
**TESTING A MODIFICATION PROCESS
FOR INCARCERATED PARENTS**

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Executive Summary

Child support is an issue for many parents in prison. Noncustodial parents (NCPs) with an established order are legally responsible for payment of the ordered amount while they are incarcerated. Custodial parents (CPs) in prison with children in foster care may also be expected to pay child support. Failure to pay is likely to result in the accrual of substantial arrears during incarceration, adding to the financial demands the parent will face when leaving prison and reentering the community. In 1999, the Colorado Division of Child Support Enforcement (CSE) received a demonstration and evaluation grant from the Federal Office of Child Support Enforcement (Grant No. 90-FD-0033) to study the population of NCPs who are in state prison facilities to assess the extent of their child support obligations, and to test a set of procedures and policies regarding treatment of incarcerated obligors who are unable to pay monthly support obligations. This report describes the grant effort to explore the barriers and advantages of proactively working with NCPs who enter prison with an established order by notifying them of the option to apply for a review and adjustment.

Four Colorado county CSE units identified incarcerated NCPs through an electronic match of their caseloads with that of the Department of Corrections (DOC). Using a process of formal notification, the county CSE units informed NCPs of the option to request a modification of their child support orders to \$20 during their incarceration. Although the data match identified 898 inmates in the caseloads of the four counties with child support cases, only 26 percent were eligible to receive a modification notice. To qualify, the obligor needed to have an active child support order and could not be anticipating release from prison within six months. Of those sent a notice, approximately two-fifths (41%) simply did not respond. Of those who responded, 33 percent received a modification, 5 percent were denied, and in 45 percent of the cases, the decision was pending at the end of the project.

The results of this project provide some critical lessons for agencies to incorporate as they work with incarcerated parents with child support obligations. Some of the salient points revealed by the project include:

Only a fraction (26%) of incarcerated parents with child support involvement has cases that meet the criteria for modification. Some cases do not qualify because paternity or a child support order have not yet been established, it is an arrears-only case, or the obligor is to be released shortly.

Locating and notifying eligible NCPs about their modification option is an arduous process. Inmates are moved from one facility to another quickly, making the facility locations listed in the quarterly CSE/DOC data match rapidly out of date. Further, any variations between the identifying information for an obligor in CSE and

DOC records may cause the state prison to return documents from CSE to the agency as “undeliverable.”

Many incarcerated obligors fail to respond to the notice to modify or fail to return the necessary papers. Of those NCPs who were mailed a notice, 41 percent did not respond or could not be located. This research effort did not include interviews with incarcerated NCPs; thus, any explanations for the lack of response would be purely speculative.

Those who apply for a modification receive various responses, with 33 percent of requests being granted, 5 percent being denied, and 45 percent in a pending status. The other 17 percent of modification requests were dropped from the review and adjustment process for a variety of reasons, such as the CP requesting that the case be closed.

A small fraction of custodial parents challenges the modification request or close their cases to prevent a reduction in the accumulation of arrears. They reason that the financial burden of raising the child should be shared by both parents, and the incarcerated parent should not be excused from his responsibilities.

Virtually all incarcerated parents eligible for modification enter prison with substantial arrears balances. The balances, averaging \$10,249, increase by 33 percent between the date they enter prison and the date they are notified regarding the modification option.

Most inmates/obligors do not earn enough to pay even a modified order amount. Although most modified orders were reduced to \$20 per month, a review of monies garnered from prison bank accounts through Colorado’s new administrative lien law shows that half pay less than \$4 per month toward their child support obligation.

While county CSE administrators and line staff see some benefit to the modification process, they do not find it to be cost effective. They generally favor dropping the idea or having the State CSE agency either take on the job or develop an automated procedure.

CSE personnel, judges, and magistrates hold different and conflicting views about the equities and appropriateness of modifying child support orders for incarcerated obligors. While some view it as a pragmatic way to avoid the buildup of uncollectible arrears that may hinder reintegration, others view it as rewarding

criminal behavior, as well as offering special treatment to one segment of the population.

Knowing that Colorado CSE is considering a state policy to address the treatment of incarcerated obligors, the county CSE administrators and line workers who participated in the project made a number of practical recommendations:

- State CSE staff should arrange to make regular presentations to inmates/NCPs and DOC staff about child support obligations and the modification process. These presentations should be made to obligors when they first enter prison and then again while they are serving their sentence.
- State CSE staff should collaborate with DOC administrators to develop a set of facility liaisons who would be familiar with CSE procedures and rules and who could assist NCPs in completing forms.
- Because it appears that some incarcerated obligors lack the literacy skills to follow instructions or understand notices sent by CSE workers, it would be useful for CSE staff to simplify the language level of the materials used in working with this population.
- Any modification of orders for NCPs in prison should include language to reinstate the original order amount after a specified time period following the release of the parent.
- CSE should test the utilization of the electronic data match between CSE and DOC in order to trigger an automatic letter of notification to the inmate/NCP telling him of the option to apply for a review and adjustment.

It is unclear how Colorado and other states will reconcile the rival concerns and public policy debates raised by incarcerated obligors. On the one hand, there is the concern that the combination of monthly child support payments, monthly arrears payments, and other financial obligations such as restitution may be so burdensome that many released or paroled NCPs will go underground or end up back in prison. On the other hand, many object to reducing child support orders for incarcerated obligors because of equity and fairness issues. More widespread implementation of modification efforts with the incarcerated population will require addressing a host of practical barriers within the judicial, corrections, and Child Support Enforcement arenas, as well as balancing the viewpoints of the involved constituencies.

Introduction

In 1999, the parents of approximately 1.5 million minor-aged children in the U.S. were in state or federal prisons. In 1997, more than half of male prisoners (55% in state facilities and 63% in federal facilities) and female prisoners (65% and 59% in state and federal facilities, respectively) were parents with children under the age of 18 (Mumola, 2000). Close to half (48%) of parents in state prisons and more than a third (38%) of parents in federal prisons said that they had never been married, and less than half (45%) were living with their children at the time of admission to prison. The majority of these parents (roughly 71% of those in state facilities and 73% of those in federal prisons) were employed during the month prior to incarceration. However, of parents in state and federal facilities, 54 percent and 47 percent, respectively, reported a personal income of less than \$1,000 in that month.

Child support is an issue for many parents in prison. Noncustodial parents (NCPs) with an established child support order are legally responsible for payment of the ordered amount while they are incarcerated. Custodial parents (CPs) in prison with children in foster care may also be expected to pay child support. Failure by the parent to pay is likely to result in the accrual of substantial arrears during incarceration, adding to the financial demands he will face when leaving prison and reentering the community.¹ There are no current national statistics showing how many incarcerated parents have formal child support obligations, although the number of inmates who are parents suggests this is a significant percentage.

In 1999, the Colorado Division of Child Support Enforcement (CSE) received a demonstration and evaluation grant from the Federal Office of Child Support Enforcement (Grant No. 90-FD-0033) to study the population of NCPs who are in state prison facilities, to assess the extent of their child support obligations, and to test a set of procedures and policies regarding treatment of incarcerated obligors who are unable to pay monthly support obligations. This report describes one component of the grant — a small project to explore the barriers and advantages of proactively working with NCPs who enter prison with an established order by notifying them of the option to apply for a review and adjustment. In the following pages, we describe the process tested and discuss the results of the project.

¹ According to U.S. Bureau of Justice Statistics, 93 percent of parents in prison are male (Mumola, 2000). Further, the majority of noncustodial parents are fathers. Therefore, we will sometimes use male pronouns when referring to the generic incarcerated parent.

Background

Child support enforcement agencies, courts, and custodial parents ordinarily have the same goal with regard to child support obligations — that the NCP be gainfully employed and make regular child support payments. State guidelines were established to assign payment amounts that reflect the income and earning capabilities of the NCP. But incarcerated obligors, by virtue of their reduced earning capacities, represent a particular problem in terms of order amounts. CSE agencies, CPs, and courts struggle with the dilemma of wanting to hold an incarcerated parent to his legal responsibilities, but at the same time recognizing that substantial arrears might accumulate during a parental incarceration that could interfere with the NCP's reintegration into the community.

Offenders are often released from prison with no savings or assets. It is not unusual for the released offender to lack the job training and experience needed to support himself (Sachs, 2000). Naturally, the NCP will be expected to pay current child support and arrears when released or paroled. Additionally, he will also have other financial obligations, such as restitution, room and board in a community corrections facility, and substance abuse treatment. In some states, payment of child support is a condition of parole, with non-payment theoretically leading to the NCP being returned to prison for a parole violation. Additionally, the released NCP with a child support debt may be exposed to a variety of punitive enforcement actions. By law, parents who owe child support may have up to 65 percent of their wages garnished. They may be reported as delinquent on their credit reports and may experience the suspension of their professional and driver's licenses. Advocates for low-income families argue that such child support practices may drive financially unstable obligors underground or back into criminal behavior (Roberts, 2001; Sachs, 2000).

One approach to reducing the large child-support debt of incarcerated and released parents is to reduce the amount of the order during the time the parent is in prison or jail. Yet few NCPs are aware that they are permitted by federal law to request a modification of their order because they have experienced a substantial change in circumstances (42 U.S.C. § 666[a][10][B]). In some jurisdictions, incarceration is viewed as such a circumstance. In contrast, some states have case law defining incarceration as "voluntary unemployment" (for example, see Brooks v. Division of Child Support Enforcement, No. 1928-96-2 [Va. Ct. App. 6/3/97]). In Colorado, various county child support units, judges, and magistrates hold different views about incarcerated parents that lead to contradictory treatments.

In the following pages, we describe a project to test the utility of modifying child support orders for NCPs who enter prison with an established order. Four county CSE units, representing small, medium, and large counties participated in the project. The county CSE units identified NCPs with current support orders through an automated data match with the Colorado Department of Corrections (DOC) and notified them that they could request a modification of their order. When appropriate, counties modified the orders

to \$20 of those NCPs who completed an application. CSE technicians completed data collection forms on the child support obligations of the NCPs and the responses of various parties to the modification. The goal of the analysis was to answer the following questions:

- What pieces of information are needed in a DOC/CSE data match to facilitate a notification and modification process?
- What is the best time for a NCP/inmate to address his or her child support issues — upon entering prison, during incarceration, or at the time of release?
- How do incarcerated NCPs respond to the suggestion that they seek a modification of their order? How do CPs respond to the modifications?
- What is the impact of the notification and modification process on CSE workers in terms of time and effort?
- How do judges and courts respond to modification requests of incarcerated NCPs?
- What kinds of collaboration between CSE, DOC, and the courts are needed to create a program to work with incarcerated NCPs?

The next section of this report describes the approach used to answer these questions.

Methodology

Colorado CSE and DOC electronically matched their caseloads to identify inmates in Colorado prison facilities who had open or closed child support cases. The electronic match provided the name, Social Security number, and date of birth of the NCP/inmate or obligor; the name of the custodial parent or obligee; the child support case number and its classification status; the facility where the NCP is located; and the inmate's earliest eligible parole date. The computerized data match conducted in January 2001 produced 4,351 state facility inmates and 1,629 paroled individuals who had some type of involvement with CSE in Colorado. This represents approximately one-fourth (26%) of the inmates in state facilities and 28 percent of offenders under DOC supervision as parolees. It comprises approximately 4 percent of Colorado's child support caseload.

Four counties representing small, medium, and large counties (Adams, Larimer, Logan, and Pueblo) were given the list of NCPs/inmates in prison facilities on their caseload. The data match produced 898 names for the four counties. CSE technicians reviewed each inmate's child support history on the automated child support system (ACSES). Other staff duties included:

- < determining the eligibility of NCPs with child support cases for the treatment;
- < verifying the prison location of the eligible NCPs;
- < sending a notice and application form to each eligible NCP (see Appendix A) and a corresponding notice to the CP;
- < completing a data collection form for each eligible NCP to register the child support payment patterns prior to incarceration, as well as demographic information (see Appendix B); and
- < responding to all requests for a modification in the standard manner.

CSE workers completed a data collection form for each offender/NCP who was sent a notice. This form collected information about the current support order and arrears of each NCP, the responses of the NCP and CP to the modification process, and whether a modification had been approved. The form also reflected whether an administrative lien had been filed by the county CSE unit and recorded recent collections of payment from the obligor.

The CSE technicians gave the data collection forms to the Center for Policy Research (CPR) for analysis. CPR staff interviewed CSE personnel regarding their opinions and experiences with the process being tested. CSE staff also shared with CPR the responses of CPs, NCPs, and magistrates regarding the process.

Eligibility for Modification

After reviewing child support records and DOC release dates for 898 inmates with child support cases who were identified in the data match, CSE technicians concluded that only 26 percent (233 individuals) fit the criteria for the county modification project. To be included, the obligor needed to have an active child support order and could not be anticipating release from prison within six months. Table 1 shows the number of NCPs from the data match determined to be eligible for a modification notice.

Table 1: Number of NCPs in data match, and percent and number identified as eligible for the CSE modification project

County	Obligors/inmates identified through CSE/DOC match	Percent of obligors identified as eligible for project
Adams	493	32% (157)
Pueblo	225	21% (48)
Larimer	162	12% (20)
Logan	18	44% (8)
Totals	898	26% (233)

There were many reasons why child support cases of NCPs were determined to be inappropriate for the pilot project. Often, the inmate/NCP had just been released from prison or had a projected release date within six months of the beginning of the project. Sometimes the order had been deliberately set low because it was known the NCP was beginning a period of incarceration. There were also instances where the child was emancipated, but the class/status or the order had not been updated. In other cases, the child had been adopted.

CSE technicians in Pueblo County assigned to this project reviewed 225 inmate child support cases and noted the reasons why most were ineligible for modification activity (see Table 2). Roughly two-fifths (41%) needed either paternity or a support order to be established, and 16 percent only owed back due support and had no current monthly obligation to modify. A recent study of the Massachusetts Department of Correction population with child support obligations mirrors these figures. In a snapshot taken of 2,191 Massachusetts inmates/obligors in September 2001, 41 percent had only pre-obligation cases, and 12 percent had arrears-only cases (Thoennes, 2001). Case closure by the CSE unit also eliminated some NCPs from the project. Finally, some NCPs/inmates were either released from prison around the time the project started up or were scheduled for release within six months. Ultimately, only 21 percent of the 225 inmate cases considered were sent a notice inviting them to modify.

Table 2: Reasons why inmate cases in Pueblo County were ineligible for modification (N=225)

Child support order needed to be established	24% (55)
Paternity and child support order needed to be established	17% (38)
Arrears-only case	16% (36)
NCP was paroled or released just prior to project or release was projected to be within six months	8% (17)
Miscellaneous closures or dropping of cases from project	10% (23)
Information missing on cases	4% (8)
NCPs determined to be eligible for modification notice	21% (48)

Although roughly three-quarters of the NCPs listed on the CSE/DOC data match were not candidates for modification of a current support order, the match enabled CSE technicians to locate many NCPs they had been unable to contact.

Profile of Inmates/NCPs

After eliminating inappropriate cases, CSE workers in the four counties found 233 inmates/NCPs to be eligible for the pilot project. The following analysis is based on data collected for 213 of those obligors.²

All but six (97%) of the NCPs in this project were male. The ages of the incarcerated NCPs ranged from 21 to 61, with a mean of 34. On average, incarcerated NCPs had 1.5 child support cases, although only eight (4%) had more than one case that was eligible for modification during the demonstration project.

² Although Pueblo CSE workers sent notices to 48 obligors, the paperwork for 20 of these cases was lost and could not be reconstructed. Therefore, analysis will be limited to 213 project participants and 28 notices from Pueblo.

Table 3: Selected characteristics of inmates eligible for child support modifications (N=213)

Gender	Male	97% (207)
	Female	3% (6)
Age	Average	34 years old
	Median	33 years old
	Range	21 - 61 years old
Number of child support cases	Average	1.5
	Range	1 - 5
	Total	308
Number of child support cases eligible for modification		72% (221) *

* 205 inmates have one eligible case each; 8 inmates have 2 cases each, for a total of 213 inmates and 221 cases.

Length of Incarceration: At the time the county CSE worker sent a notice regarding modification, most (61%) of the NCPs under review had been incarcerated less than a year. Approximately one-quarter (24%) had been in prison between one and three years, and the rest (15%) had been incarcerated more than three years.

More than a third (37%) of the NCPs had projected release dates of less than a year from the time the notice was sent, 27 percent were due to be released from one to three years later, and the others (36%) anticipated imprisonment for at least three more years.

Table 4: Time served and time remaining for incarcerated NCPs when sent a modification notice (N=213)

	Time Served	Time Remaining
Less than 1 year	61%	37%
1 - 3 years	24%	27%
More than 3 years	15%	36%

Facilities Where NCPs are Incarcerated: Although the NCPs under review were dispersed throughout the 23 Colorado prison facilities, more than half (53%) were incarcerated in five prisons: Sterling held 19 percent (N= 40), Fremont and Bent each held 10 percent (N=22), and Buena Vista and Arkansas Valley each held 7.5 percent (N=15).

Children Covered in Child Support Orders Eligible for Modification: Table 5 presents information on the number and ages of children named on inmate child support cases eligible for modification. Seventy percent of the cases involved only a single child. The ages of the children ranged from 1 to 24 years, with the average being 9.7 years.

Table 5: Number and ages of children named on child support cases eligible for modification

One child	70% (150)
Two children	19% (41)
Three or more children	10% (22)
Average age of children	9.7 years
At least one child 5 or younger	16% (34)
At least one child 6 - 10	40% (85)
At least one child 11 - 18	40% (85)
At least one child over 18	5% (11)

Profile of Child Support Obligations

Method of Order Establishment and Public Assistance Status: By definition, every NCP in this project had at least one open child support case with a current monthly order. Eighteen percent (N=39) of the orders had been established by default. In the remaining cases, the NCP had participated in the order-establishment process. Close to three-quarters (73%) of the orders were established judicially, and 27 percent were established administratively. The children and custodial parents associated with prisoner child support cases had various public assistance statuses. Eleven percent were current recipients of public assistance, 65 percent had previously received public assistance, and 26 percent had never received public assistance.

Table 6: Public assistance status of NCP child support cases eligible for modification (N=213) *

At least one case currently receiving public assistance	11% (23)
At least one case that previously received public assistance	65% (139)
Never received public assistance	26% (55)

* Totals include the eight NCPs with more than one case; public assistance status information missing for four cases.

Monthly Child Support Obligations: Monthly child support orders for prisoner cases eligible for modification ranged from \$20 to \$995. One-quarter of the obligors (26%) had monthly support orders of \$50. The rest had orders that ranged from \$50 to \$995, with 19 percent having orders that exceeded \$250 per month. Nine percent (N=20) of the NCPs had received a modification of their child support order prior to the time they began serving their sentence in prison. At the time of incarceration, 3 percent (N=7) of the NCPs had a wage assignment in place.

In addition to monthly child support orders, many NCPs entered prison with orders requiring them to make monthly payments for back due support. In Colorado, obligors can be ordered to pay up to 1/24 of the total arrears that they owe on a monthly basis. This is known as the Monthly Amount Due (MAD). MAD orders in prisoner cases eligible for modification ranged from \$1 to \$999, with the average being \$137 and the median \$71.

Table 7 shows average, median, and ranges for monthly child support orders, MADs for arrears, and total monthly obligations in prisoner cases eligible for modification. Levels rise considerably when arrears obligations are added to monthly support orders. Only 10 percent of prisoners owed \$50 or less, and 42.7 percent had monthly obligations that exceeded \$250.

Table 7: Description of current monthly child support orders (MSO) and monthly amounts due for arrears (MAD) in inmate cases eligible for modification (N=213) *

	MSO	MAD	TOTAL
Average monthly order/case	\$173	\$137	\$269
Median monthly order/case	\$151	\$71	\$225
Range in monthly order/case	\$20 - \$995	\$1 - \$999	\$20 - \$1,191

Table 7: Description of current monthly child support orders (MSO) and monthly amounts due for arrears (MAD) in inmate cases eligible for modification (N=213) *

	MSO	MAD	TOTAL
Percent with monthly order of:			
\$50 or less	26% (55)	47% (69)	10% (22)
\$51 - \$100	6% (13)	17% (26)	14% (30)
\$101 - \$250	48% (103)	22% (33)	33% (70)
\$215 - \$500	18% (39)	7% (10)	33% (71)
\$501 - \$995	1% (3)	7% (10)	9% (20)

* Considers monthly obligations for only one case for the eight inmates with two modification-eligible cases.

Arrears: The question of when child support arrears are generated plays a large role in the debate on appropriate treatment of incarcerated NCPs. How much child support do incarcerated NCPs owe when they enter prison? How much arrears do they accumulate while they are serving time and have little or no ability to pay monthly child support? The argument for modifying orders during incarceration becomes more compelling if offenders accrue significant child support arrears while they are in prison.

Table 8 provides a summary of the arrears owed by inmate at two points in time: (1) when they entered prison for their most recent episode of incarceration,³ and (2) when they were notified by child support technicians of the opportunity to modify their child support order. We consider arrears owed to the custodial parents, the State, and a combined total. For the eight NCPs with more than one case eligible for modification, we restrict our analysis to amounts owed for a single case. In addition, the analysis does not include arrears balances owed by inmates in cases that would not be eligible for modification, including arrears-only cases where there is no current monthly support obligation.

On average, prisoners entered prison owing \$10,249 for past due child support. When offered the modification opportunity, average arrears levels had risen to \$12,208. Arrears balances were fairly evenly divided between money owed to the State and the custodial parent, with the average amount owed to the State standing at \$7,058, and the average amount owed to the custodial parent being \$6,697.

Prisoner arrears levels in this project are similar to the current arrears held by inmates/obligors in Massachusetts state prisons. A recent snapshot of incarcerated and paroled parents in Massachusetts revealed that the average amount of arrears owed per order by 1,257 incarcerated NCPs was \$13,336 (Thoennes, 2001).

Almost one-quarter (N=51) of the 213 NCPs under review had their child support

³ Many prisoners have prior episodes of incarceration both in prisons and in county jails. It was impossible to identify if the arrears accumulated during these periods of time.

orders established after they entered prison and began serving time. Thus, they technically entered prison with no monthly obligation or arrears. However, once their orders were established, retroactive support or child support debt was also assessed for the support they should have paid since the birth of their child and/or their separation or divorce.

Table 8: Arrears owed by incarcerated NCPs at point of incarceration and when notified of modification opportunity *

	At Incarceration	At Modification
Percentage with no arrears	24% (51) **	0%
Arrears owed to CP		
Average	N/A	\$6,697
Median		\$5,361
Range		\$0 - \$39,523
Total		\$1,372,802
Number		(205)
Arrears owed to State		
Average	N/A	\$7,058
Median		\$4,623
Range		\$0 - \$53,585
Total		\$1,213,927
Number		(172)
Total arrears		
Average	\$10,249	\$12,208
Median	\$8,767	\$10,977
Range	\$0 - \$39,592	\$160 – \$54,785
Total	\$1,660,356	\$2,600,394
Number	(162)	(213)

* Considers arrears for only one case for the eight inmates with two modification-eligible cases.

** The child support orders and arrears for these NCPs were established after they entered prison.

Table 9 examines the growth of arrears during incarceration. We compare arrears balances at incarceration and at the point in time when inmates were invited to apply for a modification. As previously noted, 51 inmates who entered prison with no order, but had one established during their incarceration, realized arrears balances that had not previously been recorded. On average, these individuals accrued an arrears balance of \$7,099. As a group, they owed \$362,092 that they had not owed before their incarceration. For the 162 NCPs/inmates who entered prison with an established order, arrears increased by 35 percent, from an average of \$10,249 to \$13,817. As a group, they accumulated \$577,946 in arrears while they were in prison. Inmate arrears balances for all NCPs with cases eligible for modification increased by 56.6 percent during the incarceration period and rose \$940,038, from \$1,660,356 to \$2,600,394. Individual inmates experienced a 19 percent

increase in average arrears balances, which went from \$10,249 to \$12,208.

	At Incarceration	At Modification
Orders established after NCP entered prison		
Average	0	\$7,099
Median	0	\$3,000
Range	0	\$366 - \$54,785
Total	0	\$362,092
Number	(51)	(51)
Orders established before NCP entered prison		
Average	\$10,249	\$13,817
Median	\$8,767	\$12,417
Range	\$0 - \$39,592	\$160 - \$42,062
Total	\$1,660,356	\$2,238,302
Number	(162)	(162)
Total arrears for all NCPs		
Average	\$10,249	\$12,208
Median	\$8,767	\$10,977
Range	\$0 - \$39,592	\$160 - \$54,785
Total	\$1,660,356	\$2,600,394
Number	(162)	(213)

* Considers arrears for only one of the two cases for those eight inmates with two modification-eligible cases.

Child Support Payment Patterns: CSE technicians recorded the three most recent child support payments that NCPs had made before they were sent the notice about the opportunity to modify. Two-thirds (69%) of incarcerated NCPs had made at least one child support payment, 59 percent had made at least two payments, and 54% (116) had made at least three payments over the life of their child support case. For nearly one third (31%) of incarcerated obligors, child support technicians found no evidence of child support payment activity.

The amount of the most recent child support payment ranged from \$1 to \$3,113, with the average being \$181. Payments were collected from a variety of sources, with the majority coming from income assignments and tax intercepts made prior to incarceration. A small proportion of payments (14%) came from administrative liens during incarceration, which are designed to extract funds from inmate accounts. Most of those who made a payment (56%) did so before they entered prison, although 44 percent showed payment

activity following the commencement of their prison sentence. On average, incarcerated obligors made their last recorded payment 16 months before they entered prison, although the time lapse ranged from less than one month to nine years.

Table 10: Percentage of NCPs making at least one child support payment from various sources prior to receiving a modification notice (N=162) *

Income assignment	57% (83)
IRS intercept	26% (38)
State revenue tax intercept	25% (36)
Direct payment from NCP	14% (20)
Administrative liens **	14% (20)
Unemployment compensation benefit	5% (8)
Other	1% (2)

* Percentages total more than 100 because in some cases NCPs made multiple payments.

** One county filed some administrative liens before sending modification notices to the NCPs. The collections from these early liens are separated from those lien collections made after the NCP went through the notification process.

Modification Process

Once the county CSE technicians identified the NCPs who were eligible for a child support modification, they needed to locate each inmate within the DOC system. Although the quarterly CSE/DOC data match named the facility the NCP was in when the match was run, offenders are frequently moved to different facilities. Each county contacted DOC to verify the current location of inmates who met the qualifications for a child support modification. They then mailed notices to incarcerated NCPs telling them they could apply for a modification. An application form was included with the notice (see Appendix A for a copy of the notice and the application form).

Contacting inmate obligors is not a simple process. For example, county CSE technicians found that Colorado DOC will return mail to the sender if the offender's DOC number is not written on the outside envelope. As previously noted, it was also necessary to query DOC for up-to-date address information for inmates and to mail modification letters quickly, before the inmate was moved.

Response to Modification Notice: Of those NCPs who were mailed a notice, 41 percent (N=87) did not respond or could not be located. Fifty-nine percent (N=126) requested a modification and returned an application form to the county CSE worker.

Most custodial parents were sent a notice at the same time as the NCP. It explained that either party has the option to request a modification. Ninety-two percent of the CPs did not respond, and 3 percent of the notices were returned as undeliverable. Additionally, 2 percent of the CPs requested nondisclosure of their address. A few CPs wrote detailed objections to the modification, and in a few instances, asked that the child support case be closed rather than allowing a modification to occur. In such cases, although the CSE unit would no longer be involved in the case, a judicial order would stand and arrears would accrue.

Table 11: Response to the modification notice by custodial parents (CPs) and incarcerated noncustodial parents (NCPs)

Response	Incarcerated NCPs (N=213)	CPs (N=193)
Did not respond or could not be located	41% (87)	95% (183)
Requested a modification	59% (126)	N/A
Sent a completed financial form	N/A	1% (2)
Requested address confidentiality	N/A	2% (4)
Requested case to be closed to avoid modification or requested a court hearing	N/A	2% (4)

Upon receiving the applications for modification, CSE technicians followed standard review and adjustment procedures. On average, this process took a little more than three months, during which time a few more cases were dropped from the project when the NCP was released from prison or the case was closed. In the end, CSE technicians determined that 105 NCPs (83% of those who returned an application form) qualified for a modification.

NCPs who returned an application for a modification reported a monthly income in prison ranging from \$1 to \$172, with an average of \$31. In most cases, the CSE technician recommended that the monthly order amount be reduced to \$20.

Federal and state laws require that both the NCP and the CP be notified when CSE has completed a review and is recommending an adjustment to the child support order amount. This notification allows either party to contest the change. The notices sent for this

project included the recommended dollar amount, typically \$20. Thirteen CPs challenged the modification, by writing a letter of complaint, asking that the case be closed, or asking for a court hearing. This comprised an objection rate of 12 percent.

Results of Reviews and Adjustments: Table 12 shows the result of the review and adjustment process. Of the 213 individuals who were eligible for modification consideration and were sent a notice inviting them to apply, approximately 20 percent (N=41) applied for and received a modification. Modified order levels ranged from \$20 to \$100. As of this report writing, an additional 28 percent (N=57) were waiting for a determination of their modification request. Five percent (N=7) of the requests were denied.

NCPs did not respond or could not be located	41% (87)
NCPs returned a request application	59% (126)
Results of modification requests (N=126)	
Request not processed or review terminated *	17% (21)
Modification approved	33% (41)
Modification denied	5% (7)
Modification pending	45% (57)

* In most of these cases, the request could not be processed because it was an arrears-only case, the child had been emancipated, the order had been previously modified, or the NCP did not return the paperwork. Other cases were not processed because the CP asked that the case be closed.

We get a different reading on the incidence of various modification outcomes when we consider these patterns in the context of the full data match, which included the small fraction of cases eligible for modification, as well as the many cases that did not meet the eligibility requirements. Table 13 shows the percentages of modifications applied for and received when these activities are compared with the 898 inmates with open child support cases. The incidence levels are much more modest, with modifications ultimately occurring in only 5 percent of inmate child support cases.

Table 13: Modification qualifications, requests, and outcomes for all inmates with child support cases

All NCPs identified in match of DOC and CSE records	100% (898)
NCPs who qualified for a modification notice	26% (233)
NCPs returned application requesting modification	14% (126)
CSE recommended modification	12% (105)
Modification approved	5% (41)
Modification denied	.07% (7)
Modification pending	6% (57)

The results of the demonstration project can be compared with another prison modification effort associated with parenting classes held in prisons. Parenting Time Clinics were conducted by the CSE Paternity Director on a periodic basis during 1999 and 2000. Inmates who attended a session on child support were given a modification request form to complete and return to the state Paternity Director. The Paternity Director in turn forwarded the forms to the appropriate county for action. Obligor/ inmates completed 158 modification applications, but 105 of these were never processed for the same reasons that the county technicians in this project screened out incarcerated obligors. Thus, the release date of many applicants was within six months (N=36), or their case could not be found on ACSES (N=28). In some instances (N=29), the case was closed. In others, the applications were lost or never processed (N=12). After removing these cases, there remained a group of 53 applications for modification that were processed. Table 14 shows the outcomes for their requests.

Table 14: Outcomes for requests for a child support review and adjustment initiated by inmates (N=158)

NCPs requested modification but cases did not qualify	66% (105)
NCPs completed and mailed a request application	33% (53)
Results of modification requests (N=53)	
Request not processed or review terminated *	32% (17)
Modification approved	36% (19)
Modification denied	17% (9)
Modification pending	15% (8)

* In most of these cases, the request could not be processed because it was an arrears-only case, the child had been emancipated, the order had been previously modified, or the NCP did not return the paperwork. Other cases were not processed because the CP asked that the case be closed.

The percentage of obligors from the data match (24%) and the percentage of obligors who attended a Parenting Time Clinic (33%) who fit the criteria for receiving a modification are surprisingly similar. Since there is no way to know how many inmates declined to send in a modification application after attending a Parenting Time Clinic, we cannot place these cases within a larger context, as we have done with those linked to the data match. But it appears that roughly the same proportion of cases receive a modification, whether the modification process is initiated by a notice from the county or is begun by an obligor after seeing a presentation by child support personnel. The denial rate is higher because requests were sent to several counties that were unsympathetic to inmate requests and viewed incarceration as “voluntary unemployment.”

Modified Order Amounts and Time Frames: At the end of the demonstration project, 41 NCPs had a total of 46 modified orders. For this project, the county CSE units agreed to recommend to the courts a modified order amount of \$20. Of those orders receiving a modification, most (91%) were modified to \$20. Three orders were modified to \$50, and one was given an order of \$100. On average, it took 94 days (a little more than three months) to complete a review and adjustment, calculating from the day the NCP’s application was received by the CSE unit to the day the modification was finalized. The range of time needed was from 46 to 156 days.

Administrative Lien Payments: Because of the short time frame for the project, we cannot report on the payment patterns of NCPs after receiving a modification of their order. Additionally, any such analysis would be muddied by the practice currently being developed of Colorado DOC and CSE to collect some child support from inmates through administrative liens. In 2000, Colorado enacted a law permitting CSE to issue a notice of administrative lien and attachment to obligors in state prison facilities and collect monthly up to 20 percent of their prison bank accounts (C.R.S. § 26-13-122.5). At the same time, a second bill was passed to provide DOC with the vehicle for appropriating funds from inmates’ bank accounts to pay toward their restitution and child support obligations (C.R.S. § 16-18.5-106). In September 2000, DOC officials requested that CSE units convert the income assignments of inmates/obligors into administrative liens. The counties taking part in this project and a handful of other county CSE units began the process of working out the business rules and agency procedures for filing administrative liens and receiving child support payments.

The four counties conducting this project varied in their approaches to handling administrative liens. Several technicians thought it was better to file a lien before beginning a review in order to start the collection process as soon as possible. Others, however, opted to wait until the modification process had ended, so that they would not have to revise the lien to reflect the changed order amount. Additionally, technicians were not consistent in recording lien collection activity on obligors who declined to request a modification. Therefore, we did not receive a complete picture of how many obligors were having funds taken from their prison accounts to pay toward their child support obligations.

CSE technicians filed administrative liens for 58 percent (N=124) of the NCPs who received a notification. They recorded collections made from the bank accounts of 38 percent (N=47) of those NCPs with liens. Table 15 shows the three most recent lien payments of NCPs following the modification process and/or the filing of an administrative lien.

Table 15: Collection of lien payments following the modification (N=124)

Lien collections recorded	38% (47)		
Lien payments:	<u>Payment 1</u>	<u>Payment 2</u>	<u>Payment 3</u>
Mean	\$9	\$7	\$12
Median	\$4	\$4	\$6
Range	\$1 - \$76	\$1 - \$49	\$1 - \$217

During March to September 2001, some child support payments came from sources other than liens, including income assignments (N=5), direct payments (N=3), and one state revenue intercept. What is immediately apparent is that even with a modified child support order of \$20, most incarcerated obligors will not meet their monthly obligations through the administrative lien process.

Responses of Parents to the Modification Process

A small fraction of custodial parents challenged the modification request filed by the other parent (N=13). A few other custodial parents wrote letters spelling out their objections. For the most part, they had multiple reasons for disagreeing with the possible reduction of the order amount, and they voiced strong protests:

I think it is ludicrous that the amount of support be reduced. I ONLY get \$125.00 a month. Or should I say 'I'm supposed to get \$125.00 a month'! . . . the amount awarded covers so very little. I pay out \$44.46 per week in health insurance for [our child]....That doesn't include each and every \$20.00 co-pay for office visits, and \$15.00 to \$25.00 for prescription medicines. . . . I have no vision care and just a couple of weeks ago she cost me \$175.00 for glasses.

I am facing the daily ups and downs of raising [S.] by myself, and the proposed amount of \$20.00 per month is completely unacceptable. This amount does not even begin to cover the monthly expenses of raising a child in this day and age. I work full time and do not receive welfare benefits. I provide health insurance for [S.] through my employer at a substantial cost. I pay for food, shelter, clothing, daycare, swimming lessons, etc. on my own.

In several instances, the CP noted that prior to incarceration, the NCP had never

been a responsible parent:

(J.) never ever did anything for [our child]. He never did anything to provide for her, not even buy diapers....In her first 2 ½ years, he seldom ever called about her much less arranged to see her.

He has never voluntarily bought food, shoes, clothes or anything for (our child).

One CP noted that when the couple divorced, they knew the father was going to prison for 22 years, and as a result the child support order was set at a low amount of \$50.00. However, “[H.] has made no attempt to pay, not even \$5.00 for support for his 2 children.”

Although acknowledging the NCP’s inability to pay child support while in prison, several CPs looked to the future when the parent of their children will be released:

The court has ordered the amount of \$345 to be paid monthly including health insurance for [our son]. I do not expect to receive that amount while [D.] is in prison and has no income. However, when [D.] is released, his skills will enable him to make a good living, so he would not have a difficult time paying his arrears....I feel that upon his release he should be held accountable for all back payments, money our son is entitled to.

I realize repayment of back child support would not begin until after [T.] is released, but the full amount of \$481 per month during the time he was incarcerated should be collected.

Several CPs expressed outrage at “rewarding [this man] for his criminal actions by absolving him of his financial obligations.” One CP noted the irony of the proposed modification: “When he was not incarcerated, he was not jailed for even a second for failing to financially support his son. Yet, now this deadbeat father is being rewarded for being incarcerated!”

In contrast, one CP wanted nothing from the NCP except that he relinquish his parental rights to the child. She wrote to the technician, “My son has a loving, caring stepfather who has raised him as his own son for the last 11 years. His stepfather supports him emotionally and financially....We do not want or need [C’s] pathetic contribution....I am returning the checks you have already sent me.”

The county CSE units also heard from some of the incarcerated obligors. This NCP received the notice that he could apply for a review and adjustment, but he objected to any sort of modification:

I am respectfully declining this opportunity. I am not looking for any breaks. . . . I feel that the \$200 per month that the court set is a fair amount. The mistakes that I made that put me where I am in no way entitles me to reduce my obligations....I am more than willing for the duration of my incarceration to have my support continue to add up. And when I am released it is my intention to begin to pay off what I owe.

In contrast, one NCP challenged the proposed \$20 modification himself, saying “I don’t mind paying for my child as I have in the past, but it is very difficult for me to pay \$20 a month, and still have [money for the canteen for] my personal hygiene.”

Finally, one county received some late feedback from CPs who apparently did not understand what the modification was going to mean to them. “Most of the CPs did not respond to our notice that we were doing a review and adjustment. But several CPs called after they received a check, after the order had been modified and an administrative lien was in place. They asked to have the case closed. The small amount of the check seemed almost like an insult to them.”

Responses of CSE Personnel and Magistrates

Not surprisingly, the county CSE staff who worked in this project did not all share the same view. One county administrator was very skeptical of the basic idea:

I don’t feel good about this program. It doesn’t seem fair to modify an NCP’s order down to \$20 when he is in prison, and the CP is struggling to pay for everything. Plus we are not treating all NCPs the same way. We are modifying the orders of incarcerated NCPs in the IV-D world, but the incarcerated NCPs in the non-IV-D world are not given that opportunity. And every single NCP that we sent a notice had arrears when they entered prison — that is, they were never responsible parents before they were incarcerated.

County CSE units have to balance the cost of a program against the outcomes they can anticipate. County administrators express doubts about working with the population of incarcerated obligors in large part because they do not expect the collections to justify the effort:

This program is not cost effective. Look at the small amounts of money being collected by the administrative lien. It costs more to process the check than is being collected.

I would not recommend a policy of modifying an order for someone in prison. The amount collected is not worth the cost of modifying. We believe it is better to close those cases, until the person is released and employed.

But another county administrator, who places an emphasis on educating the public on obligor payment behavior, noted that the project was useful for several reasons:

This project shows how important it is to educate the NCPs about their responsibilities. Although we will not continue to send notices to incarcerated obligors — we don't notify other obligors of the option to request a review and adjustment when their income drops — we hope that the state CSE people and DOC will work out a method of regularly making CSE presentations to inmates. Also, by reducing the order amount to \$20 or \$50, and then collecting through the administrative lien, we accomplish something. I believe we are building patterns of behavior for paying, even though we are only collecting a little. Of course arrears will accrue, but at \$20 a month, the arrears will not be so hefty when the person is released.

One of the technicians working on the project was very positive about the project, saying that in the nine years she had worked for CSE, "We always wrote these [incarceration] cases off, thinking we could never collect anything. But this project is showing that sometimes the guy can and will pay."

As the nation's prison population ballooned in the past decade, CSE agencies began to realize that Department of Corrections' records are an important source to check when trying to locate someone named in a child support case or to locate an obligor for enforcement purposes. One of the main benefits of the CSE and DOC electronic data match is that it allows the CSE unit to locate NCPs easily, as this technician explained:

The real benefit from this project has to do with establishment cases, not modification. With the data match, we can contact NCPs we could never locate before, and begin or finish the process of establishing paternity and an order.

Several of the CSE staff who worked on this project found the outreach aspect to be particularly helpful. One county administrator received calls from inmates through the help of a DOC case manager. She believes that there are DOC staff who would work with inmates on child support matters if they were given brochures and forms and if there were an appointed liaison at a child support agency with whom they could consult. Another CSE worker noted that for some NCPs in prison, hearing from the CSE unit is a positive thing:

One of the surprising benefits of this project has been the connection to our program for low-income parents needing services and training. A number of the NCPs who were contacted while in prison have come to us after being released, and are now part of the Y2K [Yes to Kids] program, which is strictly a voluntary program. These parents told us they were surprised to have found someone who will work with them, and they were especially happy to find a way to reconnect with their kids.

Orders that are judicially established can only be modified following a court action. County CSE personnel reported different experiences with the local magistrates who handled these modifications. In one county, the magistrate objected strongly to the project, noting that most of the cases coming before her reflected a pattern of nonpayment before the NCP was ever incarcerated. The other counties, in contrast, worked with magistrates who willingly modified orders to \$20 to \$50.

Barriers and Issues in Implementing a Modification Program for Incarcerated NCPs

There are numerous factors that must be weighed by a CSE agency when considering the development of a program to work with incarcerated obligors. One of the first considerations involves perceptions of fairness in the treatment of all obligors. Should “special” materials be developed for incarcerated NCPs that are not used with the rest of the caseload? How much of the agency’s personnel resources should be allocated to working with a sub-population, particularly one that appears to pay minimally in many cases? Aware that their policies and practices are scrutinized by many groups, including legislators, judges, and advocates for NCPs and CPs, CSE agencies strive for consistent treatment of obligors. One county administrator explained why the county CSE unit would not be continuing the practice of sending notices to obligors identified in the CSE/DOC match: “We don’t send a modification notice to an obligor when we hear he has taken a cut in pay or has lost his job. So we can’t justify sending notices to NCPs just because they are in prison.”

Workload Impact of Reviews and Adjustments: An issue that cannot be overlooked is the impact on the workload of technicians who are processing modifications. Modifications take time, in part because due process is required and input must be solicited from both parties. Thus, both parties are sent notices about their right to request a review and adjustment, and both are asked to complete financial affidavits and return them within a specified number of days, usually from 20 to 40 days, depending upon the county CSE unit.

Workers were asked to record how much time they spent on sending and processing review and adjustment notices and handling the paperwork for administrative liens. They reported spending an average of 33 minutes on the review and adjustment notices for each case, and an average of 18 minutes filing an administrative lien. However, the time recorded did not include time spent verifying the location of the NCP within DOC prison facilities and talking with or responding to letters from NCPs and CPs. It must be remembered that 41 percent of the NCPs did not respond to the modification opportunity, meaning that the initial effort spent on this proportion of NCPs was not useful.

Problems With Implementation of a Modification Program: It would be tedious to describe the myriad problems and questions that arose during the project regarding the process to be followed. The issues, some of which were never resolved, included such things as:

- < It is unclear whether the worker should send a financial affidavit to both parties with the first notice of modification or wait to see if the NCP responds to the notice before sending a financial form to the CP. If the worker waits to hear from the NCP before notifying the CP, the process is slowed. But if the NCP never responds, the worker will not have wasted resources on the CP.
- < County CSE staff were unsure how the local magistrates would respond to a CP's request for a court hearing, and if the CSE unit would be required to arrange for, and possible pay for, the NCP to attend. In most cases, magistrates allowed NCPs to "attend" the hearing via telephone.
- < Judges and magistrates hold differing viewpoints regarding modification of child support orders of incarcerated obligors. One of the four county magistrates hearing cases from this project strongly expressed her disapproval of the project and of making downward modifications for obligors in prison. County CSE units may find that magistrates, with whom they ordinarily agree, are unwilling to accept recommendations for modification of incarcerated obligors' orders.
- < The information on quarterly CSE/DOC data matches may be out of date by the time the technician begins to work with a case. Even after verifying the state prison facility holding the NCP, some notices were returned as "undeliverable" by DOC, meaning the individual had been moved to another facility or had been released. Any variation between CSE and DOC records regarding the NCP's identifying information (full name, Social Security number, date of birth) will result in DOC telling the CSE unit that this person is not under DOC's supervision. DOC returns any mail to the sender that violates DOC's rules (*i.e.*, all mail to inmates must include their DOC numbers on the outside of the envelopes), thus slowing down the process.
- < The issue of timing with regard to a modification is crucial. No county wanted to begin the process to modify an order to \$20 if the NCP was within a few months of being released from prison. Yet obtaining the next possible date of release (which is quite different from the "mandatory release date") from DOC records was difficult. Often, the "earliest" possible release date provided in the data match was several months or years in the past. In some cases, an inmate was released shortly after he had returned the application for a review and adjustment.

Thus, one of the primary lessons provided by this project was that any modification effort must be carefully crafted to address problems of paper flow and variations in how identifying information is recorded by agencies. Collaboration between CSE and DOC requires clear communication on how to interpret dates provided in records and how to communicate about agency rules and expectations.

Summary

In this project, Colorado CSE explored one approach to working with incarcerated obligors to mitigate the probable growth of arrears during their imprisonment. County CSE units identified incarcerated NCPs through an electronic match of their caseload with that of the Department of Corrections. Using a process of formal notification, the county CSE units informed NCPs of the option to request a modification of their child support orders to \$20 during their incarceration.

Although the data match identified 898 inmates with child support cases, only 26 percent were eligible to receive a modification notice. Of those sent a notice, approximately two-fifths (41%) simply did not respond. Of those who responded, 33 percent received a modification, 5 percent were denied, and in 45 percent of the cases, the decision was pending at the end of the project.

The results of this project provide some critical lessons for agencies to incorporate as they work with incarcerated parents with child support obligations. The most important points revealed from the project are:

- ' Only a fraction (26%) of incarcerated parents with child support involvement have cases that meet the criteria for modification.
- ' Locating and notifying eligible NCPs about their modification option is an arduous process.
- ' Many incarcerated obligors fail to respond to the notice to modify or fail to return the necessary papers.
- ' Those who apply for a modification receive various responses, with 33 percent of requests being granted, 5 percent being denied, and 45 percent in a pending status.
- ' A small fraction of custodial parents challenge the modification request or close their cases to prevent a reduction in the accumulation of arrears. They reason that the financial burden of raising the child should be shared by both parents and the incarcerated parent should not be excused from his responsibilities.

Although virtually all incarcerated parents eligible for modification enter prison with substantial arrears balances (\$10,249), the balances increase by 33 percent between the date they enter prison and the date they are notified regarding the modification option.

Although most modified orders were reduced to \$20 per month, a review of monies garnered from prison bank accounts through Colorado's new administrative lien law shows that half pay less than \$4 per month toward their child support obligation.

While county CSE administrators and line staff see some benefit to the modification process, they do not find it to be cost effective. They generally favor dropping the idea or having the State CSE agency either take on the job or develop an automated procedure.

CSE personnel, judges, and magistrates hold different and conflicting views about the equities and appropriateness of modifying child support orders for incarcerated obligors. While some view it as a pragmatic way to avoid the buildup of uncollectible arrears that may hinder reintegration; others view it as rewarding criminal behavior, as well as offering special treatment to one segment of the population.

The county CSE administrators and line workers who participated in the project made a number of recommendations based upon their experiences with DOC and the obligors in prison. In addition to noting that it is extremely labor intensive for a county CSE unit to manually process modifications for incarcerated NCPs, they suggested the following:

- Any modification of orders for NCPs in prison should include language to reinstate the original order amount after a specified time period following the release of the parent.
- The informational component of the project is valuable. State CSE staff should arrange to make regular CSE presentations to inmates/NCPs and DOC staff about child support obligations and the modification process. The facilities that hold a large number of obligors should be targeted for presentations. County CSE units with numerous obligors in these facilities might be willing to work with the State on these presentations.
- Although it makes sense to inform NCPs of their child support obligations and options at the time they go through the DOC Denver Reception and Diagnostic Center (DRDC) for the intake process, it is likely that many of the new inmates will have more immediate problems with which to deal. Therefore, informational presentations about child support should not be limited to the DRDC, but should also be offered at the other state prison facilities on a regular basis.
- There are some DOC case managers who express interest in working with CSE to address inmates' child support problems. State CSE staff should

collaborate with DOC administrators to develop a set of facility liaisons who would be familiar with CSE procedures and rules and who could assist NCPs in completing forms.

- It appears that some incarcerated obligors lack the literacy skills to follow instructions or understand notices sent by CSE. Therefore, CSE staff should simplify the language level of the materials used with this population, as well as with the rest of the CSE caseload.
- One way to limit the county workload would be to utilize the electronic data match between CSE and DOC in order to trigger an automatic letter of notification to the inmate/NCP telling him of the option to apply for a review and adjustment.

It is unclear how Colorado and other states will reconcile the rival concerns and public policy debates raised by incarcerated obligors. On the one hand, there is the concern that the combination of monthly child support payments, monthly arrears payments, and other financial obligations such as restitution may be so burdensome that many released or paroled NCPs will go underground or end up back in prison. On the other hand, many object to reducing child support orders for incarcerated obligors because of equity and fairness issues. More widespread implementation of modification efforts with the incarcerated population will require addressing a host of practical barriers within the judicial, corrections, and Child Support Enforcement arenas, as well as balancing the viewpoints of the involved constituencies.

References

Mumola, Christopher J., 2000. Incarcerated Parents and their Children. *Bureau of Justice Statistics, Special Report*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 182335.

Roberts, Paula, 2001. *An Ounce of Prevention and a Pound of Cure: Developing State Policy on the Payment of Child Support Arrears by Low Income Parents*. Washington, DC: Center for Law and Social Policy

Sachs, Heidi, 2000. Support Services for Incarcerated and Released Noncustodial Parents. *Welfare Information Network, Issue Notes*, Vol.4, No. 6. <http://www.welfareinfo.org>.

Thoennes, Nancy, 2001. *Child Support Profile: Massachusetts Incarcerated and Paroled Parents*. Denver, CO: Center for Policy Research.

Appendix A



Appendix B

