal performance of the child support commissioner system but were not directly attributable to it. They centered on the lack of a statewide automated child support information system and the consequences of federal penalties associated with the lack of such a system; large arrearages that are difficult, if not impossible, for low-income obligors to pay; the complexity of child support issues in contrast to the ability of many unrepresented litigants to resolve them without substantial help; and the low status of child support in courts and in district attorney offices. As an outcome of the evaluation process itself, we found that improvements are needed in court data systems to generate reliable management information.

This evaluation concludes that the objectives of the child support commissioner system are being met, and that courts, through efforts to streamline the process and help litigants through it, play a significant part in improving the overall child support system. That larger system is influenced by much more than what occurs in court, however.

Key recommendations are intended to encourage certain structural changes to improve system efficiency, particularly with respect to system automation and uniformity.

1. The Judicial Council has put in place a process for defining, collecting and reporting data from courts to the Administrative Office of the Courts: the Judicial Branch Statistical Information System (JBSIS). Because accurate collecting and reporting of data depend on uniform data definitions, it is recommended that the Judicial Council direct staff to do the following in order to ensure that JBSIS reports are useful for state program monitoring, evaluation, and analysis:
 - Work with the courts, including child support commissioners, family law facilitators, and the new California Department of Child Support Services (CDCSS), to ensure that data definitions are uniform; and
 - Provide assistance in training court personnel to enter and report the defined data accurately in order to meet JBSIS requirements.

Additionally, staff should continue to work with the family law facilitator program to collect uniform, statewide data.

2. Coordination of the courts, the CDCSS, and the Franchise Tax Board is essential to ensure the success of the automated statewide child support data system currently under development. To maximize the efficient handling of child support cases, an automated interface between the statewide automated child support data system and the courts' automated systems should be developed. The courts, the CDCSS, and the Franchise Tax Board should work cooperatively on system design and implementation to ensure that the automated statewide child support data system is capable of electronically exchanging data to the maximum extent feasible.
3. The Legislature has mandated that the CDCSS develop uniform forms, policies, and procedures for the child support program. Such uniformity is not only essential to

the success of the statewide automated system, it also ensures the fairness of a statewide child support commissioner system that consistently applies the same rules and procedures in each of its jurisdictions. The Judicial Council is responsible for the creation and adoption of court forms and rules of court for the child support commissioner system. The Legislature has directed the CDCSS to solicit input from a wide variety of participants in the system. Child support commissioners, family law facilitators, and other court staff need to be active participants in this process.

To that end, the Judicial Council is working with the CDCSS to convene a statewide conference in June 2000 to address uniformity issues. The invitees to the conference include child support commissioners, Title IV-D court clerks, family law facilitators, and representatives of the district attorneys' offices, as well as representatives of the CDCSS, the Franchise Tax Board, and the federal Office of Child Support Enforcement.

4. Existing law makes visitation timeshare a critical component of the child support guideline. Federal funds, which make up 66 percent of the funding for the child support commissioner system, are limited to child support only and cannot be used for custody and visitation issues. A consistent theme in the evaluation focus groups was that parents would like to resolve all of their child-related concerns at one time. Therefore, it is recommended that the CDCSS ask the federal Office of Child Support Enforcement to expand the use of Title IV-D funds to assist parents in resolving custody and visitation issues connected with their child support cases.
5. The evaluation workgroup recommended that evaluation of the child support commissioner system be an ongoing endeavor for program improvement. Evaluations are resource intensive. The Judicial Council recommends that the Legislature provide \$300,000 per year in funds for ongoing evaluation of the program. Issues for further study may include:

- **Increased collections through participation:**

Most child support commissioners, family law facilitators, and district attorneys who participated in the evaluation believe that a noncustodial parent who understands and participates in the process to determine support payments is more likely to pay support than a noncustodial parent who does not participate at all. A longitudinal study would be needed to test this hypothesis.

- **Fewer continuances:**

The family law facilitators, child support commissioners, and district attorneys who participated in this evaluation believed that there were fewer continuances and cases taken off-calendar as a result of the assistance provided by the family law facilitators. Courts would need to develop systems to document these outcomes.

- **Unmet needs of litigants:**

It appears that needs of unrepresented litigants are not being met by the existing level of funding for family law facilitator services. Long lines or long waits for appointments to see facilitators have been reported. There is also concern that the level of service currently available to persons whose primary language is other than English may not be adequate. An additional \$2.074 million was appropriated for the facilitator program by Senate Bill 240 (Speier) (Stats. 1999, ch. 652), but it had not been allocated to the courts at the time the data for this evaluation was collected. Therefore, empirical studies of unmet needs should be conducted to determine the level of resources required to ensure that family law facilitator services, often the gateway to the courts for resolving child support issues, meet the needs of the community.

There also will be costs with regard to developing automated interfaces between the statewide automated child support data system and the courts, but those costs cannot be determined until the statewide system is designed and specifications are known.

INTRODUCTION

The child support commissioner system, which consists of child support commissioners and family law facilitators, was implemented in 1997 by Assembly Bill 1058 (Speier) (Stats. 1996, ch. 957) to further the goal of making the child support system speedy, efficient, conflict reducing, cost effective, and accessible to families. This report constitutes findings of the evaluation of the child support commissioner system, mandated by Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249), modifying Family Code section 4250.

Key themes run throughout this report:

- Since the implementation of AB 1058, additional changes have been made to the overall child support enforcement system, so a meaningful evaluation must focus on the effects of these systemic changes;
- Because the child support commissioner system is part of a larger system, program objectives interact with and affect one another; and
- Establishing, enforcing, modifying, and maintaining child support is a complex process involving complicated legal, social, and personal issues.

The child support commissioner system enabled by AB 1058 is part of a larger system that establishes, enforces, and collects child support. The larger child support system comprises local child support agencies (at the time of this evaluation, the district attorney offices), the California Department of Social Services (CDSS), the California Franchise Tax Board, the California Attorney General's Office, the California Department of Motor Vehicles, the California Employment Development Department, the federal Office of Child Support Enforcement, and state and federal lawmakers. The system also includes the parents and children whose lives are affected by system policies and practices. This evaluation describes the program now in place in the courts; however, a complete evaluation of the child support commissioner system must also include its effect on the larger child support system.

It is important to distinguish between a system goal, which is a unifying and long-range purpose, and objectives, which are ways in which the goal is achieved. Focus group data collected as part of this study shows that the system goals identified in Family Code section 4252 actually are system objectives. These objectives support what program providers most identified in this study as a unifying goal of the program, which is ***to create a system that provides appropriate and timely support to children through a fair process.***

Fairness means a system that

- Gives both parents ***access*** to the process;
- ***Reduces conflict***—between the parents, and also between the various parts of the system;
- Balances ***speed and efficiency*** with ***due process***; and
- Is ***cost effective***—for the parties and the public.

In addition, a fair process is one in which a set of rules and procedures is consistently applied.

The system objectives do not function independently, but instead interact with one another. In the context of a system, this interaction is expected and appropriate—one objective affects another because they are linked. One of the key frustrations when the evaluation design was first developed was that the objectives appeared to be unworkable because they conflict. If the objective is speed, without regard to access, then the speediest system establishes orders with the least possible involvement of the obligor. If the objective is to provide better access to the process, without regard to speed and efficiency, then courts could be overwhelmed by unproductive procedures.

A better way to view the system objectives is to see them as integrated into a balanced whole. For example, the desire to obtain speedy orders should not unfairly limit a parent's legitimate right to be heard. Similarly, the interest in reducing conflict, a common occurrence when money issues are raised

between estranged parents, should not override the need to ensure that children are appropriately supported.

The challenge for a well-working child support commissioner system, then, is to develop ways to implement the system objectives so that the ultimate program goal, appropriate and timely support to children through a fair process, is achieved. An example of this balanced approach might be a system that is committed to reducing conflict between the litigants by taking the time to educate them on the process and their mutual rights and responsibilities as parents, with prompter, more consistent child support payments as its ultimate goal.

It must be emphasized that establishing and enforcing child support is complex for a number of reasons, many of which are beyond the direct control of the child support system:

- ***California's population is highly transient.*** Many residents move from county to county, state to state, and often, country to country, making it difficult to locate obligors and consolidate and enforce multiple orders.
- ***Child support cases are dynamic.*** They involve parents' employment status and income, health insurance coverage, family composition, age and location of the children, and other economic and demographic factors, all of which can change often throughout the years that a child support order may be in effect. The duration of a case, which may be 18 years or longer, coupled with changing family and economic circumstances, can make child support cases difficult to track and administer over time.
- ***Child support issues often are intertwined with highly charged interpersonal and complex legal issues*** surrounding child custody and visitation.
- ***Responsibility for establishing and enforcing child support orders is shared*** by multiple governmental partners, the performance of each of which depends on the other, but which often operate independently.

These factors, combined with California's volume of cases, 62 percent higher than in any other state,¹ make the effort to improve this vast and complex system a daunting undertaking. Nevertheless, profound changes in California's child support system have taken place over the past several years to improve its accessibility to families, reduce conflict, and make the system speedier and more efficient.

This report describes the effects of a change that took place in one part of the larger child support system with the creation of the child support commissioner system. The report emphasizes what is now different about the child support system in California as a result of this new system. The report also assesses the effect of these changes on achieving system objectives, identifies barriers to achievement of these objectives, and recommends further action needed to improve the child support commissioner system.

We gathered quantitative evaluation data from a variety of primary sources: surveys of child support commissioners and their courts, surveys of family law facilitators, and comment sheets from parents receiving family law facilitator services. We analyzed quantitative data generated from court data systems from selected counties. We also conducted focus groups to collect qualitative data from child support commissioners, family law facilitators, and district attorneys—key child support system partners.

Three factors complicated this evaluation:

- At the time the child support commissioner system evaluation was begun, the program was only two years old, and many of the program procedures and supports were newly in place.
- Statewide uniform data was unavailable for the family law facilitators and the child support commissioners.
- Halfway into the evaluation, sweeping legislation was enacted that transferred responsibility for administering the

¹ California State Auditor, Child Support Enforcement Program: Without Stronger Leadership, California's Child Support Program Will Continue to Struggle (August 1999) p. 6.

child support enforcement program from district attorney offices to local child support agencies. In January 2000, a new state agency, the California Department of Child Support Services, replaced the California Department of Social Services as the state control agency. The transition of the local administration of the Title IV-D child support program from district attorney offices to local child support agencies is required to begin in January 2001 (with some counties electing to make the transition earlier). Although the data collection period for this study ended before the new legislation took effect, it must be emphasized that this evaluation occurred in a context of program upheaval and uncertainty. Participants in focus groups conducted in this study were aware of these changes, and it may have affected their responses.

BACKGROUND OF THE CHILD SUPPORT COMMISSIONER SYSTEM

The child support commissioner system, in which every county has both a dedicated child support commissioner and a family law facilitator, was created in 1997 as a result of AB 1058 (Speier) (Stats. 1996, ch. 957) in an effort to improve the manner in which child support was collected by the state. Many features of AB 1058 were based on the results of a December 1995 report issued by the Governor's Child Support Court Task Force, whose mission was to:

... make recommendations to modify the current judicial system, and/or devise other appropriate processes as necessary to create an efficient, humane and effective process for the expedited handling of child support cases as required by law.²

Among the recommendations of the task force were that

- An expedited process for hearing district attorney child support cases needs to be established in the courts, using commissioners instead of judges;
- Centers should be established in each county to provide education, information, assistance, and referrals for parents with child support cases;
- The Judicial Council and Legislature should adopt simple, streamlined, uniform procedures and forms;
- The Judicial Council should provide coordination, training, and support services for the child support commissioner system in local courts; and
- Automation and other technology for processing cases should be optimized by the courts.

² California Department of Social Services, Child Support Court Task Force Report (December 1995) p. 1.

In response to the task force recommendations, the Legislature enacted AB 1058, which provided state funding for the child support commissioner system and implemented two key components of this system: ***child support commissioners*** and ***family law facilitators***.

Child Support Commissioners

Child support commissioners specialize in hearing IV-D cases, which are child support cases brought by the district attorney. These cases are referred to as “IV-D cases” because Title IV-D of the Social Security Act (42 U.S.C. § 601 et seq.) requires each state to establish and enforce support orders when public assistance has been expended on behalf of the custodial parent. Title IV-D also requires the state to establish and enforce support orders when requested to do so by a parent who is not receiving public assistance.

The child support commissioner system began as a response to crisis in the child support system. The reasons for the crisis were economic and programmatic. California’s depressed economy in the late 1980s and early 1990s resulted in a skyrocketing welfare caseload. Along with this growing welfare caseload came an increased number of IV-D child support cases. At the same time they were coping with these increasing caseloads, district attorney offices also were directing staff resources to try to implement the State Automated Child Support System, a statewide automated child support tracking system that ultimately failed.

The result was a large backlog of cases filed by the district attorney offices and awaiting adjudication. From 1991 to 1995, child support caseloads within the district attorney offices statewide doubled, from nearly 1.1 million cases to over 2.2 million cases.³ At the same time, district attorneys were required to meet federal expedited process standards, which require that child support and, if necessary, paternity orders, be established within certain time frames.⁴ It became clear that

³ California Department of Social Services, Child Support Management Information System (CSMIS) Report, 1993–94.

⁴ Time frames for disposition specify that 75 percent of the actions must reach disposition within 6 months of service of process, and 90 percent of the actions must reach disposition within 12 months of service of process.

court resources would need to be directed to meet increased demand from district attorneys to calendar and hear these cases.

By the mid 1990s, several large California counties began to experiment with a new model of court service delivery. With the help of funding from district attorneys, bench officers dedicated to hearing IV-D child support matters were used and were successful in helping to clear the backlog of cases. By 1996, twenty counties had established such specialized courts.

In 1995, the *Child Support Court Task Force Report* recommended that child support commissioners in all counties be established as part of an expedited process to hear IV-D cases. Not only would this address the courts' capacity to process IV-D cases, but it also provided a cost-effective way to fund these services during a time of chronic state and local budget shortfalls in California. In recommending that child support commissioners, rather than superior court judges, be used to hear IV-D cases, the Governor's Task Force recognized that federal funding could be used to help offset the increased costs to state and local government that might be incurred with a new statewide program.

In 1997, AB 1058 was enacted. Pursuant to Family Code section 4251(a), all actions or proceedings filed by the district attorney in a support or enforcement action are referred for hearing to a child support commissioner. AB 1058 provided the funding for the superior courts to hire these child support commissioners and support staff. Under AB 1058, the appropriate amount of court time for IV-D cases is allocated, and these cases are heard by a judicial officer who is well versed in child support and the deadlines inherent in IV-D cases. AB 1058 also required the adoption of uniform rules of court and forms for Title IV-D child support cases.

A cooperative agreement between CDSS and the Judicial Council provides for full state funding by CDSS (with two-thirds of the funds provided by the federal government) for the commissioners and their support staff. Commissioner funding for state fiscal year (SFY) 1997–1998 and SFY 1998–1999 was \$30 million, and for SFY 1999–2000 it was \$30.14 million.

Family Law Facilitators

The family law facilitator component of the child support commissioner system was created in large part also as a response to a crisis: the growing number of unrepresented litigants involved in IV-D child support cases. A study by the Judicial Council of 2,987 child support cases from July 1995 through December 1996 found that neither parent was represented in 79.2 percent of the cases involving the district attorney.⁵ There was concern that these unrepresented parents, particularly noncustodial parents, were shut out of the court process as the number of default judgments climbed. In the Judicial Council study, nearly 75 percent of district attorney cases proceeded by default.⁶

The Governor's Child Support Court Task Force was concerned that parents who are not represented become frustrated with the child support process, even if they try to participate. Advice and consultation regarding their cases are not readily available, and they have trouble presenting their cases in court. Consequently, parents may harbor negative feelings about the process, which they do not understand and by which they may feel unfairly treated. In particular, the task force was concerned that parents' anger and disenfranchisement could lead to a lack of compliance with court orders. The task force recognized that if family law information and assistance were made available to all unrepresented parents with child support issues, these concerns would be addressed. Based on the success of two pilot projects in San Mateo and Santa Clara counties, the task force recommended that such services be made available statewide.

The Office of the Family Law Facilitator was created by AB 1058. The Office of the Family Law Facilitator in each county is staffed by an experienced family law attorney, who is appointed by the superior court of each county. The facilitator provides education, information, and assistance to parents with child support issues. The facilitator provides these services to

⁵ This number includes custodial as well as noncustodial parents, because the district attorney is not considered to represent the custodial parent in support matters. Judicial Council of California, Review of Statewide Uniform Child Support Guidelines 1998 (1999) p. 6-21.

⁶ *Id.* at p. 6-17.

either or both parents, and no attorney-client relationship is created. The services of the facilitator are provided at no cost to the parents.

Pursuant to Family Code section 10004, the services provided by the family law facilitator include, but are not limited to:

- Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the courts;
- Distributing necessary court forms and voluntary declarations of paternity;
- Providing assistance in completing forms;
- Preparing support schedules based upon statutory guidelines; and
- Providing referrals to the district attorney, family court services, and other community agencies and resources that provide services for parents and children.

Pursuant to Family Code 10005, the superior court of each county may designate by local rule additional duties of the family law facilitator. These additional duties may include, but are not limited to:

- Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance;
- Drafting stipulations to include all issues agreed to by the parties;
- In cases set for hearing, reviewing the paperwork, examining documents, preparing support schedules, and advising the judge on the readiness of the case to proceed;
- Assisting the clerk in maintaining records;
- In cases where both parties are unrepresented, preparing formal orders consistent with the court's announced order;

- Serving as special master in proceedings and making findings to the court (unless the facilitator has served as a mediator in that case);
- Assisting the court with research and any other responsibilities that will enable the court to be responsive to litigants' needs; and
- Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will help unrepresented and financially disadvantaged litigants gain meaningful access to family court.

The cooperative agreement between the Judicial Council and CDSS provides funding for family law facilitators, again with a two-thirds federal contribution. In SFY 1997–1998 and SFY 1998–1999, funding for family law facilitators was \$8.7 million, and in 1999–2000, the funding was increased by Senate Bill 240 (Speier) (Stats. 1999, ch. 652) to \$10.774 million.

In 1998, Assembly Bill 2498 (Runner) (Stats. 1998, ch. 249), modifying Family Code section 4252, was enacted, which required the Judicial Council to evaluate the new program.

EVALUATION DESIGN

Family Code section 4252(b)(8) required the Judicial Council to convene a workgroup to advise the Judicial Council on criteria for evaluating the successes and failures of the child support commissioner system.

Evaluation Workgroup

The evaluation workgroup was convened on May 5, 1999, and represented public and private interests in child support: child support commissioners, family law facilitators, court executive officers, county district attorneys, court clerks, child support advocates, custodial and noncustodial parents' organizations, private practice family law attorneys, staff of the Assembly and Senate Judiciary Committees, and the California Department of Social Services. *(Please see Appendix A for a roster of workgroup members.)*

The workgroup meeting was divided into small discussion groups, in which overall evaluation goals, research design, ways to measure key evaluation concepts, and potential sources and limitations of data were discussed in detail. Results of these small group discussions were shared and discussed with the group at large. Minutes and group discussion notes were consolidated into a summary distributed to the workgroup members.

The evaluation workgroup meeting resulted in recommendations for overall evaluation design and a comprehensive list of possible outcomes, ways to define and measure the outcomes, and possible sources of data. The workgroup made the following general evaluation design recommendations:

- The evaluation of the child support commissioner system should be ongoing and ultimately directed toward long-term program improvement;
- Existing data should be used as much as possible in the evaluation;

- Data collected over time should be collected consistently, so that change can be measured reliably;
- Factors beyond the control of the child support system should be identified;
- The most current data available should be used; and
- A variety of quantitative and qualitative data collection strategies should be used.

Research Questions

The workgroup identified the following as central research questions:

- **What structural, systemwide changes have occurred in California's child support system as a result of AB 1058?**
- **How comprehensive are the services provided by the child support commissioner system?**
- **Are the services provided effective, as measured by the responses to the following questions:**
 - **How accessible is the child support commissioner system?**
 - **How speedy and efficient is the child support commissioner system?**
 - **Does the child support commissioner system reduce conflict?**
- **Is the child support commissioner system cost effective?**

Evaluation Plan

Following the guidance of the evaluation workgroup, Judicial Council staff developed an evaluation plan. As part of the plan development, staff conducted a data inventory of existing data sources. A statewide survey of court administrators, technical staff, and clerks was conducted to assess the feasibility of accessing court information systems to obtain data for the

evaluation. Staff also outlined methods of collecting new data not available from existing sources.

The evaluation plan consisted of the following:

- Ten to 12 counties would be selected to evaluate the child support commissioner system in depth. Counties would be selected based on their representativeness with respect to geographic location, socioeconomic characteristics, and the accessibility of existing data in court information systems.
- All counties' child support commissioners and family law facilitators would be surveyed to document local changes or enhancements in IV-D child support court and family law facilitator resources, facilities, and procedures as a result of AB 1058. Information on child support commissioner and facilitator professional qualifications and experience and professional development activities also would be collected.
- Focus groups comprising commissioners, family law facilitators, and district attorneys would be conducted by independent, non-Judicial Council researchers to provide qualitative data on program strengths and weaknesses, barriers to optimal program performance, and strategies to overcome barriers and improve the program.
- IV-D data would be collected from existing court data systems in the counties selected for in-depth analysis.
- Existing facilitator records on the number of clients served, customer demographics, type of assistance given, and customer satisfaction would be summarized, to the extent they are available.

Primary data collection and analysis activities took place from June through October 1999, and follow-up data collection and verification activities took place through March 2000. *(See Appendix B for a detailed description of the methods used for each of the sources of data mentioned here along with copies of each of the data collection instruments.)*

Counties Selected for In-Depth Analysis

Table 1 shows the counties selected for in-depth analysis and some of their demographic and automation characteristics.

TABLE 1

CHARACTERISTICS OF STUDY COUNTIES

County	Population ⁷	County Size	Location	Families in Poverty as a Percent of All Families ⁸	Total CalWORKS Recipients 1999 ⁹	One-month Sample of Support Cases, April 1998 ¹⁰	Automated Court Data System?
California	<i>34,036,000</i>			<i>9.3</i>	<i>1,819,698</i>	<i>16,575</i>	
Fresno	794,200	Medium	Central	16.8 ▲	83,972	531	Yes
Glenn	26,900	Small	North	13.3 ▲	2,030	10	No
Los Angeles	9,790,000	Large	South	10.4 ▲	659,473	2,873	Yes
Orange	2,813,700	Large	South	4.1 ▼	62,694	963	Yes
Riverside	1,504,100	Large	South	8.4 ▼	74,722	793	Yes
San Diego	2,883,500	Large	South	8.1 ▼	104,896	2,687	Yes
Santa Clara	1,717,600	Large	North	5.7 ▼	18,420	1,024	Yes
Shasta	165,000	Small	North	11.0 ▲	12,486	105	Yes
Sutter	77,700	Small	North	13.3 ▲	4,140	45	Yes
Tulare	365,400	Medium	Central	18.0 ▲	37,061	216	Yes
Ventura	751,600	Medium	South	5.0 ▼	41,430	306	Yes
SUBTOTAL	20,889,700				1,101,324	9,553	

⁷ California Department of Finance, County Population Estimates and Components of Change, 1998–1999, with Historical Estimates, 1990–1998 (February 2000).

⁸ ▲ or ▼ indicates whether a county was above or below the state poverty rate. This data is based on poverty data from the 1990 Census and calculated for Job Training Partnership Act, Service Delivery Areas, in a custom analysis by the United States Census Bureau, and shows the rates for the principal service delivery area only. The data is as of January 10, 2000. Rates for only the primary service delivery areas are shown. Some service delivery areas are excluded from Orange, Los Angeles, and Santa Clara counties. California Employment Development Department, Labor Market Information, Social & Economic Data, Table 5, Job Training Partnership Act, Planning Information for Service Delivery Areas, Selected Characteristics by Age <<http://www.calmis.ca.gov/htmlfile/subject/s&etable.htm>> (as of April 12, 2000).

⁹ California Employment Development Department, Labor Market Information, Social & Economic Data, Table 1, Public Assistance Recipients by Program, 1997–1998 <<http://www.calmis.ca.gov/htmlfile/subject/s&etable>> (as of April 12, 2000).

¹⁰ California Department of Social Services (CDSS), Expedited Process Report, (Draft) State Fiscal Year 1998–1999. These are only the cases that were entered into expedited process (cases with completed service) for a one-month period for that year; they are not total caseload figures. This data was provided to CDSS by the counties.

The counties selected for in-depth study are a mix based on county size, geographic location, and percentage of families in poverty. Together, the 11 counties account for 61 percent of the total statewide population, 60.5 percent of the statewide total of CalWORKS recipients, and 57.6 percent of a statewide one-month sample of IV-D support cases. Six counties have a higher rate of families in poverty than the statewide rate, and five counties have a lower rate.

DATA LIMITATIONS

Before the evaluation findings are discussed, the limitations of the data collected from court data systems need to be understood. Unfortunately, limited court data hampered the extent to which change over time in court events could be measured.

The core quantitative analysis for this study was based on information collected from selected automated court data systems on case characteristics and events that took place both before and after AB 1058 implementation. An extensive process took place to identify counties with systems that contained target data and that could produce case-specific data electronically going back three years. Eighteen court data systems were identified that appeared to meet these criteria. Ten counties ultimately were selected for the study based on a combination of the availability of automated data and the representativeness of the county demographic characteristics.¹¹ One additional county, while not automated, was included in the target counties to represent a small, rural Northern California county, bringing the number of total target counties to eleven.

Of these 10 counties that, at first, appeared to meet the data system criteria, only 4 counties were able to report the data within the study request time of two months. One county was able to report most of the data, but it took four months, and the files were fragmented. One county was able to report within six months of the request, but could report only summary, rather than case-specific, information. Four counties could not produce reliable electronic files. In one of these counties, relatively complete data was available from the district attorney's office. In another, very limited data was available from the district attorney's office. District attorney data was used to the extent it was available.

The evaluation of the child support commissioner system was hampered by the lengthy and, ultimately, frustrating process of

¹¹ Los Angeles County was selected not because of its data system, but because it represents such a large proportion of child support cases in California.

obtaining automated case-specific data from courts. Several data elements originally sought for this evaluation were unavailable for analysis because they were not collected at all, were incomplete, were defined inconsistently from county to county or entered inconsistently by staff within the same county, or could not be retrieved electronically from the data system.

A combination of factors appears to explain the inability of most counties to readily generate these electronic reports:

- ***Environmental:*** Counties were undergoing Y2K conversions and other system upgrades at the time of the evaluation request. Courts were, and still are, undergoing significant transitions from relying on county information technology departments to developing their own technology infrastructure, staffing, and court management systems and other technology resources as a result of the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850).¹²
- ***Technical:*** Very few systems were capable of generating ad hoc reports, that is, reports that the user customizes as needed. Most of the court data systems in the targeted evaluation counties were rigid, unable to retrieve data unless it was contained in preprogrammed reports. Although these systems may do an adequate job in managing information case by case, they lack the flexibility to be useful for management analysis.
- In some counties, data was scattered and fragmented throughout the various system databases, or was maintained in more than one system. Sometimes data was stored in different places and in different ways, depending on the time period. Some systems were designed as calendaring systems and could not manage more complex case information, let alone produce analytic reports. In some courts, automated data was not converted into new systems, or even archived and saved.

¹² The Trial Court Funding Act realigned funding for local court operations from counties to a state budgeting process administered by the Administrative Office of the Courts.

- **Training:** In some counties, data entry was inconsistent over time and from staff person to staff person. In some courts, program staff was unfamiliar with what data was recorded and stored in the automated system, and technical staff was unfamiliar with court procedures. Without program and technical staff integration and training, program staff cannot use systems to their optimal degree, and technical staff cannot develop a system that meets the needs of the program.
- **Uniformity:** There was a general lack of uniformity in how case characteristics and activities were defined and counted. For example, one county counted “judgments vacated” as judgments that had been reversed on appeal, while another county counted these as motions granted to set aside a judgment. Obviously, a comparison between these two counties of the number of judgments vacated would be meaningless, because very different events were being counted.

Of course, this describes a selection of counties that experienced difficulty in generating reports for this study. Four of the study counties were able to produce complete and timely data, and there are probably others not included in the study group that have well-working systems. However, when county program and information systems staff were surveyed in May and June of 1999, fewer than half of California counties had automated systems that could readily produce the basic case characteristic and event data needed for this study.

DATA IMPROVEMENTS

The Judicial Council and trial courts have recognized that improving data systems is a priority. Several projects are under way in the courts and in family law facilitator offices that will build the infrastructure at the local level and allow data to be shared locally and with the state.

Court Data

The Administrative Office of the Courts is spearheading an effort to standardize data definitions and reporting through the Judicial Branch Statistical Information System (JBSIS). Statewide implementation of JBSIS has been stymied by insufficient funding for necessary modifications to existing systems and the replacement of obsolete systems.

To help counties meet JBSIS standards for district attorney child support cases, \$422,450 in AB 1058 funds was awarded to 13 counties. Several other counties were able to use existing AB 1058 funds for the same purpose. To date, however, only three counties have been able to report data electronically.

Significant changes are occurring as a result of the Lockyer-Isenberg Trial Court Funding Act, which envisions trial courts as components of a statewide judicial system, rather than autonomous local entities. Until recently, trial courts were funded primarily by their counties. Consequently, they were not adequately funded to meet statewide standards, had no reason to account to the state in detail for technology expenditures, and lacked incentives to participate in coordinated information initiatives.

Centralized funding for trial courts has renewed a commitment to building a coordinated and integrated statewide technology infrastructure for all courts. Toward that end, the Strategic Plan for Court Technology was adopted on January 1, 2000. The plan proposes a change in the way the judicial branch manages, procures, and accounts for its technology. The plan also encourages courts to work together to consider, refine, and

apply statewide directives to meet their needs and those of the Administrative Office of the Courts and the state.

Some courts have recognized that significant efficiencies can be realized not only by internal technology improvements but by coordination of automated information maintained by district attorneys. Los Angeles County, for example, launched an ambitious project to transfer automated case filing information from the district attorney to the court data system.

The IV-D court program in Los Angeles County was unable to provide standardized electronic statistics on child support cases for this study. In spite of having the largest caseload in the state, prior to 1997 the IV-D court relied on a manual system for filings and calendar preparation.

In 1997, the District Attorney's Office, Bureau of Family Support Operations (BFSO), approached the court and presented a plan to electronically file complaints to establish child support and parentage when necessary. In this process, the BFSO would enter all relevant case data into its automated case management system. Once entered, this information on new cases would be electronically transmitted to the court overnight, creating electronic case records for court use. The complaints and accompanying documents would be printed in the court clerk's office the following business day. This information also would be sent to two other court data systems: to one that produces a civil index used for reference and to the court's existing case management system.

The court used AB 1058 funds to help fund the conversion of its existing operating system from MS-DOS to Windows. The new system was installed in the court in April 1999, and in the last of the four domestic support courts in Los Angeles County in July 1999. When fully operational, the court system will receive new case information from BFSO, register actions, track files, prepare calendars, and produce minute orders. The system soon will be configured to produce statistical reports.

Los Angeles County is an example of how courts and district attorneys can work together to build better data-sharing strategies and improve the use of technology. As information is shared between systems, the data entry burden is reduced, fewer data entry errors occur, data definitions are more uniform and

used more consistently, and the overall quality of the data is improved.

Family Law Facilitator Program Data

AB 1058 provided resources to assist family law facilitator offices with technology and automation improvements. All family law facilitator offices received desktop computer systems with a full complement of office software.

Because AB 1058 created the family law facilitator component of the child support system, facilitator offices needed to start anew with program data collection design. Beginning in the first year of implementation, family law facilitators worked with staff from the Administrative Office of the Courts to develop program data requirements that family law facilitators would find useful for program management and that would meet the information needs of the Administrative Office of the Courts.

The Automated Family Law Statistical Data Project was a joint effort between the Administrative Office of the Courts and family law facilitators to develop data collection and reporting mechanisms for family law facilitator offices. The pilot project was launched in Stanislaus, Sierra, Nevada, Marin, and Sutter counties. Forms were developed to record sociodemographic information on customers served by family law facilitators, the child support issues that they needed help with, and the services they received. Using Scantron technology, a system was designed to streamline data collection and reporting for family law facilitators. This system will be among the options available to family law facilitators for statewide data reporting.

While this effort was under way, many family law facilitator offices developed automated program data systems of their own. The family law facilitator in Riverside County, for example, designed an Excel-based data collection system that generates quick tallies of services provided. The Los Angeles Office of the Family Law Facilitator collaborated with its county information services to create an online, real-time data collection and reporting system. The system is designed to operate on a network, so that multiple sites can access the data entry screen simultaneously. Reports are generated on staff resources, case characteristics, and services provided. Plans are

under way to make this technology available to interested family law facilitator offices statewide.

Beginning July 1, 2000, family law facilitators will collect uniform data on the number of customer encounters, customer characteristics, case information, services provided, and service settings in quarterly reports to the Administrative Office of the Courts. Family law facilitators will be able to select a variety of reporting methods: hard-copy reports, electronic reports using a standard record layout, and Scantron reporting.

EVALUATION FINDINGS

The evaluation findings are organized according to the evaluation workgroup research questions.

WHAT STRUCTURAL, SYSTEMWIDE CHANGES HAVE OCCURRED IN CALIFORNIA'S CHILD SUPPORT SYSTEM AS A RESULT OF AB 1058?

The workgroup's first research question addresses the first step in evaluating any program, and that is, what changes in facilities, staffing, forms and procedures, and program infrastructure such as automation took place as a result of statewide program implementation?

All counties (except for one small, remote county) have child support commissioners dedicated to hearing IV-D cases; family law facilitator services are available in every county.

All counties but one now have dedicated IV-D child support commissioners.¹³ In all, there are 50 full-time-equivalent (FTE) positions for child support commissioners. Not all counties, however, have full-time child support commissioners, and some counties have more than one full-time child support commissioner. In 23 rural counties, the child support commissioner serves more than one county. Nine counties have more than one FTE child support commissioner position. These counties are either populous, urban counties or rural counties with large IV-D caseloads. The remaining counties have one full-time child support commissioner.

There are a total of 50 FTE family law facilitator positions statewide. Just as with commissioners, not all counties have full-time family law facilitators, and some have more than one full-time facilitator. Statewide, there is a total of 69 full- or part-time facilitators. Thirty counties have at least one full-time

¹³ Modoc County does not have a dedicated AB 1058 child support commissioner because it does not have a caseload to justify even a part-time position.

family law facilitator (including two counties that have one full-time and one part-time facilitator), 26 counties have part-time facilitators, and 2 counties have more than one part-time facilitator.

Child support commissioners and family law facilitators have specialized background and qualifications.

Capacity to hear child support matters expeditiously or provide assistance to unrepresented litigants involves more than facilities and staff numbers. The specialized experience that child support commissioners and family law facilitators bring to the process improves system efficiency and the quality of services.

Child support commissioners practiced law an average of 18 years before going on the bench. Twenty commissioners (38 percent) practiced 20 years or more, and the range of experience was from 8 to 34 years. The average number of years that commissioners practiced family law was 13. Twenty-five commissioners (47 percent) practiced family law 15 years or more. Fifteen commissioners (28 percent) were Certified Family Law Specialists prior to their judicial appointments.

Twelve child support commissioners surveyed in this study were formerly with district attorney family support offices. In these commissioners' view, firsthand familiarity with district attorney deadlines and procedures helps them speed the processing of cases and reduces conflict between the court and the district attorney.

The facilitators are attorneys who have had significant experience practicing family law. On average, the facilitators practiced family law for over 12 years prior to beginning their facilitator duties. Six of the facilitators (10 percent) are Certified Family Law Specialists.

Fourteen of the facilitators (23 percent) have served as judges or commissioners pro tem. Six of the facilitators have taught family law or related subjects at California law schools, while four of the facilitators have taught subjects relating to family law at the college level. Two facilitators have taught family law in courses conducted for the continuing education of California judges.

Family law facilitators also are engaged in community-based legal assistance. Forty-two of the facilitators (70 percent) did volunteer work relating to family law before assuming their current duties. Examples include handling family law cases on a pro bono basis; volunteering at family law clinics, domestic violence shelters, and legal aid clinics; and volunteering as mediators. Eight facilitators have received awards from their colleagues for their family law work and commitment to the field of family law.

Family law facilitators participated in other community services. Forty-seven family law facilitators have done community service work, including serving on the boards of various community organizations, such as hospitals, the Association for Retarded Citizens, advocacy groups for the homeless, and prisoners' organizations.

Other staff support program activities.

Staffing includes not only commissioners, but the staff necessary to support court activities and provide security. Table 2 shows the court staff other than child support commissioners.

TABLE 2

OTHER COURT STAFF

Type of Staff	Full-Time Equivalent
Court clerk	58
Other clerical	94
Bailiff/security	59

Other court staff reported included administrative staff, court reporters, and interpreters.

There is a wide range of staffing patterns in the facilitators' offices statewide. Urban counties may have multiple facilitators who are assisted by paralegals, administrative staff, court clerks, and law students. In rural settings, on the other hand, two counties may share one facilitator with part-time or no support staff. Twenty-two counties have at least some full-time support staff, 26 counties have part-time support staff, and 10 counties

have no support staff. The facilitator offices with only part-time or no support staff typically are in rural areas.

Paralegals are part of the facilitator’s staff in 26 counties. Court clerks are part of the facilitator’s staff in 12 counties. Five counties reported “other assistance,” such as an information systems analyst, document reviewers, and court processing specialists.

Many facilitators’ offices have been able to augment the level of service provided to the public by obtaining volunteers and/or interns through partnerships, such as those formed with their local bar associations, legal services groups, and law schools. Twenty-seven counties reported that they had formed partnerships with a legal services program, law school, local bar association, or nonprofit or other community organization.

Table 3 shows the number of counties in which facilitator offices have formed partnerships.

TABLE 3
FACILITATOR PARTNERSHIPS

Type of Partnership	Number of Counties
Legal services program	17
Bar association	13
Law school	12
Nonprofit organization	9
Other	9

The types of partners reported in the “other” category included a community college, California State University at Chico, women’s services groups, and a domestic violence center. These partnerships increase service to the public through attorney and lay volunteer assistance and promote the visibility of facilitator services in the community.

Facilities are available for court hearings and family law facilitator services.

In almost all counties, IV-D hearings are held in a courtroom in the main county courthouse. In Los Angeles County, two full

floors of an entire courthouse in downtown Los Angeles, Central Civil West, are dedicated to hearing and processing child support matters. The courthouse also houses the family support division of the district attorney's office. Several counties operate branch IV-D courtrooms.

Forty-six counties reported that at least one courtroom for hearing cases is available on a regular basis, and in six of these counties, more than one courtroom is available. Three counties reported that a courtroom is available on a part-time basis. Five counties reported that a courtroom is not used at all; instead, cases are heard in the commissioner's office, the board of supervisors chambers, a small hearing room, or the jury room. All of these counties are smaller or rural counties.

Noncourtroom facilities that commissioners reported included clerk's offices or workspaces, litigation conference rooms, waiting rooms, record storage areas, child care space, a combined family law facilitator and family court services office, a district attorney quasi-satellite office, a family law assistance center, and a training hall.

All fifty-eight counties have an Office of the Family Law Facilitator. Forty counties (69 percent) reported that their facilitator's office is located in the courthouse. Five of these 40 counties have more than one site for the facilitator's office in their county, and thus have a facilitator office located in the courthouse and one or more offices located elsewhere in the county. The facilitators' offices in the remaining 18 counties (31 percent) are located away from the courthouse.

Court services are regularly available during the week in most counties.

Statewide, child support commissioners are available to hear IV-D child support matters three days per week on average. Table 4 shows the number of days per week that IV-D child support matters are heard by child support commissioners in each county.

TABLE 4**COURT AVAILABILITY**

Number of Days per Week	Number of Counties¹⁴
5 days per week	18
3 or 4 days per week	10
1 or 2 days per week	19
Other	8

Child support commissioners from rural counties were most likely to report other, more intermittent schedules. Most typically, these schedules were one to three days per month. Increasingly, courts are using telephone hearings to make court services more accessible, particularly in these rural areas.

Family law facilitator services are available during the week in all counties.

Family law facilitator offices in populated urban counties were more likely to be open five days per week, but several rural counties had facilitator offices open five days per week as well. Many family law facilitator offices have multiple sites, and many family law facilitators conduct workshops, clinics, and outreach at various community sites, such as schools and jails. Table 5 shows the number of days per week family law facilitator offices are open in each county.

TABLE 5**FACILITATOR OFFICE
BUSINESS HOURS**

Number of Days per Week	Number of Counties
5 days per week	31
3 or 4 days per week	17
1 or 2 days per week	10

¹⁴ These numbers do not add to 58 because one commissioner who serves three counties did not respond.

AB 1058 increased the capacity of IV-D courts and provided new services for parents.

Before the child support commissioner system was implemented, IV-D child support cases were heard by family law or other superior court judges or by locally funded commissioners. The child support commissioner system provided a stable source of funding for dedicated IV-D court services throughout the state.

Since AB 1058 was implemented, the number of courts dedicated to IV-D cases, staffing, and days of operation all have increased, as Table 6 shows.

TABLE 6
INCREASES IN COURTROOMS AND STAFFING

	Number Before AB 1058	Number After AB 1058	Percent Increase
Courtrooms	37	66	+78%
Commissioners	17.75 FTE	50 FTE	+181%
Days of operation	1.3 (avg.)	3 (avg.)	+130%

Thirty-six counties (63 percent) that now have at least a part-time child support commissioner had no child support commissioner prior to the implementation of AB 1058. Thirteen counties (23 percent) reported no change in the number of commissioners before and after AB 1058 was implemented. In these counties, AB 1058 replaced the county or the district attorney’s office as a funding source for the existing child support commissioner program. The remaining eight counties (14 percent) reported adding more time to existing part-time child support commissioner positions or adding new positions.

A significant increase in the IV-D courts’ capacity to assist unrepresented litigants is due to the establishment of family law facilitator offices in every county as a result of AB 1058. Although legal services may have been available in many counties prior to AB 1058, most of the family law facilitator offices are close to or in the courthouse and offer

comprehensive information, assistance, and referral services targeted at child support issues at no charge to the customer.

Simplified rules, forms, and procedures were adopted.

AB 1058 required the Judicial Council to “adopt uniform rules of court and forms for use in Title IV-D support cases” (Fam. Code, § 4252(b)(4)). Since the enactment of AB 1058, the Judicial Council has adopted or revised numerous forms and rules in response to this requirement (as well as adopting other changes in the child support program, such as federal and state welfare reform and child support reform passed by the Legislature in 1999). Instruction sheets were also provided with many of the forms to make them easier to understand and complete.

One of the most significant changes in IV-D forms and procedures brought about by AB 1058 was the creation of simplified summons, complaint, and answer forms as required by Family Code section 17400 (formerly Wel. & Inst. Code, § 11476.1). The Judicial Council developed these forms in consultation with several specified groups, including the Department of Social Services and the California Family Support Council. These new forms and procedures are another example of how AB 1058 is working to create a system that balances speed and efficiency with due process.

As permitted by section 17400, the summons and complaint were combined into a single form. The form notifies the defendant that he or she has been named as the parent of the children named in the complaint and provides the defendant with notice of the amount of child support being sought under the California child support guideline, as well as the fact that health insurance is sought for the children. The form also gives the defendant notice of the proposed judgment, described in the following paragraph.

The Answer to Complaint or Supplemental Complaint Regarding Parental Obligations provides the defendant with a simple document to use if he or she wishes to oppose a Summons and Complaint or Supplemental Complaint Regarding Parental Obligations. It allows the defendant to admit or deny that he or she is the parent of any of the children named in the complaint by checking a box. The form requests

that a genetic test be done to determine parentage of any of the children that the defendant denies and allows the defendant to agree or disagree with the other allegations in the complaint.

The proposed judgment is served with the summons and complaint and gives the defendant notice of exactly what the court will order if he or she does not file an answer to contest the complaint (as required by Fam. Code, §§ 17400(c)(2) and 17430). If the defendant does not file an answer, the court signs the proposed judgment exactly as it was served, except that the box indicating that it is a final judgment is checked. However, if the defendant does file an answer, the form accommodates the judgment ordered by the court at a hearing.

Another important change in procedure brought about by AB 1058 is the automatic joinder of the parent who is not the defendant (usually the custodial parent) once a support order is made by the court. After this joinder takes place, either parent may raise issues of custody, visitation, and restraining orders in the action. Prior to AB 1058, these issues could be brought only in a private action for dissolution, separation, nullity, or parentage.

HOW COMPREHENSIVE ARE THE SERVICES PROVIDED BY THE SYSTEM?

Comprehensiveness of services addresses the scope and geographic distribution of services.

Courts provide services that help litigants to participate more fully in court proceedings and obtain other social services.

In the child support commissioner system, the primary services provided by courts are hearings and other services that help litigants gain access to the court process to resolve child support matters. The most immediate outcome of these services is the establishment or enforcement of orders.

In addition to hearings, courts provided an array of information and referral services that help litigants access and participate in the court process or obtain other social support services. Table 7 lists the most frequently reported services other than hearings provided in IV-D courts.

TABLE 7**IN-COURT SERVICES**

Type of Service	Number of Counties
In-court translation/interpreter services	56
Handouts, videos, or Web sites on child support	45
Information and referral services to litigants on issues other than child support, such as domestic violence services and prevention programs, parenting programs, alcohol and drug treatment services, and job training and education for low-income families	37
Other translation services	27
Referral to attorney services (including public defenders and court-appointed attorneys)	27

Other, less frequently reported direct services and information were workshops and classes; information kiosks; 800, 888, or other no-cost telephone information numbers; handouts and other information on Healthy Families, a low-cost health insurance program for children; bus schedules; and referrals to court-appointed attorneys for incarcerated obligors where there is a conflict with the public defender's office.

Family law facilitators provide direct and indirect services to help litigants navigate the child support process.

Family law facilitators provide services to the public in a variety of ways. All facilitators provide instruction regarding completion of the forms required to file or respond to a child support, spousal support, or health insurance issue, as well as referrals to the district attorney, family court services, and other community agencies and resources.

Some facilitators offer one-on-one help to litigants by appointment, while others provide workshops or legal clinics to maximize the number of persons who can receive assistance. In some small rural counties, there are no family law attorneys in

private practice, and in many counties, legal aid does not provide any family law services.¹⁵ In these areas, the facilitator is the sole source of legal information regarding child support in that county. Table 8 shows the range of services provided and the number of counties that provide the service.

TABLE 8
FAMILY LAW FACILITATOR SERVICES

Type of Service	Number of Counties
Forms and instructions	58
Staff to answer procedural questions	55
Informational brochures/videos	53
Domestic violence assistance	37
Access to copiers, fax machines, etc.	27
Law library	16

More than half of family law facilitators report that they provide mediation services, in which they meet with both parents and help work out their child support issues. Other services reported included interpreters and rural outreach. Many facilitators make presentations to schools, homeless shelters, domestic violence organizations, radio talk shows, public access television, and jails on child support and the services provided by their offices. Facilitators' methods of providing services range from use of paralegal assistance (34 counties), to use of a legal clinic model (26 counties), to operation of self-help centers (24 counties).

Facilitators help 28,000 customers each month.

Family law facilitators reported that they served over 28,000 people per month statewide.¹⁶ Data on the sociodemographic characteristics of persons served through the family law facilitator program is not yet available statewide. Some preliminary data is available, however, from three facilitator offices that participated in the Automated Family Law Statistical Data pilot project, summarized in Table 9.

¹⁵ Child Support Court Task Force Report, p. 33.

¹⁶ These are encounters, rather than unduplicated counts of customers. Individualized case files or other records are not maintained on customers because of the nature of the assistance facilitators provide.

TABLE 9

**SOCIODEMOGRAPHIC CHARACTERISTICS OF
FAMILY LAW FACILITATOR CUSTOMERS
February 1999–January 2000**

Characteristics	Stanislaus	Sierra & Nevada
Sex		
Male	44.6%	53.0%
Female	55.4%	46.8%
Employment Status		
Unemployed	30.4%	16.7%
Employed	56.1%	66.0%
Retired	1.3%	0.9%
Public assistance	6.8%	6.1%
Disability	8.1%	6.4%
Help from family/friends	2.3%	3.9%
Gross Monthly Income		
\$0–\$500	29.4%	22.2%
\$500–\$1,000	29.3%	24.3%
\$1,000–\$1,500	17.5%	22.2%
\$1,500–\$2,000	9.4%	10.4%
Over \$2,000	14.4%	21.0%
Number of Children		
1	40.6%	38.1%
2	32.0%	35.8%
More than 2	27.5%	26.1%

These numbers show that women and men were served in roughly equal numbers in these three counties. Also, customers generally were low income, even though more than half in each of these counties was employed.

Data reported by the Los Angeles Office of the Family Law Facilitator and summarized in Table 10 also shows that customers are primarily low income.

TABLE 10

**LEVEL OF INCOME OF
FAMILY LAW FACILITATOR CUSTOMERS
January 2000–March 2000**

Gross Monthly Income	Los Angeles
\$0–\$500	18%
\$500–\$1,000	17%
\$1,000–\$1,500	29%
\$1,500–\$2,000	14%
\$2,000–\$2,500	6%
Over \$2,500	8%

Sixty-four percent of customers in this Los Angeles survey reported a gross monthly income of \$1,500 or less. Thirty-five percent of customers reported a monthly income of \$1,000 or less, which represents an annual income close to \$11,830, the 1999 income threshold qualifying a family of two for economically disadvantaged status as used by the Job Training Partnership Act.¹⁷

Data from these counties may not be representative of the rest of the state, but these numbers are generally consistent with facilitators' impressions of their customers.

Data on languages spoken by customers was collected on a statewide basis. Facilitators were asked to estimate the percentage of customers who spoke English, Spanish, or other languages. Table 11 shows the percentage of customers who speak English as their primary language by the number and percent of counties completing the survey.

¹⁷ California Employment Development Department, Labor Market Information, Social and Economic Data, Table 4, 1999 Lower Living Income Levels and Poverty Guidelines for California Counties
<<http://www.calmis.ca.gov/file/demos&e/calif4.htm#tab4b>> (as of April 12, 2000).

TABLE 11

FAMILY LAW FACILITATOR CUSTOMERS WHO SPEAK ENGLISH AS THEIR PRIMARY LANGUAGE

Percentage of Customers Who Speak English	Number (Percent) of Counties ¹⁸
90–100%	27 (46.5%)
80–89%	15 (26.0%)
< 80%	17 (27.5%)

Most of the counties reporting that at least 90 percent of their customers speak English were in Northern California and, with the exception of Alameda County, were rural. Spanish is the language other than English most commonly spoken by customers. Facilitators in 21 counties reported that 20 percent or more of their customers speak Spanish as their primary language. Facilitators in 17 counties reported that at least 5 percent of their customers speak a language other than English or Spanish as their primary language. Among the other languages reported were Southeast Asian languages, such as Vietnamese, Mien, and Hmong; Mandarin; Cantonese; Japanese; Tongan; Samoan; Tagalog; Russian; Armenian; and American Sign Language.

HOW EFFECTIVE ARE THE SERVICES PROVIDED BY CHILD SUPPORT COMMISSIONERS AND FAMILY LAW FACILITATORS AS MEASURED BY THE FOLLOWING:

- **HOW ACCESSIBLE IS THE CHILD SUPPORT COMMISSIONER SYSTEM?**
- **HOW SPEEDY AND EFFICIENT IS THE CHILD SUPPORT COMMISSIONER SYSTEM?**
- **DOES THE CHILD SUPPORT COMMISSIONER SYSTEM REDUCE CONFLICT?**

¹⁸ The total exceeds 58 counties because one county encompassed two service areas.

The child support commissioner system is accessible to litigants and helps unrepresented litigants be better prepared, get more time and attention in court, and access services that are co-located.

Of the objectives, access was identified as the most important. It dominated focus group discussions in terms of time devoted to it, and it seems to be the program achievement of which the participants are most proud. The success in making the court more accessible to unrepresented litigants was attributed primarily to family law facilitators who help litigants get their paperwork in order, educate them about the process, and help them present their cases more effectively.

Commissioners also were credited in focus groups with increasing access: they are expert in the area of family law, which helps them understand the issues and manage cases effectively, and they respect unrepresented litigants, to whom they will reach out in order to communicate effectively. In part, commissioners attribute the dedicated judicial role as contributing to their willingness to devote increased time and attention:

When I became child support commissioner in January of 1998, the job consisted mainly of signing Earnings Withholding Orders, and holding perfunctory hearings two mornings a month. I made it clear that I was available to come into the clerk's office every day, if necessary, and consulted frequently with the manager of the District Attorney Family Support Office concerning methods of increasing the access to the court for clients of the DAFS. We have now increased the filings dramatically, and while the hearings are still only twice a month, we now meet twice as long, with hearings both in the morning and afternoon. . . . [H]aving a Commissioner whose sole function is child support has the natural effect of concentrating attention and inevitably, increasing the time allotted to the task.

Co-location of services was mentioned by focus group participants as a positive result of the child support commissioner system. Courts' physical proximity to other relevant offices increased litigants' access to the various offices. In some counties, facilitators' offices are in the court building so that, according to one facilitator, "when a pro per goes upstairs, totally lost, to get the forms, they [can be] sent directly down to...where we are located."

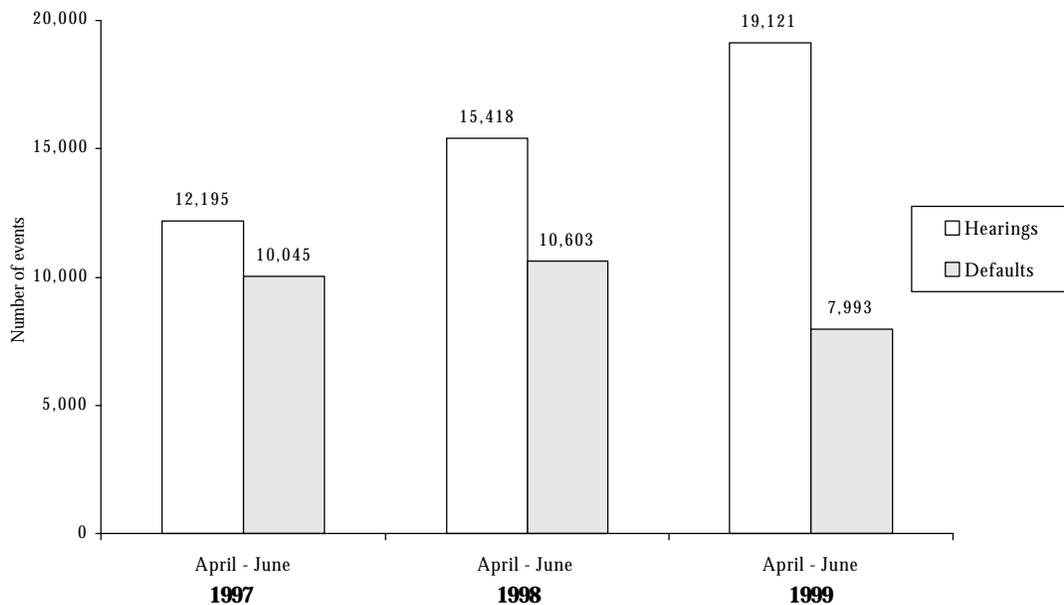
In one rural county, the part-time commissioner is housed in a location that is somewhat remote from the regular courthouse, which generally is not seen as desirable. Because of that,

however, there is a clerk's office at the same location as the commissioner's courtroom. The office is open, and cases can be filed five days a week.

As shown by Figure A, the number of hearings increased and the number of defaults declined over the three study periods, which suggests that more participation in the court process is occurring, most likely by noncustodial parents.

FIGURE A HEARINGS AND DEFAULTS

***The number of hearings increased 57 percent, and the number of defaults declined 20 percent over the three study periods.
N=7 counties***



The child support commissioner system improved speed and efficiency in case processing.

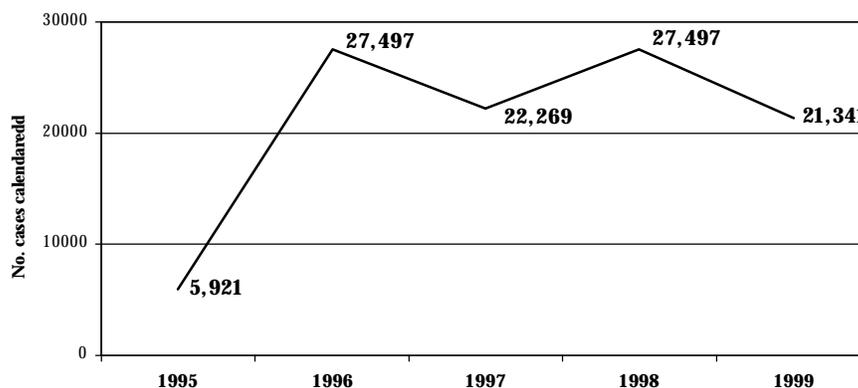
The strongest evidence that the child support commissioner system improves speed and efficiency is its effect on resolving case backlogs. Statistics from San Diego County on the number of cases calendared for hearing, summarized in Figure B, demonstrate the dramatic difference child support

commissioners made in case processing. When San Diego County implemented its dedicated child support commissioner system in late 1995, it had all of the major elements called for in AB 1058, some of which the county pioneered. Within one year of implementation, the number of cases calendared for hearing quadrupled, from 5,921 cases in 1995 to 27,497 in 1996. According one of the San Diego child support commissioners:

... though we handle so many cases, we have no backlog of cases in this county. Thus, we are very efficient and diligent in our work. We have a current active caseload of about 172,000. Two commissioners are assigned to this program.

FIGURE B SAN DIEGO CASES CALENDARED

District attorney family support cases calendared for hearing increased in San Diego County as a result of child support commissioners.



System speed and efficiency were increased when facilitators helped unrepresented litigants with paperwork. A commissioner in a focus group described how help with paperwork gets the cases in order, getting them through the court process more efficiently and quickly:

[In the past] what would happen is a pro per goes in, files a motion, forgets to check the right box, doesn't know the right boxes to check, doesn't give any declaration, doesn't file an adequate declaration...OK, no facts, so rule against the guy. Or, "This is inadequate, come back." We were having motions filed over and over again. They

couldn't get the proof of service right, so they were reissued over and over again. This is **court** time. And just pulling the files, taking them over, bringing them back, refileing them, and then there was all the time that was being spent with the clerks and the judges explaining to these people why they couldn't give them advice as to what they ought to be doing. Since the facilitator has been in effect... you can get processed through real quickly...

District attorneys also acknowledged facilitators' contributions to speed and efficiency. According to one district attorney in a focus group:

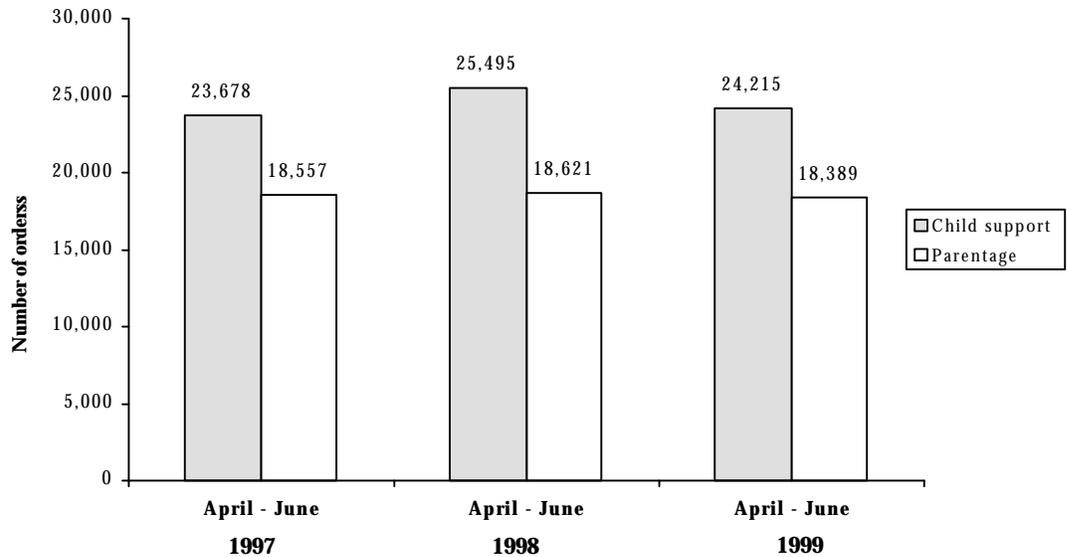
Our caseload doubled from the time that the facilitator joined this process, which has allowed us to get cases resolved much faster, get them to court properly. We have less filings by pro pers that are absolutely wrong. That has basically gone away. That doesn't happen any longer.

Although more hearings are taking place, courts appear to be keeping pace with the demand to establish child support and paternity orders. As shown by Figure C, the number of child support and parentage orders has remained steady in each of the three study periods.

FIGURE C CHILD SUPPORT & PARENTAGE

The number of child support and parentage orders stayed level over the three study periods.

N=8 counties



According to child support commissioners, more enforcement-focused hearings are taking place; for example, more hearings are held to follow up on seek-work orders or to review license revocations.

Facilitators ease conflict between parents by providing education and assistance.

Child support commissioners and district attorneys pointed out in focus groups that, regardless of the characteristics of the system that helps them resolve their conflicts, parents embroiled in child support issues tend to be angry with one another. Nevertheless, they reported that the education and assistance provided by family law facilitators helps reduce conflict within the family system.

For example, some family law facilitators have contact with both custodial and noncustodial parents and can resolve child

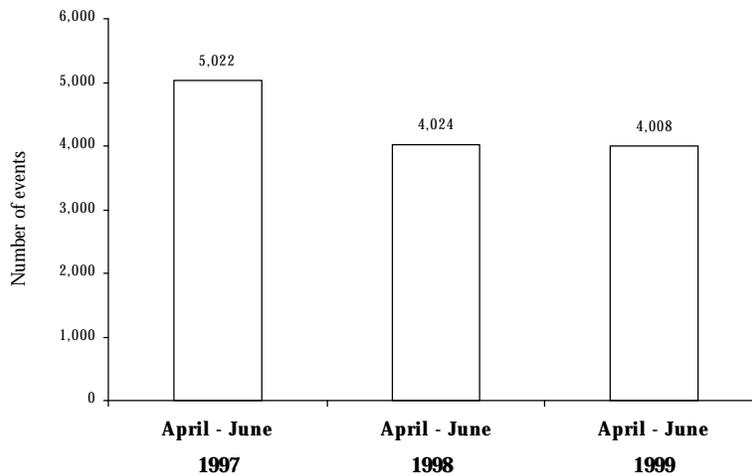
support issues between them. Family law facilitators also reduce conflict between litigants by educating them that they are in a system of laws in which decisions about the collection of child support may not be made by the custodial parent. As one facilitator described:

I think it also reduces the conflict between the noncustodial parents and the custodial parents, because the noncustodial parents come in saying, “She promised me she wasn’t going to go after me, or she promised this, or she promised that.” They don’t understand all the different mechanisms that come into place when a custodial parent applies for welfare. They don’t understand why [the district attorney] is hunting them down. They don’t understand that it’s all related somehow. They just think it’s this random mishmash of events that’s forcing them into court. . . . We try to educate them as to why they are here, and not to have animosity towards the child or towards the custodial parent.

FIGURE D STIPULATIONS

Stipulations declined by 19 percent from 1997 to 1998 and stayed level in 1999.

N=7 counties



The number of stipulations is an indicator of the level of agreement reached in court actions. Figure D shows that stipulations first declined from 1997 to 1998, and then increased slightly in 1999. This may be an undercount, however, because all out-of-court settlements may not be recorded in court data systems.

The child support commissioner system has improved working relationships among child support commissioners, family law facilitators, and district attorneys, which has improved access, reduced conflict, and introduced system efficiencies.

To be effective in their respective jobs, child support commissioners, family law facilitators, and district attorneys need to work together. This interdependence is a strong incentive for system partners to cooperate. For example, district attorneys clear backlogs and meet expedited process requirements to establish orders only with timely court action. Commissioners can make quicker decisions if district attorneys thoroughly prepare cases. The direct assistance with paperwork that family law facilitators provide to unrepresented litigants also helps eliminate delays and backlogs in other parts of the system.

This evaluation revealed a crucial indicator of the child support commissioner system's success that influenced whether or not system objectives were readily achieved: the degree to which district attorneys, child support commissioners, and family law facilitators worked together toward the common goal of creating a system that provides appropriate and timely support to children through a fair process. System coordination, and its underlying need for good working relationships, appeared to positively affect the overall performance of the system.

In a focus group, for example, a family law facilitator identified the positive relationship the facilitator had with the district attorney's office and the court clerks as leading to referrals for litigants:

We've got to have a working relationship with the district attorney. Sixty to 70 percent of our [cases are] district attorney matters, and our district attorneys submit a form with each service on every defendant, giving them the resources to contact to have accessibility to the courts, us being number one on their list. . . . Half our referrals are coming directly from the clerks upstairs, and probably another 40 percent directly from district attorneys. So very, very few pro pers are not finding us.

The need for good working relationships with district attorneys was mentioned repeatedly, and its effect on speedy and efficient case processing was described in focus groups of child support commissioners:

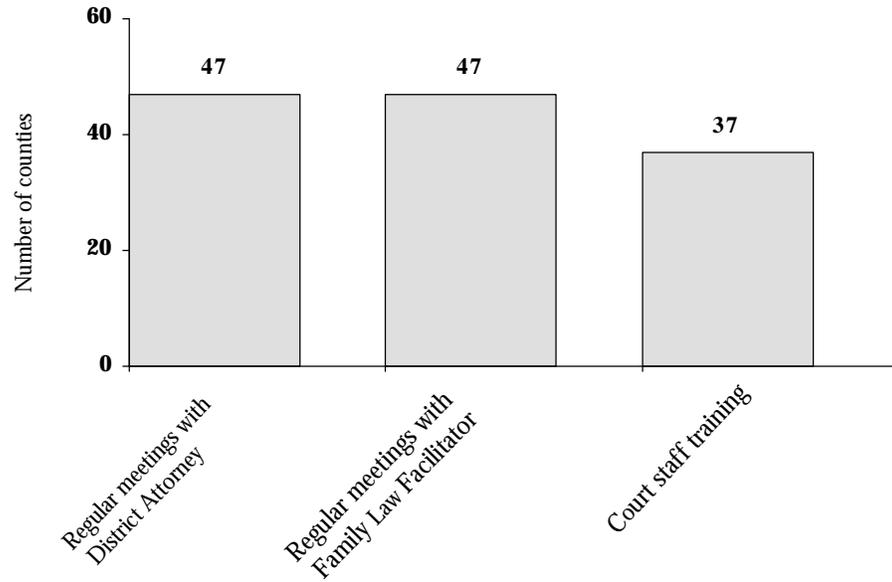
Coordination between the DA Family Support Division and the commissioner has helped maintain a constant monthly filing work-flow, and virtually eliminated the high and then low monthly filings we experienced in the past. This has contributed greatly to our ability to prevent an increasing inventory of pending cases.

There is more communication between the district attorney and the court regarding procedural issues, which has resulted in a faster turn-around time in the processing of orders by the court. The program has also resulted in an increase in the number of actions filed in all areas of the Title IV-D function. The ability of the commissioner to hear all of these cases results in a speedier hearing with more consistent results.

Regular meetings help institutionalize cooperative relationships, and participants can share perspectives on ways in which the system can be improved. There is evidence from survey data that more regular meetings are taking place between system partners since the implementation of AB 1058, as shown in Figure E. Commissioners also reported that more regular in-service training is held for court clerks on IV-D child support procedures.

FIGURE E REGULAR MEETINGS & TRAINING

Commissioners report that more regular meetings with system partners and more court staff trainings are held as a result of AB 1058.



Settlement meetings can result in more efficient use of court time. A survey response from a child support commissioner described the efficiencies that can be gained from such a meet, confer, and settle process:

All are expected to participate in [a] meet/confer/settle process, including the facilitator, district attorney, and private counsel. Judicial hearing time is no longer spent processing routine applications and defaults. Instead, more time is spent on providing a fair hearing for truly contested matters and on review of ongoing enforcement and employment efforts.

Co-location of child support courts and facilitator offices was identified by some participants as affecting access by helping system partners access one another and providing a separate space for resolution of IV-D child support matters. In both district attorney focus groups, participants described how the AB 1058 child support commissioner system has improved access to the bench for them. They described various ways in which having a dedicated bench officer in close proximity helps them resolve general procedural issues without a long wait.

One district attorney described how coordination of cases was facilitated by the physical location of offices:

We have offices in the court building so when there is a custody matter in front of the judicial officer, they send them down to the DA's office for child support, and if we can make an agreement, we do. If we don't, then it gets transferred to a IV-D commissioner who will hear it there.

In a survey response, a child support commissioner described how physical space and shared resources with the district attorney improved efficiency and made obtaining orders and information for prehearing conferences quicker:

With the help of some creative thinking and collaborative effort, we were eventually able to establish a quasi-satellite office of the Family Support Division at the court. The DA contributed their own computer, monitor, portable cart, data port and cable to allow access to their system on-site. By installing a conference table, chairs in the hallway and an extra printer, we are now able to produce immediately stipulated agreements, orders after hearing, and [support calculation] printouts for the parties during pre-hearing conferences held. Signatures can now be obtained from all parties before they leave the courtroom.

Finally, the education given litigants by facilitators helps unrepresented litigants understand what the child support system is all about, what the procedures are, and what the limits of the system are, which reduces conflict between the litigant and the system, according to one facilitator:

Well, I'm mostly finding that we are pretty good about giving reality checks. We are not just hand holders. We're good about saying, "Well, I understand why you feel that way, but in reality, this is what the law requires," and so on and so forth. I saw [a customer] the other day in the hallway, and I said to him, "How did everything go? Did it come out all right?" And he said, "Well, no, but at least I knew what to expect, because I talked to you." It wasn't what he wanted, but he knew what to expect, and so there wasn't a big fight over it, because he was prepared for it.

This reduction in conflict between the litigant and the system indirectly benefits system partners. With education and information, litigants are less likely to be in conflict with the district attorney and more likely to use the system again, according to one facilitator:

We did a survey with our people and the conclusion was [that] they are understanding the court process better and so the conflict between them and what they perceive to be the enemy, which is the district attorney, has been alleviated. Understanding alleviates conflict and confusion. And they are more apt to use the system again.

One facilitator described this as an even more active process, in which facilitators encourage litigants to understand the role of the district attorney and behave accordingly:

We can educate them in how to work with the district attorney. “Don’t walk in there with a chip on your shoulder. They’ve just got a job to do the same as you. . . . Be respectful, they’ll be respectful. Listen to what they have to say.” So it does reduce the tension from what I’ve seen.

Focus group participants named fairness as a goal of the child support commissioner system.

Among all three sets of discussants in the focus groups, the quality of justice was identified, by one name or another, as a goal of the child support commissioner system. The child support commissioners, some of whom described it as more important than the four identified program objectives, said that justice is more available in the commissioner system than it would be in an administrative system.

When working well, the addition of a new system partner, the family law facilitator, along with a dedicated bench officer, better balances the process, even though the roles may conflict at times. The system partners may each have a different working priority. District attorney offices, for example, are evaluated based on the number and speed with which orders are established and collections made. Family law facilitators may make it a priority to ensure that the greatest number of unrepresented litigants are given the help they need to understand and negotiate the court system. Child support commissioners may be primarily concerned with rendering informed and impartial decisions. Even though these priorities are different and may seem to conflict, they also work to check and balance each other to build a system that is fair—to both parties and to the children entitled to parental support. That the respective roles are interdependent ensures that the system partners will strive to develop effective ways in which to work together, even with their different priorities.

Focus group participants acknowledged each partners’ contribution in creating a fairer system. For example, a child support commissioner spoke of how facilitators can help litigants get what they need in ways bench officers cannot: “The court is in [a] very difficult position knowing that there may be

some relief that the litigant is entitled to but hasn't followed the appropriate court procedures," because "it's that fine line as to [when] the court is overstepping its bounds and kind of being an advocate for that person." District attorneys talked about how the litigants' perception of fairness is influenced by having someone (the facilitator) to balance the "free attorney" the custodial parent has (a point raised as well in a commissioner group), and by having someone explain the rationale underlying decisions made in litigants' cases. They described how increasing the litigants' perception of fairness leads to an increase in their respect for the courts.

District attorneys in one of the focus groups also said that the AB 1058 program promotes fairness by giving unrepresented litigants access to the courts through help from facilitators, increasing the likelihood that their cases will be heard, increasing the probability of success, and giving them quicker and fairer results.

Education is a key service provided by facilitators. Education helps litigants feel that they can begin to take an active role in the system. This is empowering and enfranchising. Facilitators in focus groups discussed the effects of their services on the perceptions of litigants:

Most of these people considered themselves somewhat disenfranchised from the system. They either ran out of money and could no longer afford attorneys, or they were of an economic group that felt that the system was not going to work for them in any way to begin with so "why bother."

In the clinics, I say, "Part of this is going to be legal education so that from this day forward, when you encounter this piece of paper, or somebody says the word 'arrearages' or whatever, that you're not going to get that glazed over, they're-speaking-a-foreign-language type of response." The education starts to . . . empower them.

One facilitator's success in helping people discover that the system can, in fact work for them, resulted in clients' coming back for help with new problems or sending their relatives in for help: "Once they have been helped, they sign up for another workshop. [They say] 'I'm back' or 'I've brought my uncle over here.'"

Some focus group participants said they believed that parents' greater participation in the process ultimately leads to better compliance with court orders:

Current forms and the presence of the court facilitator have encouraged parents to participate in court proceedings; and, accordingly, more obligors are coming to court to contest paternity, to prevent a default support order, to challenge a wage assignment or license denial, and to exercise modification rights. In turn, these parents are more prone to "buy into" paying their support obligations on time.

The child support commissioner system has elevated the importance of child support matters in courts.

Some commissioners' comments from surveys described how specialization may have improved the status of child support cases in the larger court system:

The position of "child support commissioner" has elevated the status of child support in the courts, and the issue now has a higher priority for all court staff.

The utilization of commissioners to hear all Title IV-D cases has concentrated attention on the importance of child support enforcement in our county.

The elevation of the status of support-related work as a result of the child support commissioner system was reinforced in commissioner focus groups:

[T]here was always this stigma about [IV-D] child support. . . . It was like something separate and apart, something completely foreign to all other family law matters. And they're not. That's slowly dissipating by having more judicial resources appointed to it.

Customers perceived family law facilitators as helpful.

Perhaps the best test of the effectiveness of family law facilitator services is how they are viewed by the people who have firsthand experience with them: the parents themselves. Many facilitators ask litigants to fill out customer satisfaction surveys to help them assess the quality of services they are providing. Data was not available on a statewide basis, but satisfaction surveys from April through June 1999 from the Los Angeles County Office of the Family Law Facilitator were available.

Almost all customers (99 percent) completing the survey said they would return to the facilitator’s office if they needed assistance in the future. The same percentage of customers, 99 percent, also indicated that they would refer the facilitator’s office to a friend. Few comments were critical either of the services or the person who provided them, and those that were mentioned only that the wait to see a facilitator was too long. The following tables show responses to two other questions.

What do you think about the quality of service you received from our office?

Excellent	77%
Good	19%
Fair	4%
Poor	0%

What do you think about the quality of service you received from the person who assisted you?

Excellent	87%
Good	12%
Fair	1%
Poor	0%

Comments from customer satisfaction surveys from this county support facilitators’ belief that they are changing litigants’ perception of the system and helping litigants access the process:

The way the program is presently is excellent. There are not many people like you who are willing to help people with our problems the way your program does. *[These comments were from an illiterate man who dictated his responses.]*

While the whole issue of child support has been one of the worst experiences of my life, this office has provided me with invaluable assistance.

She [the paralegal] made me feel comfortable and like I’m not a deadbeat dad. The experience was very nice.

Your office is the first place I have been assisted with my child support problem in five years. Thank you.

I just had a major quadruple surgery and was a bit tense all morning with minor stomach cramps. This office was so warm and supporting until I can't remember when the pain desisted.

Really helped us come to an agreement that both of us were happy with.

Best service I've ever experienced with the judicial system.

I didn't know where to go for help and I couldn't afford an attorney or paralegal, and your office provided me with excellent service. . . .

It was very education[al], but a good help. Makes dealing with courts a lot easier.

Everything was efficient, professional and on time. I think the office went beyond what I expected.

She [the paralegal] is a light in a very dark tunnel.

The only criticism of the program made by these customers was that the wait to see a family law facilitator was too long.

IS THE CHILD SUPPORT COMMISSIONER SYSTEM COST EFFECTIVE?

Most cost-effectiveness studies identify a well-understood, or at least agreed-upon and measurable, cost standard. This universal cost standard is then applied to alternative service models that derive the same social benefit, which are then compared. A true cost-effectiveness analysis could not be done as part of this evaluation because these agreed-upon assumptions and reliable cost data were lacking.

In this study, neither the evaluation workgroup members nor the focus group participants could agree upon a single cost standard to measure, nor could they agree upon a standard social benefit, in part because the legislation required that several, seemingly conflicting, system objectives be evaluated. Nor could evaluation workgroup members and focus group participants agree on the comparison model.

The complications of arriving at reliable cost data tied to specific court services abound. Although aggregate funding amounts for various court programs are known, service units and service unit costs of court services have not been established, preventing any kind of meaningful statewide comparison between different court programs. Costs of court

services, such as court hearings, cannot be tied easily and uniformly to specific funding sources for comparison. The distinction between family law and IV-D child support cases is not always easily made and tracked over time: district attorneys can intervene at any time during a child support case, making a clear distinction between these two case types problematic. Some counties used child support commissioners prior to AB 1058, further complicating a statewide comparison over time.

The objectives of the child support commissioner system are complex and interdependent and, when looked at in isolation, appear to conflict, further complicating an assessment of cost effectiveness. For example, an assessment of whether or not the child support commissioner system is more cost effective in speedily establishing child support orders compared to some other kind of system would be confounded by the child support commissioner system objective of encouraging parents' access to the process. Furthermore, cost savings brought about by increased system efficiencies are likely to be used to increase access by serving more litigants or enhancing existing services. Finally, because the child support commissioner system introduced new services, particularly those provided by family law facilitators, where previously there were few or none, comparisons cannot be made.

Although focus group participants found cost effectiveness difficult to discuss because they could not identify appropriate outcome measures, they believed that the system results in cost efficiencies. Typically, the participants reported that because facilitators improved litigants' paperwork, the resolution of their cases was much more likely to involve just one court appearance rather than the multiple appearances on the same issue that were common before the child support commissioner system was put in place. Court resources could be used more efficiently as a result. However, it is likely that this apparent increase in efficiency results in more cases being heard and shorter lines for customers, rather than net savings:

Since the facilitator has been in effect . . . you don't have these long, long lines at the clerk's office. You don't have these incredible calendars that go on well into the noon hour because the judges are trying to explain to the pro pers. I think where you can see the cost effectiveness most is in the courthouse, in the clerk's office, in the judge's courtroom. It's cutting down time tremendously.

Participants also noted that the expertise of the child support bench officers who are familiar with child support procedures and the stability that having a dedicated IV-D bench officer can provide lead to the development of more efficient systems. They also noted that the collaboration between facilitators and district attorneys results in more out-of-court settlements, which again, makes better use of court resources.

The services provided by family law facilitators clearly help customers save money on legal services, although it is doubtful than the majority of those receiving family law facilitator services could afford private family law attorney fees. Instead, many customers are now able to get help where previously they were deterred because they couldn't afford an attorney.

The most significant evidence of cost effectiveness is structural rather than procedural. State general funds for this program are minimized because two-thirds of the program costs are reimbursed through federal sources. Also, this new program was built upon existing court infrastructure, such as facilities, computer systems, and other in-kind support. Evidence that coordination did, indeed, occur among courts, facilitators, and child support commissioners supports the cost-effective strategy of integrating this new set of services and relationships into an existing base.

WHAT ARE THE BARRIERS TO ACHIEVING PROGRAM OBJECTIVES?

Barriers mentioned in focus groups appeared to have more to do with local system implementation issues than with problems with the child support commissioner system itself. Focus group discussions also identified external circumstances that affect the child support commissioner system, but are outside the direct control of system participants.

Local rules and procedures vary from county to county, which may slow the process and reduce efficiency.

Variability across counties was raised as an issue in almost every part of the focus group discussions. Some participants tended to see it as a problem and to express the wish for statewide uniformity. Other participants saw it as appropriate and even

desirable. They stated, for example, that rural and urban counties appropriately operate their systems differently, and that variation offers the opportunity to identify “best practices,” which then will lead to more uniformity.

Although some variation may be unavoidable, if not desirable, the lack of uniformity appeared to thwart program efficiency. For example, focus group participants discussed how variations across the counties in whether specific forms are required and how they may be completed impede facilitators’ ability to work efficiently in helping parents with their paperwork. These cross-county variations also complicate district attorney office transfers, which can slow case processing.

In working with court data files for this evaluation, we found that courts used different forms, different definitions of court events and characteristics, and different case processing procedures. Consequently, we could not evaluate program results more thoroughly. Improvement in uniformity and consistency across counties will improve the usefulness of the information that court systems collect and maintain.

Role conflict between system partners can inhibit system efficiency.

From the focus group discussions and survey data, it appears that when system partners work together, the system is fairer, quicker, and more efficient. It also appears that when system partners work at cross-purposes, the system is prevented from working at an optimal level.

In each set of participants, there was some description of how characteristics of others in the system caused conflict. Thus, one group of facilitators described young district attorneys who like to argue everything as causing conflict. (That same group, however, also acknowledged that facilitators who file sophisticated paperwork make the system more adversarial.) In another group, facilitators commented that others in the system interpret their efforts to assist noncustodial parents as sympathy for them and a lack of interest in collecting support. Some facilitators, on the other hand, suggested that the quality of justice received by IV-D clients is limited by commissioners who will not read what the facilitators present or who cannot handle the complexity of their cases.

District attorneys spoke of the lack of training for commissioners on some issues, the tendency of some commissioners to “talk down to” district attorneys, commissioners who are not tough enough on litigants, and lack of clarity regarding the facilitator’s role as sources of conflict. Some district attorneys also were frustrated by commissioners who limit the number of cases they will hear in a day and those who are inefficient in the administration of their courts as barriers to access.

Child support commissioners pointed to district attorneys who are not flexible about calendars and who take sides more than they should, as well as people who stake out “turf,” as causing conflict within the system. Some mentioned inexperienced district attorneys. Finally, some district attorneys and commissioners characterized the program as restricting the power the former can exercise and, thereby, increasing conflict.

A certain amount of role tension is a necessary part of the child support system, as confirmed by a focus group of district attorneys. These participants discussed the essential nature of conflict within the system and suggested that efforts to reduce it should focus on what is unnecessary or harmful.

Economic issues for litigants may act as a barrier to access.

If the primary achievement of the child support commissioner system is increased access to court services, the major barrier to increased access, according to the facilitators and commissioners, is cost. Special focus was given to filing fees. While the custodial parent needn’t pay a filing fee to establish child support, the noncustodial parent pays a fee to respond. The initial fee is \$185, and the fee for subsequent responses is \$23. For some parents, particularly those with more than one child in more than one county, the filing fees pose a barrier to responding at all:

They can’t stipulate because some counties require that they pay the fee [to file] a stipulation because it’s a fresh appearance. They go to file their answer, “I don’t have \$185.” . . . so they go by default. Some counties are allowing them to make payments but [in other counties it] is all or nothing. That’s a huge impediment.

Family law facilitators and child support commissioners also were concerned that large arrearages in support payments

discourage noncustodial parents. In their view, most of the people they work with lack skills valued in California's labor market, so that even if they have jobs, they do not earn much money. Income data from the Automated Family Law Statistical Data pilot project and from the facilitator's office in Los Angeles County tends to support this impression. When faced with arrearages of many thousands of dollars that accrue more interest in a month than they are paying in support, parents are likely to give up trying to provide support for their children, even though they want to.

Other cost issues raised by facilitators and commissioners were the reluctance of some employers to complete wage assignment paperwork, and the need to appear in court multiple times, which results in lost income for some litigants.

Finally, there was a general concern that many of the parents who owe support are barely able, or unable, to pay enough to fully sustain their children, and that reforms to the system will not be able to directly change this:

There's also a perception out there in the public that we have this whole pool of people that could pay their child support but just don't. And we certainly have a few of those people, [but] the bulk of our litigants are people who can't afford the children that they have.

Custody and visitation issues are intertwined with determining child support in California, but in most counties, commissioners and family law facilitators are restricted in how they may help resolve them.

Visitation and custody issues came up as participants, primarily facilitators and commissioners, talked about how support issues could more efficiently be resolved if they could be dealt with in the context of, and collaterally with, visitation and custody issues. These issues are intertwined with child support because in California, the amount of time that the child spends with each parent is an element in the determination of support. However, current federal requirements prohibit the use of Title IV-D funds to assist parents with custody and visitation issues. There was discussion of how, in some counties, commissioners have an expanded mandate (through other funding) and are able to integrate custody and visitation issues in their courtrooms,

provided that they keep careful time records and do not seek federal reimbursement for non–Title IV-D activities.

Child support issues and forms remain difficult to understand for many litigants.

Even though great strides have been made in simplifying the child support forms, they remain confusing and intimidating for many unrepresented litigants, according to focus group participants. In part, this is because the issues involved are distressing, which makes understanding and working with the forms difficult, even for the more sophisticated litigants.

Moreover, many litigants lack the literacy skills to understand the forms, and language barriers prevent some from understanding forms that are printed in English only. Thus, many litigants ignore forms upon receipt or quickly give up trying to read them.

The degree to which facilitators must strive to help customers with the forms and procedures was referred to repeatedly in focus groups:

Most of these [customers] are less than sophisticated; they come in with their papers, if they have them at all, in a plastic bag from the grocery store. And I don't know why it is, they never take anything out of the . . . envelopes. Every single document is still in an envelope, and it's just terribly confusing for them. . . . I keep stacks of fasteners and hole-punch things, and set up little files for these people with all of their documents in their different files. Because it makes me crazy because I know they'll be back the next week and I'll have to do it again, it's easier to do it the first time.

The judicial forms are fairly complicated and intimidating particularly in light of the fact that a lot of the people that we have are not English-speaking and the forms come to them in English, or their literacy is limited. I think we can say that about the majority of the people [we see] in rural counties. Some people when they get those court papers, they put them aside because they are afraid. They put them aside because they think it has something to do with a criminal case, and they figure if they can ignore it maybe it will go away—a lot of reasons. I had an intern working with me who was also a Ph.D. in English and she said that basically—we were talking about developing a new template— and she said if you put more than 25 words on a page, you will physically intimidate those people who don't read well. If people look at a paper that's got more words than that on it, they're frightened and they simply will not read it. And that's not even getting to the level of comprehension. So I think in the AB 1058 area we've got to develop some kind of notice that goes on the front of the packet that is kind of like: "Stop, non-custodial parent. Look. Look." I don't mean to be facetious about that, but it's got to be very bold. It's got to be very clear, and it's got to alert them that this involves money, and it's very important, and [to] have someone help you fill out these forms if you don't understand them.

Focus group participants mentioned the perceived low status of family law, child support, and serving unrepresented litigants as something they routinely confront in their work.

In one form or another, the low status of family law, family courts, the child support system, or individuals within the system came up in all but one focus group: “It’s the step-child of the legal system and the one that has the greatest social impact of all, except perhaps criminal law.” Almost all of the commissioners and facilitators had worked in family law prior to assuming their current roles, and they spoke of the disdain shown their area of practice by other attorneys. Participants in all three roles provided examples of how district attorney offices reflect the higher status of criminal law than of family law. Numerous examples were provided of the resistance of court personnel to working with unrepresented litigants. There were a number of descriptions of the poor facilities provided in some counties for the child support commissioner or facilitator, and in one case, this was tied explicitly to negative attitudes about the program and its clients.

JUDICIAL COUNCIL EDUCATION AND TRAINING

In addition to the research questions developed by the evaluation workgroup, a recommendation from the Governor's Task Force remains to be examined, and that is the extent to which the Judicial Council has provided coordination, training, and support services for the child support commissioner system in local courts.

Annual Statewide Training

Beginning with the first year of the program, in September 1997, the Judicial Council, through staff of the Administrative Office of the Courts, held the first annual statewide training of local court staff assigned to the AB 1058 program. This program was held in Sacramento and was attended by nearly 200 participants, consisting of child support commissioners, family law facilitators, and court administrative staff. The program lasted two and a half days. Presenters consisted of experts in federal and state child support law and included judges, commissioners, private attorneys, attorneys from local child support agencies and the Attorney General's office, experts in other related fields, and staff from the Administrative Office of the Courts. Topics included various substantive areas of child support law; Title IV-D of the federal Social Security Act, which governs child support enforcement in the states; how to deal with litigants who have substance abuse or literacy problems; suggested case processing practices; and accounting and reporting requirements.

The evaluation comments completed by the participants uniformly indicated that the training was well done and very helpful. The program materials consisted of three large loose-leaf binders assembled by staff of the Administrative Office of the Courts. These binders are still used by local staff in conducting the program and providing local in-service training.

This statewide training program is now an annual event every September. In 1998 it was held in Costa Mesa, and in 1999 in San Diego. Each year, the training topics are designed to be

relevant to current issues and situations, as well as to provide knowledge of basic child support issues and assistance in dealing with parent litigants who are unrepresented by counsel. In addition, at the San Diego program, a set of sessions was added specifically to train court clerks. As with the first training program, the participants each year have indicated that the information and training received has been very well done, as well as extremely helpful and relevant to their day-to-day work.

Facilitator Training in Conjunction with the California Family Support Council's Annual Training Conference

The California Family Support Council is the statewide organization of the child support offices of the 58 district attorneys. Each February, this council conducts a statewide training conference. Beginning in February 1998, the Administrative Office of the Courts arranged to have family law facilitators from around the state attend this conference. The facilitators attend several of the sessions put on by the Family Support Council, as well as training sessions and roundtable discussions designed just for the facilitators. These conferences have been a valuable means of training, as well as a means of collaboration and cooperation with the local child support agencies with which the facilitators work on an ongoing basis.

Child Support Commissioner Training in Conjunction with the CJER Family Law Institute

Each year, usually in March, the Judicial Council, through the Center for Judicial Education and Research (CJER), puts on a family law institute to train family law judges and commissioners. Beginning in March 1998, the institute included a segment especially for child support commissioners. There have been training sessions as well as discussion roundtables for these commissioners. Participants indicated that the information provided, as well as the face-to-face interaction with their colleagues, has been most valuable.

Other Training and Education

The Judicial Council, through staff of the Administrative Office of the Courts, has provided several other training and education opportunities. For example, a regional facilitator training program was held in January 1998 in Los Angeles for facilitators who were either newly hired or did not have the opportunity to

attend the first annual training conference. In May 1999, a training program was held specifically for court clerks who handle children's cases in the courts. While this training was targeted at rural northern courts, many other courts sent representatives. All attending indicated that this was a very successful and informative effort and expressed interest in having it repeated often.

A child support commissioner commented that the training has contributed to more consistency:

Specialized judicial education and training has resulted in orders and judgments that are consistent with law and due process. This will result in fewer orders/judgments being challenged in the future. This specialization is available in all counties, not just those with huge IV-D caseloads.

In addition to formal training meetings and conferences, staff of the Administrative Office of the Courts continually provide educational materials to local court staff by means of informational memos, telephone calls, and electronic mail. Both the commissioners and facilitators also exchange ideas and ask questions of staff and each other by electronic mail.

SUMMARY AND CONCLUSIONS

This evaluation relied upon data from court data systems, survey data, existing data from family law facilitators, and qualitative data gathered from focus groups to address research questions developed by a workgroup of stakeholders in the system.

After two years of statewide implementation, the following were found to be strengths of the child support commissioner system:

- Systemwide structural changes to the child support system have taken place to build courts' capacity to process child support cases: child support commissioners are established in all California counties but one, and family law facilitator offices are in place in every county. Changes in forms and procedures as a result of AB 1058 also have increased efficiencies in how cases are processed.
- Child support commissioners and family law facilitators have many years of specialized experience: on average, commissioners as a group practiced family law approximately 13 years, and family law facilitators practiced family law approximately 12 years before assuming their new roles in this program.
- Families' access to the child support process has been significantly increased by the family law facilitators' assistance and information
- Speed and efficiency in processing child support cases in courts were improved, because the paperwork of litigants appearing in court who had been helped by family law facilitators was properly completed. Also, because child support commissioners are dedicated to hearing IV-D cases, they have the knowledge, expertise, and consistency that allow them to create efficiencies in their courts.

- Conflict between parties was reduced as a result of family law facilitators' efforts to educate litigants on the child support process and as a result of efforts made by many facilitators to help parents work out child support agreements.
- Good working relationships between district attorneys, child support commissioners, and family law facilitators have led to greater efficiency and less conflict between system partners in some counties.
- Focus group participants reported that the child support system is fairer as a result of the child support commissioner system because of efforts made by child support commissioners to give time and attention to IV-D matters and by the assistance that family law facilitators provide to noncustodial parents.
- Available data on customer satisfaction shows an almost totally positive response.
- Focus group participants perceived the child support commissioner system to be cost effective because of the efficiencies it brought about. The system also builds on existing resources, and two-thirds of its program costs are federally funded.
- The education and training opportunities provided by the Judicial Council contribute to the professional development of child support commissioners and family law facilitators and encourage more uniformity and the development of best practices.

Weaknesses of the child support commissioner system itself centered on the existence of some role conflict among district attorneys, child support commissioners, and family law facilitators. A lack of uniform procedures across counties also was identified as an impediment to fairness, access, and efficiency. Finally, the filing fees and the economic consequences of missing work to attend court were viewed as barriers to greater participation in the child support process, particularly with respect to low-income parents.

Other weaknesses identified by focus group participants affected the optimal performance of the child support commissioner system but were not directly attributable to it. They centered on the lack of a statewide automated child support information system and the consequences of federal penalties associated with the lack of such a system; large arrearages that are difficult, if not impossible, for low-income obligors to pay; the complexity of child support issues in contrast to the ability of many unrepresented litigants to resolve them without substantial help; and the low status of child support in courts and in district attorney offices. We found that, as an outcome of the evaluation process itself, improvements are needed in court data systems to generate reliable management information.

In conclusion, this evaluation shows that the objectives of the child support commissioner system are being met, and that courts, through efforts to streamline the process and help litigants through it, play a significant part in improving the overall child support system. That larger system is influenced by much more than what occurs in court, however.

Perhaps the most significant finding of this study is the extent to which the child support commissioner system has become integrated with the larger child support system. Consequently, the changes begun in other parts of the system can be expected to affect court programs. In the coming months and years, it is imperative that system partners continue to work closely together at the local, state, and federal levels to ensure that outcomes are anticipated, monitored, and evaluated in all parts of the system. It is also imperative that system partners foster new working relationships and maintain existing ties as program transitions take place, so that the goal of a system that provides appropriate and speedy support to children through a fair process remains firm.

RECOMMENDATIONS

The following recommendations are intended to encourage certain structural changes to improve system efficiency.

1. Concerns regarding the quality and availability of court data were noted in the body of the report. The Judicial Council has put in place a process for defining, collecting, and reporting data from courts to the Administrative Office of the Courts: the Judicial Branch Statistical Information System (JBSIS). Because accurate collecting and reporting of data depend on uniform data definitions, it is recommended that the Judicial Council direct staff to do the following to ensure that JBSIS reports are useful for state program monitoring, evaluation, and analysis:
 - Work with the courts, including child support commissioners, family law facilitators, and the new California Department of Child Support Services (CDCSS), to ensure that data definitions are uniform; and
 - Provide assistance in training court personnel to enter and report the defined data accurately to meet JBSIS requirements.

Additionally, staff should continue to work with the family law facilitator program to collect uniform, statewide data.

2. Coordination of the courts, the CDCSS, and the Franchise Tax Board is essential to ensure the success of the automated statewide child support data system currently under development. To maximize the efficient handling of child support cases, an automated interface between the statewide automated child support data system and the courts' automated systems should be developed. The courts, the CDCSS, and the Franchise Tax Board should work cooperatively on system design and implementation to ensure that the automated statewide child support data system is capable of electronically exchanging data to the maximum extent feasible.

3. The Legislature has mandated that the CDCSS develop uniform forms, policies, and procedures for the child support program. Such uniformity is not only essential to the success of the statewide automated system, it also ensures the fairness of a statewide child support commissioner system that consistently applies the same rules and procedures in each of its jurisdictions. The Judicial Council is responsible for the creation and adoption of court forms and rules of court for the child support commissioner system. The Legislature has directed the CDCSS to solicit input from a wide variety of participants in the system. Child support commissioners, family law facilitators, and other court staff need to be active participants in this process.

To that end, the Judicial Council is working with the CDCSS to convene a statewide conference in June 2000 to address uniformity issues. The invitees to the conference include child support commissioners, Title IV-D court clerks, family law facilitators, and representatives of the district attorneys' offices, as well as representatives of the CDCSS, the Franchise Tax Board, and the federal Office of Child Support Enforcement.

4. Existing law makes visitation timeshare a critical component of the child support guideline. Federal funds, which make up 66 percent of the funding for the child support commissioner system, are limited to child support only and cannot be used for custody and visitation issues. A consistent theme in the evaluation focus groups was that parents would like to resolve all of their child-related concerns at one time. Therefore, it is recommended that the CDCSS ask the federal Office of Child Support Enforcement to expand the use of Title IV-D funds to assist parents in resolving custody and visitation issues connected with their child support cases.
5. The evaluation workgroup recommended that evaluation of the child support commissioner system be an ongoing endeavor for program improvement. Evaluations are resource intensive. The Judicial Council recommends that the Legislature provide funds for ongoing evaluation of the program. Issues for further study may include:

- **Increased collections through participation:**

Most child support commissioners, family law facilitators, and district attorneys who participated in the evaluation believe that a noncustodial parent who understands and participates in the process to determine support payments is more likely to pay support than a noncustodial parent who does not participate at all. A longitudinal study would be needed to test this hypothesis.

- **Fewer continuances:**

The family law facilitators, child support commissioners, and district attorneys who participated in this evaluation believed that there were fewer continuances and cases taken off-calendar as a result of the assistance provided by the family law facilitators. Courts would need to develop systems to document these outcomes.

- **Unmet needs of litigants:**

It appears that needs of unrepresented litigants are not being met by the existing level of funding for family law facilitator services. Long lines or long waits for appointments to see facilitators have been reported. There is also concern that the level of service currently available to persons whose primary language is other than English may not be adequate. An additional \$2.074 million was appropriated for the facilitator program by SB 240 (Speier) (Stats. 1999, ch. 652), but it had not been allocated to the courts at the time the data for this evaluation was collected. Therefore, empirical studies of unmet needs should be conducted to determine the level of resources required to ensure that family law facilitator services, often the gateway to the courts for resolving child support issues, meet the needs of the community.

It is estimated that the cost of ongoing evaluations would be \$300,000 per year. There will also be costs with regard to developing automated interfaces between the statewide automated child support data system and the courts, but those costs will be unknown until the statewide system is designed and specifications are known.

APPENDIX A

APPENDIX A—AB 1058 EVALUATION WORKGROUP MEMBERS

Hon. Jeffrey Bostwick, *Child Support Commissioner, San Diego County*
Joseph Bell, *Private bar, Nevada County*
Richard Bennett, *Coalition of Parents Support*
Hon. Norma Castellanos-Perez, *Child Support Commissioner, Tulare County*
Deborah Chase, *Family Law Facilitator, Alameda County*
James Cook, *Joint Custody Association*
Kathryn Dressler, *Children's Advocacy Institute*
Leora Gershenzon, *National Center for Youth Law*
Hon. Mary Ann Grilli, *Chair, Family Law Subcommittee of the Judicial Council*
Howard Hanson, *Clerk of the Superior Court (Retired), Marin County*
Donna Hershkowitz, *Staff to Assembly Judiciary Committee*
Milt Hyams, *District Attorney's Office, San Francisco County*
Cindy Morse, *District Attorney's Office, Sonoma County*
Nora O'Brien, *Association for Children for the Enforcement of Support*
Julie Paik, *Family Law Facilitator, Los Angeles County*
Andrea Palash, *Private bar, San Francisco*
Sandra Poole, *California Department of Social Services*
Jodi Remke, *Staff to Senate Judiciary Committee*
Debra Sanchez, *California Department of Social Services*
Larry Silverman, *District Attorney's Office, Los Angeles County*
Melanie Snider, *California NOW*
Hon. Dennis Umanzio, *Child Support Commissioner, Yolo, Sutter, and Yuba Counties*
Hon. Bobby Vincent, *Chair, Family Law Subcommittee of the California Judges Association*
Dale Wells, *Family Law Facilitator, Riverside County*
Michael Fischer, *Senior Attorney, AOC*
Bonnie Hough, *Senior Attorney, AOC*
Ruth McCreight, *Senior Attorney, AOC*
Lee Morhar, *Senior Attorney, AOC*
George Nielsen, *Supervising Attorney, AOC*
Charlene Depner, *Supervising Research Analyst, AOC*
Marsha Devine, *Senior Research Analyst, AOC*
Marlene Simon, *Senior Research Analyst, AOC*
Mary Duryee, *Meeting Facilitator*

APPENDIX B—METHODS

Primary data collection and analysis activities took place from June through October 1999, and follow-up activities took place through March 2000. The methods of collecting and reporting data for each of the types of data used are summarized here.

Survey Data

Survey data was requested from each child support commissioner and family law facilitator. Data was requested from child support commissioners expressly for this evaluation study. Relevant data from an existing survey of family law facilitators on pro se services was included in this evaluation. Survey data included questions on availability of court or facilitator services, types of services provided, staffing, facilities, changes in procedures and process, professional development activities, and qualifications and experience. Resumes were also requested from each child support commissioner and family law facilitator, from which additional data on qualifications and experience was extracted. To ensure standardized information on background experience, follow-up surveys were sent to family law facilitators and child support commissioners. Databases were created and descriptive results summarized using Access and Excel.

Court Data Records

Case-specific automated records were requested from 10 of 11 study counties for three time periods. The following counties were selected as study counties, based either on the availability of their automated court data or their county geographic and demographic characteristics: Shasta, Glenn, Sutter, Santa Clara, Fresno, Tulare, Ventura, Orange, Riverside, and San Diego.¹⁹ Los Angeles County was selected because of its large IV-D caseload. Automated court data was collected for the three study time periods: April through June 1997, April through June 1998, and April through June 1999. Files were extracted from existing court data systems, forwarded to the AOC as ASCII

¹⁹ Glenn County did not have an automated court data system. Data was abstracted manually from case files.

text files, and converted to spreadsheet and SPSS statistical files for analysis.

Every effort was made to rely on data from the courts themselves, because this was a study of a part of the child support system that takes place in court. As the study progressed, however, it became clear that 2 of the 10 study counties with automated court systems would not be able to provide any data that could be used in this study. In these counties, data from district attorney offices was used.

Where data was incomplete or unreliable, the data was not used in the analysis. In one very large county, only data that showed the number of child support and paternity orders was used. In two other medium-sized counties, detailed analysis raised questions about the reliability of the data. Consequently, the data from the automated court files was not used, and because of time constraints, no replacement data from district attorney offices was sought.

Data was summarized by individual county and sent back for technical verification. In addition, commissioners were asked to confirm that the data was consistent with their impressions of their court activity. Commissioners also were asked to provide interpretation of the summaries and trends.

Focus Group Data

A total of six focus group discussions were held. Two groups of family law facilitators, two groups of family support deputy district attorneys, and two groups of child support commissioners (31 participants in all) took part in three-hour focus group discussions during the month of October 1999. Participants were drawn from the 11 study counties (Fresno, Glenn, Los Angeles, Orange, Riverside, San Diego, Santa Clara, Shasta, Sutter, Tulare, and Ventura). Three of the groups (one for each of the roles) met in Sacramento, and the other three met in Costa Mesa (again, with one group for each of the three roles).

The discussions were facilitated and recorded under the direction of Carol Huffine, Ph.D., a professor at the Alameda campus of the California School of Professional Psychology. She facilitated five groups, and Sachi Inoue, Ph.D., facilitated

the sixth. The discussions were tape recorded, and the tapes were transcribed for thematic analyses. In addition, summary notes were recorded by two members of the research team on flip charts in view of the participants. Each group was attended by Ruth McCreight, Senior Attorney, Administrative Office of the Courts (AOC), who served as a consultant for the group members and the research team. In addition, one meeting was attended by Milton Hyams, Assistant Director, Family Support Bureau, San Francisco District Attorney's Office.

Each group meeting began with introductions. The group facilitator then offered a brief description of the purpose of the focus group discussions and identified the four goals or aims specified in Family Code section 4252: access, conflict reduction, cost effectiveness, and speed. Participants were asked to nominate other possible program goals during the discussion. Such goals were added to the list to be discussed. Once the child support commissioner system objectives were agreed upon, participants were asked whether the objectives were being realized and what barriers to realization existed.

The audio tapes were transcribed by a professional transcription service and given to the research team on computer disks. Dr. Huffine read each transcript and identified themes in the discussion. The results were confirmed by Dr. Inoue, who reviewed them as she, too, read the transcripts. The themes from individual groups were integrated, first by role of the discussants and then across all groups. In this process, themes were integrated into progressively more general categories, and issues of concern to all constituents could be identified, as could variations in the perspectives of constituents. Themes that were specific to only one group generally are not represented in the results.

Confidentiality

Procedures ensuring confidentiality were in place for all data collected. In general, survey data was not identified by respondent, but was entered into a database by code number. The only exceptions to this were participants' resumes and professional experience follow-up surveys. Court data records were identified only by case or file number, and otherwise did not contain any personally identifying information. Other than the staff attorney, no other staff from the AOC was present at

the focus groups (the AOC staff attorney also completed an affidavit of confidentiality). The independent researcher maintained control of the focus group recordings, and transcript data was sealed. No individual was identified in the data analysis.

DATA FOR EVALUATING THE CHILD SUPPORT COMMISSIONER SYSTEM

The Judicial Council of California is required by legislation to evaluate the Child Support Commissioner System implemented by AB 1058 and submit a report of its findings and recommendations to the Legislature by February 1, 2000. This document describes the records we need from your county court case management system and the format in which they should be reported to assist us with this evaluation.

Records: Data for all IV-D, District Attorney Family Support cases filed or disposed in, or open/active during the study period for each of the following three time periods:

April – June 1997 (Baseline year)

April – June 1998 (Year 1)

April – June 1999 (Year 2)

If complete IV-D data are not available in these time periods, please note this in a cover letter with the submission of your files, specifying which of the data elements is incomplete or missing.

Data Format: ASCII, comma-delimited electronic files transmitted on disk, CD-ROM, or as an e-mail attachment. Please create a separate file for each reporting period.

Labeling: Please label your files with your county name, the date, the time period (April – June 1997; April – June 1998; and April – June 1999), the name of the person to contact if there are questions about the data, and the contact phone number.

Send To: Send your files on disk or CD, along with a brief cover letter to the following address:

Marsha Devine
Sr. Research Analyst
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3660

Send electronic files via e-mail to: marsha.devine@jud.ca.gov.

Please submit your files by Friday, August 6, 1999.

Data Elements: Please note that not all data elements may be used in the analysis. If results indicate that some elements are missing in large numbers, they will be deleted from the analysis. The only element required in each record is the *case number*.

For all cases filed, disposed, or open during each study period:

1. Case number	Text	Required field; unique
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Date of event regardless of whether it occurred during the study period:

2. Initial petition/complaint filed	Mmddy format	If the event has not occurred, report as 000000 or blank.
3. Supplemental complaint filed		
4. Case reopened		
5. Disposition: if before hearing		
6. Disposition: if after hearing but before trial		
7. Disposition: if after trial		

*Indicate if the event occurred **during** the study period:*

8. Initial child support	Text	Report whatever value your CMS uses to indicate if the event has occurred, for example, a date, a docket code, a yes/no flag, etc. If the event has not occurred, report as a blank.
9. Modification of child support		
10. Temporary child support		
11. Vacate judgment		
12. Fee waiver requested		
13. Fee waiver granted		
14. Child support order		
15. Paternity determined		
16. Stipulation		
17. Default		
18. Referral to family court services: mediation		
19. Referral to family law facilitator: assistance		
20. Assisted by family law facilitator		
21. Pro per respondent		

*Indicate the number of times per case the event occurred **during** the study period:*

22. Number of hearings held	Integer	If none, report as 0.
23. Number of continuances: court's motion		
24. Number of continuances: party's motion		

The data for each case may be reported either in one record containing all the information for the case, or in multiple records, each of which contains the case number and one or more of the data elements listed above. For hearings held and continuances, one record per event, with "1" in the appropriate field, may be submitted.

Thank you for your help. If you have any questions about this project, please contact Marsha Devine at (415) 865-7677, or e-mail at marsha.devine@jud.ca.gov.

FOCUS GROUP INSTRUCTIONS AND QUESTIONS

Introductory Material: Describe purpose of the project and how information will be used. Describe focus group method and procedures including reasons for using focus groups in this process. Describe how data will be analyzed and protection of individual privacy. Include multiple purpose of records maintained by the human recorders and how they are used in conjunction with the audio tapes.

Ground rules: Respect each other's right to speak without interruption, focus comments on the topic under discussion at the time, avoid personal attacks on individuals present or not, pre-publication review of results from individual groups.

Introduce research team, have Ruth introduce self, have participants introduce selves including where they are from, how long they have been working in or with the Child Support Commissioner System, and something about their experiences related to the work.

1a. The CSCS was designed to be a speedy, conflict-reducing system for resolving issues of child support, spousal support, and health insurance that is cost-effective and accessible to families that cannot afford legal representation. This discussion is going to focus on the goals specified in that description:

- i. Accessibility
- ii. Cost effectiveness
- iii. Conflict reduction
- iv. Speed

Let's begin by talking about accessibility: How **accessible**? (*Probe if necessary by asking about increased access to court services, increased capacity to handle IV-D cases*)

1b. To the extent the system has increased accessibility, what are the primary factors **accounting for the success?**

- i. To the extent the system has failed to increase accessibility, what factors **account for the failure?**
- ii. What steps could be taken or changes made to **remove the impediments to increased accessibility?**

2a. What about Cost effectiveness, **how cost effective** is the Child Support Commissioner System?

2a. In your experience, what are some **concrete illustrations** of cost effectiveness?

2b. What factors **impede** cost effectiveness?

How might these factors be **overcome** so the system could be more cost effective?

3a. Is the system doing a good job of **reducing conflict**? (*relative to before or relative to alternative systems*)

3b. What **accounts for the success** in conflict reduction?

3c. What factors within the system **impede** conflict reduction?

3d. How might these impediments be **overcome** or removed?

4a. Is the Child Support Commissioner System a **speedy** system (*relative to how things were before or relative to other systems*)? *Quick dispositions, efficient courtroom proceedings.*

4b. What **accounts for its success** in achieving the goal of speedy process?

4c. What has **impeded** speed or efficiency in the system?

4d. How might these impediments be **overcome or removed**?

5. Are there **other achievements** or positive outcomes of the Child Support Commissioner System that are not included in our discussion so far? (*Get description and examples*)

6. Are there **problems or negative outcomes** of the system that we have not talked about so far? (*Get description and examples*)

7. Of the goals and other positive outcomes we have talked about, which is the **most important**?

8. Of the problems and negative outcomes we have talked about, which is the **most serious**?

9. What factors **outside** the system itself affect the success of the Child Support Commissioner System?

10. What is **most satisfying** about working as a (*commissioner, facilitator, district attorney*) in this system?

Closing. Our goal is to find out the strengths and weaknesses of the Child Support Commissioner System and your recommendations for program improvement. Is there something you want to add to what has been said here today?

I am giving you each one of my **business cards**. They contain my fax number and e-mail address. We encourage you to use either of them if, after leaving here, you think of something else we should know. We will incorporate that additional information into our report of the results of these discussions.

Thank you.

CHILD SUPPORT COMMISSIONER SURVEY

The following survey asks you questions about your child support system as it exists currently, and the way it was before AB 1058 funds were available.

The sets of questions address:

- the capacity of your court system to manage IV-D child support cases,
- the types of court-based services provided through the child support commissioner system in your county,
- how system procedures and processes may have changed since the inception of the AB 1058 program, and
- your professional development activities.

In addition, we are asking you to forward a current copy of your resume.

This survey pertains to **IV-D court** facilities and activities of the IV-D **court commissioner**, and not district attorneys, or family law facilitators. (Facilitator information will be collected through another instrument.)

The information will be summarized in the report to the Legislature evaluating the Child Support Commissioner System. No individual will be linked to specific survey responses or to information drawn from resumes.

Please complete the following survey, consulting available court administrative records where appropriate, and return it with your resume* by **October 27, 1999** to:

George Nielsen
Supervising Attorney
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

If you have any questions about this survey, please call Marsha Devine, Senior Research Analyst at (415) 865-7677.

* If you prefer to have your survey responses remain confidential, you may send your resume under separate cover.

CAPACITY

Capacity is a measure of courts’ ability to provide access to families with child support matters and to hear and process of IV-D child support matters efficiently.

1. **Facilities**

The following set of questions asks you about the **current** number of courtrooms and other facilities, such as waiting rooms, children’s areas, and office space in your county dedicated to IV-D child support matters. These responses pertain to **your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. If AB 1058 funds were used to increase the number of facilities, then also show the number **before** AB 1058 funds were used.

	Current Number of Facilities	AB 1058 Funds Used?	Number Before AB 1058 Funds Used
Courtrooms		Yes No	
Other facilities (please specify):		Yes No	
		Yes No	

2. **Days and Hours of Operation**

The following set of questions asks you the **current** number of days and the **current** number of hours per court day available for IV-D child support hearings. You are also asked the **current** number of hours per day that you are available for non-hearing, case-related activities, such as reviewing or signing orders. These responses pertain to **your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. If AB 1058 funding was used to increase the number, then also show the number **before** AB 1058 funding was used.

	Current Number of Days Per Week/Hours Per Day	AB 1058 Funds Used?	Number Before AB 1058 Funds Used
Days per week for hearings		Yes No	
Hours per day for hearings		Yes No	
Hours per day for non-hearing, case-related activities		Yes No	

3. Staffing

The following set of questions asks you to identify how many full-time equivalent (FTE) court staff positions are **currently** dedicated to IV-D child support matters **in your court**. If there is more than one IV-D court in your county, respond only for the courtroom over which you preside. If AB 1058 funds were used to fund any of these staff positions, then also show how many FTE positions were dedicated to IV-D child support matters **before** AB 1058 funding was used.

A full-time equivalent position is the equivalent of 40 hours per week. For example, a position that is dedicated to IV-D child support matters for 10 hours per week and another position that is dedicated 30 hours per week would be 1.0 FTE. A position that is dedicated to IV-D child support matters for 40 hours per week and a position that is dedicated 10 hours per week would be 1.25 FTE. A position that is dedicated to IV-D child support matters 20 hours per week would be .50 FTE. Please consult court administrative records to verify staffing and hours, if necessary.

Type of Position	Current FTE	AB 1058 Funds Used?	FTE Before AB 1058 Funds Used
Commissioner		Yes No	
Courtroom clerk		Yes No	
File clerk/clerical support		Yes No	
Bailiff		Yes No	
Administrative staff		Yes No	
Other staff (please specify):		Yes No	

SERVICES

“Type of service” is a measure of services (**other than actual courtroom hearings or family law facilitator services**) that are available to litigants in IV-D child support matters and which help litigants gain access to the court process.

4. **Services**

The following set of questions asks you to identify the types of services (other than hearings and family law facilitator services) that are available to litigants in IV-D child support matters **in your court**. If there is more than one IV-D court in your county, please limit your responses to the courtroom over which you preside. Please check the box by the service if it is offered to IV-D litigants in your county, and indicate for which of these services, if any, AB 1058 funds are used. Please identify other court based services that might be available to help litigants gain access to the court process.

Type of Service	AB 1058 Funds Used?
<input type="checkbox"/> In-court translation/interpreter services	Yes No
<input type="checkbox"/> Other translation services	Yes No
<input type="checkbox"/> 800, 888 or other no-cost telephone information number	Yes No
<input type="checkbox"/> Handouts on child support	Yes No
<input type="checkbox"/> Videos on child support	Yes No
<input type="checkbox"/> Web sites on child support	Yes No
<input type="checkbox"/> Information kiosks	Yes No
<input type="checkbox"/> Referral to attorney services	Yes No
<input type="checkbox"/> Information and referral services to litigants on issues other than child support, such as domestic violence services and prevention, alcohol and substance abuse and treatment services, job training or education for low income families.	Yes No
<input type="checkbox"/> Other services (please specify):	

PROFESSIONAL DEVELOPMENT

Professional development is a measure of expertise and specialization in child support issues. It is indicated that commissioners' specialized knowledge and skills has improved the quality of the child support commissioner system.

6. **Professional Development**

The following set of questions asks you to indicate the type and number of professional development activities in which you may have participated over the past two years.

Type of Professional Development Activity	Participated How Many Times Over Past Two Years
<input type="checkbox"/> AOC-sponsored training meetings specifically for child support commissioners and others involved in child support commissioner system	
<input type="checkbox"/> Local or regional training meetings specifically for judicial officers	
<input type="checkbox"/> Local or regional networking or information-sharing activities for child support commissioners	
<input type="checkbox"/> Bar association-sponsored continuing education courses on child support	
<input type="checkbox"/> Private courses on child support issues, including family law updates	
<input type="checkbox"/> CJER Orientation to the Bench workshop	
<input type="checkbox"/> National, state, regional or local meetings on family law issues, welfare reform, job training and education for low income families, or alcohol and substance abuse treatment issues.	
<input type="checkbox"/> Participation in e-mail listserv groups or other on-line, interactive information sites dedicated to child support issues	
Other professional development activities (please specify):	

7. NARRATIVE

Please use the following space, and any extra pages, if needed, to explain or otherwise add to any of your answers above. Please also describe anything else that would be useful to consider in the evaluation of the Child Support Commissioner System.

The information that you provide in this survey is critical to the outcome of the statewide evaluation. Thank you very much for your time and effort. You may mail or fax your completed survey and a copy of your resume by October 27, 1999 to:

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APPENDIX C— ACKNOWLEDGMENTS

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