

**OFFICE OF THE ATTORNEY
GENERAL (OAG)
CHILD SUPPORT SERVICES
DIVISION (CSSD)**



OIG

REPORT OF INSPECTION

**DANIEL W. LUCAS
INSPECTOR GENERAL**

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The mission of the Office of the Inspector General (OIG) is to independently audit, inspect, and investigate matters pertaining to the District of Columbia government in order to:

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- promote economy, efficiency, effectiveness, and accountability;
- inform stakeholders about issues relating to District administration and operations; and
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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



October 9, 2015

The Honorable Karl Racine
Attorney General
Office of the Attorney General
441 4th Street, N.W.
Washington, D.C. 20001

Dear Attorney General Racine:

My Office has completed its inspection of the Office of the Attorney General, Child Support Services Division. The final report is enclosed.

Please use the enclosed *Compliance Forms* to report to the OIG actions taken on each recommendation and return the forms by the dates noted on them.

The OIG will also continue to monitor the issues cited in the Management Alert Report (MAR) that was issued during this inspection: *Field Investigators Lack Training, Procedures, and Precautions for Managing Threatening Individuals and Dangerous Situations*. To that end, when your office returns the compliance forms, please provide an update on the actions your agency is taking to mitigate and correct the conditions cited in the MAR.

If you have questions or comments concerning this report or other matters related to the inspection, please contact me or Edward Farley, Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Lucas", is written over the typed name.

Daniel W. Lucas
Inspector General

DWL/klb

Enclosure

cc: See Distribution List

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

This report of inspection of the Office of the Attorney General Child Support Services Division (OAG/CSSD)¹ is divided into two main sections: (1) Finding, Areas for Improvement, and Recommendations, and (2) Employee Survey and Stakeholder Concerns.

The Finding, Areas for Improvement, and Recommendations section contains the Office of the Inspector General's (OIG) finding that CSSD obtains fewer child support orders than it has in the past due to management and operational deficiencies, which reduce the quality and timeliness of client services. Although CSSD has increased the number of child support orders it obtained from fiscal year (FY) 2012 to 2014, the number of child support orders it obtained in FY 2014 (2,026) is still 23 percent below the number of orders it obtained in FY 2009.

The OIG team identified six areas for improvement to increase the number of child support orders CSSD obtains:

- As of March 2015, CSSD had a backlog of 10,341 cases opened before calendar year 2015 that require action by Intake employees and lacked sufficient controls to ensure older cases are processed.
- The Department of Human Services (DHS) does not provide adequate information from benefits applications to CSSD, and DHS does not sanction (as required) the majority of Temporary Assistance to Needy Families recipients who do not cooperate with CSSD.
- Rejected petitions and a lengthy quality control (QC) process delay the child support process.
- Many cases ready for court hearings do not proceed because CSSD cannot serve required notices on non-custodial parents (NCP).
- CSSD is not adequately managing attorneys' heavy workloads to maximize effectiveness.
- The working environment at CSSD is one of deficient communication, collaboration, oversight, and discipline, which diminishes the agency's performance in all steps of the child support process and contributes to many of the problems facing individual CSSD units.

This report contains recommendations for improving management oversight of CSSD employees and serving summons on NCPs to appear at hearings, particularly for NCPs likely able to pay child support because they are employed. The OIG also recommends: additional monitoring of backlogged cases requiring processing; improvements to CSSD's QC review process; better support for CSSD attorneys to improve efficiency; and better coordination between CSSD and DHS regarding custodial parents (CP) receiving public assistance. A complete list of the areas needing improvement and 21 recommendations is included in Appendix 2. Successfully implementing this report's recommendations will help CSSD increase the number of child support orders it obtains and more families will receive financial support from child support payments.

¹ See Appendix 1 for a list of report acronyms and abbreviations.

EXECUTIVE SUMMARY

The Employee Survey and Stakeholder Concerns sections of the report include a summary of CSSD employees' ratings of CSSD's performance in various areas, responses to open-ended questions, and the results of interviews with representatives from advocacy organizations and the court.

In addition, on April 6, 2015, the OIG sent a Management Alert Report (MAR 15-I-001) to OAG entitled, "***Field Investigators Lack Training, Procedures, and Precautions for Managing Threatening Individuals and Dangerous Situations.***"² The MAR and OAG's May 21, 2015 response are included in Appendix 3.

² The OIG issues a MAR when it believes a matter requires the immediate attention of District government officials.

**OBJECTIVE, SCOPE, METHODOLOGY, AND
BACKGROUND**

OBJECTIVE, SCOPE, METHODOLOGY, AND BACKGROUND

Objective

The objective of this inspection was to assess the efficiency of the Child Support Services Division's (CSSD) operations and the quality and timeliness of customer services.

Scope and Methodology

The inspection began in November 2014, and the team completed fieldwork in April 2015. The inspection covered the child support process up to the point of obtaining a child support order.

The team focused on the number of child support orders that CSSD obtained per year as the primary measure of CSSD's success and evaluated CSSD's community outreach, paternity establishment, intake, and receipt of child support orders. The team issued a survey to CSSD employees and met with stakeholders to assist in determining which CSSD components to evaluate. During the inspection, the team conducted approximately 50 interviews with CSSD and other District government agency personnel, stakeholders, and officials from other jurisdictions. The team also reviewed documents and analyzed CSSD performance data.

OIG inspections comply with standards established by the Council of the Inspectors General on Integrity and Efficiency and pay particular attention to the quality of internal control.³ The OIG inspection process includes follow-up with inspected agencies to determine their compliance with agreed-upon recommendations.

Background

CSSD's purpose is to provide "child support services to citizens of the District to enhance the lives of all District children by establishing support orders, enforcing them when necessary, and collecting and distributing the amounts collected to the custodial parents and the children."⁴ CSSD's functions include establishing paternity; locating parents to establish paternity and child support; obtaining child support orders and medical support orders to provide health insurance for children; enforcing child support and medical support orders; and collecting child support payments. CSSD also works with other states on interstate child support cases in which only one parent lives in the District of Columbia. CSSD's approved fiscal year (FY) 2014 budget of \$31,083,000 included 215.5 full-time equivalent positions.⁵

³ "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (Nov. 1999).

⁴ PATHWAYS TO THE MIDDLE CLASS: FY 2016 PROPOSED BUDGET AND FINANCIAL PLAN, VOLUME 2 AGENCY BUDGET CHAPTERS – PART I, A-219 (Apr. 2, 2015).

⁵ KEEPING THE PROMISES: FY 2015 PROPOSED BUDGET AND FINANCIAL PLAN, VOLUME 2 AGENCY BUDGET CHAPTERS – PART I, A-200 (Apr. 2, 2015).

OBJECTIVE, SCOPE, METHODOLOGY, AND BACKGROUND

CSSD must complete a six-step process to obtain child support orders and payments from non-custodial parents⁶ (NCP), as illustrated in Figure 1 below.

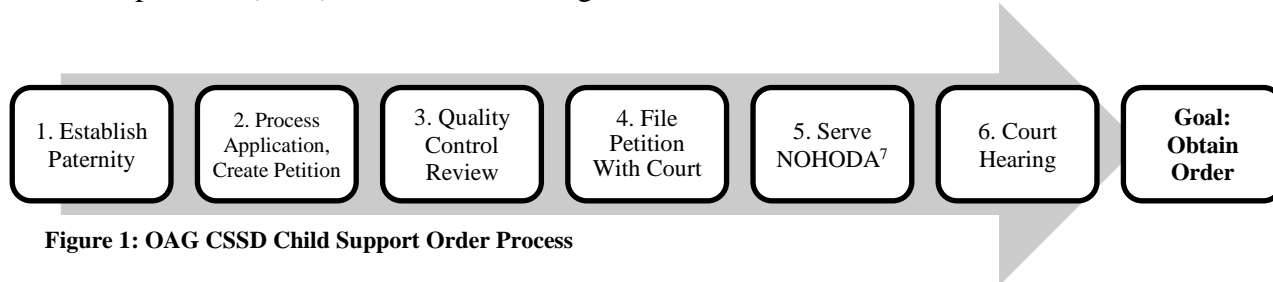


Figure 1: OAG CSSD Child Support Order Process

To obtain a child support order, CSSD must first establish paternity for children born to unmarried parents. CSSD can establish paternity by, for example, getting the putative father⁸ to voluntarily sign an Acknowledgment of Paternity⁹ or obtaining a court order. If the man named as the father is unsure or denies that he is the father, the court may order a genetic test; if this test indicates he is the father, the court will issue an order establishing paternity.

CSSD opens a child support case when a custodial parent (CP) either completes a child support application or applies for Temporary Assistance for Needy Families (TANF) and/or Medicaid. The Department of Human Services (DHS) oversees these two public assistance programs and automatically sends case information to CSSD to open child support cases. Federal law mandates that TANF customers establish child support cases so the District and federal governments are reimbursed for some funds paid as public benefits. CSSD Intake employees interview CPs, obtain documents such as birth certificates and marriage licenses, and enter case information in CSSD’s District of Columbia Child Support Enforcement System (DCCSES).

CSSD must have a valid home address for the NCP, which often requires searching multiple databases, before attempting to obtain a child support order. To find NCPs, CSSD employees use an online search engine called CLEAR to query different sources of information, including cellular telephone, credit, departments of motor vehicles, and court records. Once CSSD has all information needed to complete a child support petition, the petition passes through three layers of quality control (QC) review. After a CSSD attorney approves the petition, it is filed with the D.C. Superior Court. A CSSD field investigator then serves a Notice of Hearing and Order Directing Appearance (NOHODA) to the NCP who must appear in court for child support and paternity establishment hearings.

⁶ CSSD’s “Field Investigator Locate Policy,” dated January 20, 2011, defines “non-custodial parent” as the “[p]arent who does not have physical custody of a child but who has a responsibility for financial support.” *Id.* § IV(3).

⁷ CSSD field investigators serve Notices of Hearing and Orders Directing Appearance (NOHODAs) to summon NCPs to appear in court for child support and paternity establishment hearings.

⁸ The putative father is a man whose legal relationship to a child has not been established but who is alleged to be or claims that he may be the biological father of a child who is born to a woman to whom he is not married at the time of the child’s birth.

⁹ An Acknowledgement of Paternity (AOP) is a legal document in which a child’s father is identified by the unmarried mother and father. If the AOP meets the requirements of District law, it establishes the child’s father without the need to go to court. <http://cssd.dc.gov/page/acknowledgement-paternity> (last visited Apr. 26, 2015).

OBJECTIVE, SCOPE, METHODOLOGY, AND BACKGROUND

CSSD attorneys present child support petitions to the court during hearings. The court issues child support orders with amounts owed based on D.C. Code child support guidelines, which factor in items such as both parents' incomes, health insurance costs, and child care costs.

After the D.C. Superior Court issues a child support order, CSSD uses many tools to collect child support if NCPs do not pay voluntarily. Income withholding requires the NCP's employer to withhold child support from a parent's pay before he/she receives any portion of the wages. Other enforcement mechanisms include intercepting state and federal tax refunds, seizing bank accounts, and suspending driver's licenses.

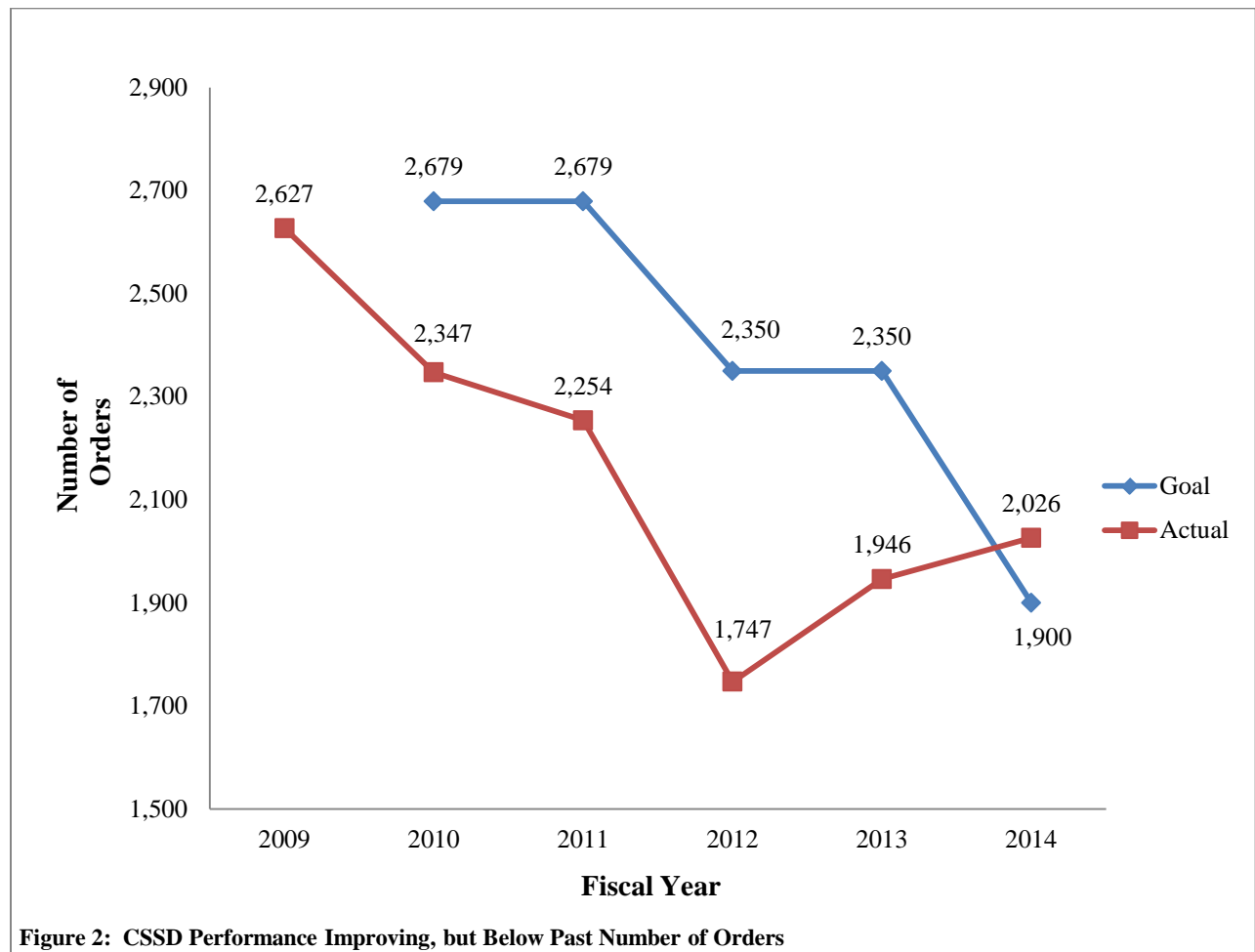
**FINDING, AREAS FOR IMPROVEMENT, AND
RECOMMENDATIONS**

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

Inefficiencies at CSSD reduce the number of child support orders that CSSD obtains and decrease the quality and timeliness of customer services.

Finding: CSSD obtains fewer child support orders than it has in the past.

CSSD increased the number of child support orders it obtained from FY 2012 to FY 2014; however, the number of orders obtained in FY 2014 (2,026) was still 23 percent less than those obtained in FY 2009 (2,627), as shown in Figure 2 below.¹⁰ The team selected FY 2009 as a baseline because it was the first year that CSSD used the number of child support orders as a key performance indicator. Although CSSD met its goal for FY 2014, the goal for this year was lower than previous goals and lower than CSSD's FY 2013 performance. CSSD managers set the goals based on past performance and trends, and set the FY 2014 goal before the end of FY 2013 using information available. CSSD's performance declined in FYs 2011 and 2012 following judges finding that CSSD's petitions were legally insufficient because, among other deficiencies, they lacked the dates of conception and paternity affidavits. CSSD corrected its petition form, but the number of orders obtained remains relatively low due to multiple causes as discussed in this report.



¹⁰ OAG did not list a goal for the number of orders in FY 2009.

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

If CSSD increases the number of child support orders it obtains, more custodial parents would be eligible to receive child support payments. In FY 2014, CSSD made collections in 58 percent of cases with a child support order. Using this collections rate, the team estimates that had CSSD obtained an additional 601 child support orders in FY 2014 – matching its FY 2009 performance – an additional 349 families would have received child support payments. Given that the average annual¹¹ support payment in FY 2014 was \$1,893, we estimate that current child support payments to the additional 349 families would have totaled \$660,657 in a year.

1. CSSD has a backlog of cases requiring action by Intake employees and insufficient controls to ensure older cases are processed.

This area for improvement affects the application processing step of the child support process, as illustrated in Figure 3 below.

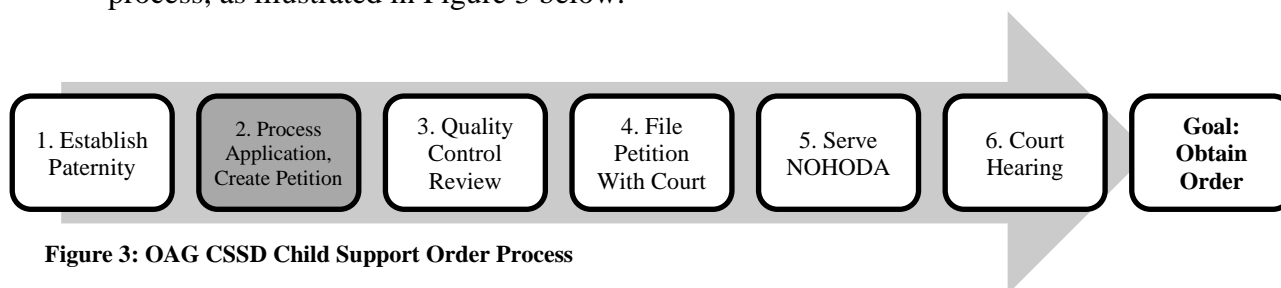


Figure 3: OAG CSSD Child Support Order Process

As of March 2015, 10,341 cases opened prior to calendar year 2015 still required processing by Intake employees, as shown in Table 1 on the next page. Of these cases, 3,142 are over 10 years old, including 1,214 from 1998.

Factors contributing to this backlog include past problems tracking employees' case progress, difficulties with holding employees accountable,¹² removing cases from employees' electronic task lists, and inadequate controls to ensure that older cases move forward.

In 2012, union concerns regarding employees' overwhelming task lists led CSSD to delete Intake employees' electronic task lists, which show cases assigned to each employee. Old cases needing action were no longer shown as requiring employees' attention. In December 2014, CSSD managers identified over 8,000 cases omitted from Intake employees' task lists. In January 2015, to rectify the omissions, CSSD added 100 old cases per month to each Intake employee's task list for processing. As of April 2015, approximately 4,000 old cases remained to be added to the task lists, but CSSD estimated that it would complete these additions by August 2015.

¹¹ CSSD also collects arrears payments, which are not included in these calculations.

¹² See page 27 for more information.

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

Calendar Year Case Opened	Number of Cases
1986	1
1998	1,214
1999	301
2000	271
2001	285
2002	279
2003	338
2004	453
2005	403
2006	410
2007	434
2008	459
2009	519
2010	587
2011	855
2012	809
2013	1,204
2014	<u>1,519</u>
Total	10,341

Table 1: Backlog of Cases without Orders That Require Processing by Intake (as of March 2015)

Although CSSD and federal standards mandate opening a case within 20 calendar days of receipt of an application,¹³ many cases remain open in the Intake phase for longer periods, as shown in Table 1. Further, CSSD does not have adequate controls to ensure that Intake employees move older cases forward. Older cases, therefore, are treated as less of a priority while Intake employees focus on processing new cases by the 20-day deadline.

Although Intake managers monitor employees' electronic task lists, DCCSES does not automatically notify managers of unprocessed cases past the 20-day required timeframe (e.g., cases not processed after 6 or 12 months). CSSD has postponed developing such an alert system because it has been finishing a significant overhaul of the DCCSES.

Recommendations:

- (1) That the Director of CSSD (D/CSSD) enact written policy and procedures to ensure that Intake employees process child support cases that have missed the 20-day requirement within a designated timeframe, such as 6 months.

Agree X Disagree _____

¹³ CSSD's *General Intake Policy for Local Cases*, dated May 7, 2012, states, "The deadline for case processing is 20 calendar days." *Id.* at 5. According to 45 CFR § 303.2(b), a child support agency "must, within . . . 20 calendar days of receipt of referral of a case or filing of an application for services under § 302.33, open a case by establishing a case record"

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

the states as a condition of receiving TANF assistance.¹⁷ Up to \$150 per month of the NCP's child support payment goes to the CP besides TANF benefits, and the District receives any additional amounts paid (e.g., if an NCP pays \$200 per month, the CP would receive \$150, and the District would receive \$50).¹⁸

Although the CP's cooperation is vital to obtain sufficient information to locate the NCP, many CPs who receive TANF do not want to cooperate with CSSD. When TANF recipients do not cooperate with CSSD, usually by failing to appear at CSSD intake appointments, CSSD requests that DHS sanction them by reducing their TANF benefits by 25 percent to pressure them to cooperate with CSSD.¹⁹ Federal regulations require that DHS impose sanctions for non-cooperation.²⁰ DHS restores the full benefit amount if recipients cooperate with CSSD.

a. DHS Frequently Submits Incomplete Benefits Applications.

In January 2015, DHS, with input from CSSD, updated its benefits application to document more information needed for child support cases. CSSD received copies of the applications in March 2015, but required pages and forms frequently were missing or completed incorrectly. Benefits applicants had not signed pages containing information on the fathers of their children, and these pages could serve as affidavits of paternity for child support hearings. DHS managers plan to train employees to properly complete the application forms.

b. DHS Does Not Sanction Majority of TANF Recipients who Fail to Cooperate with CSSD.

DHS is noncompliant with federal requirements to enforce sanctions against uncooperative CSSD clients, and CSSD does not have the means to hold DHS accountable. DHS generated a report at the request of the OIG, which showed that from October 2014 through March 2015, DHS sanctioned only 39 percent of the 1,197 cases for which CSSD requested sanctions. The percentage of requested sanctions that DHS imposed per month increased from 3 percent in October 2014 to 80 percent in March 2015. CSSD managers were concerned that DHS did not impose all requested sanctions, and only received information from DHS regarding the number of cases sanctioned after the OIG submitted inquiries to DHS. DHS does not provide CSSD with reports detailing which requested cases it sanctioned, which it did not sanction, or why it did not issue sanctions. CSSD and DHS's Memorandum of Agreement does not include requirements for DHS to report to CSSD the outcome of sanction requests. Previously, an audit of the District of Columbia's federally-funded expenditures for FY 2013 found that DHS did

¹⁷ See 42 USC § 608(a)(3).

¹⁸ In these TANF cases, the District retains 50 percent of the child support payments and transfers the remaining 50 percent to the federal government.

¹⁹ According to 45 CFR § 264.30(b), CSSD is required to report cases of non-cooperation to DHS for sanctions.

²⁰ See 45 CFR § 264.30(c).

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

not sanction 17²¹ out of 40 TANF cases that CSSD referred to DHS for non-cooperation.²²

Recommendations:

- (1) That the D/CSSD collaborate with DHS to ensure that DHS employees are adequately trained to complete the benefits application sections that are crucial to establishing paternity for child support cases.

Agree _____ X²³ _____ Disagree _____

OAG August 2015 Response, As Received: *CSSD agrees to continue to collaborate with DHS with respect to the new benefits application and other operational and policy matters where cooperation is needed. In fact, in 2014 CSSD and DHS began a new initiative to streamline the child support information gathering process for TANF recipients. This initiative was a direct result of the difficulty CSSD Intake workers were having in meeting the new requirements that the Superior Court imposed on CSSD's petitions, and it resulted in the collaborative development of the new application. Through this revised benefits application process, TANF workers collect the information and documentation necessary for CSSD to file a case in court without re-interviewing the custodial parent. CSSD and DHS developed the new application in 2014 and TANF workers began using it in 2015 when funding for it became available.*

As with any new process, training was required for TANF workers to consistently use the new application correctly. Gathering information about the conception of children is a new task for DHS staff who previously asked questions about income and assets, and TANF workers sometimes need guidance in preparing documents in the form required for use in court. Through its collaboration with CSSD, DHS has been providing this additional training, and CSSD has continued to see improvements in the information it receives. This process has also fostered relationships between CSSD and DHS managers and staff that will assist both agencies in jointly addressing future issues.

- (2) That the Director of DHS (D/DHS) ensure that DHS fulfills requests from CSSD to sanction TANF recipients for non-cooperation, including past requests for sanctions that DHS did not implement if the CP has not yet cooperated with CSSD.

Agree _____ X _____ Disagree _____

²¹ In an additional case, the individual's benefits were reduced by less than 25 percent.

²² KPMG, Government of the District of Columbia: Schedules of Expenditures of Federal Awards and Reports Required by Government Auditing Standards and OMB Circular A-133, Year Ended September 30, 2013, 194-195 (Jan. 30, 2014).

²³ DHS and OAG were provided draft copies of the report of inspection for review. Both agencies agreed with the three recommendations made under this Area for Improvement, but only OAG submitted additional comments.

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

OAG August 2015 Response, As Received: DHS's failure to impose TANF sanctions for non-cooperation with child support has been a matter of concern to CSSD for quite some time, as has the level of the sanctions that DHS has been willing to impose. If TANF sanctions are not timely and significant, custodial parents who are not themselves seeking child support have little reason to participate in CSSD's efforts to establish support orders. CSSD has been pleased with DHS's recent, ongoing efforts to alleviate this problem, however. DHS is currently providing weekly child support sanction totals so that CSSD can ensure that sanctions are being appropriately applied. CSSD and DHS have also agreed to meet regularly to discuss this issue and other matters of mutual interest.

- (3) That the D/DHS and D/CSSD establish a written agreement with procedures for sanctioning TANF recipients for non-cooperation with CSSD and reporting detailed sanction information to CSSD.

Agree _____ X _____ Disagree _____

OAG August 2015 Response, As Received: CSSD will meet with DHS to establish a written agreement governing sanctioning procedures and reporting.

3. Although CSSD's petition review process has improved, it still delays the child support process.

This area for improvement affects the quality control step of the child support process, as illustrated in Figure 5 below.

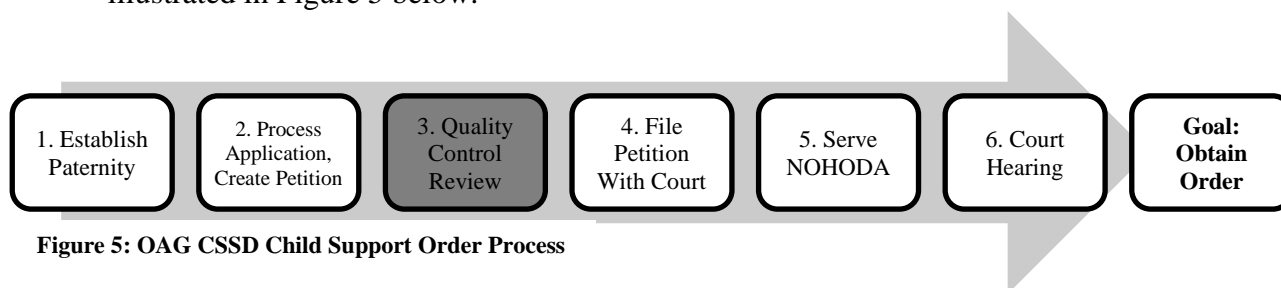


Figure 5: OAG CSSD Child Support Order Process

Before submission to the court, a petition passes through three layers of quality control (QC) review. After an Intake Unit employee interviews a customer, gathers required information, and drafts a petition, he/she submits the petition to an Intake Unit QC specialist to review. If the Intake QC specialist deems the petition acceptable, he/she sends it to a QC specialist in the Legal Services Section for review. If the Legal QC specialist approves the petition, he/she passes it to the attorney assigned to the petition for final approval. Once an attorney approves the petition, it is ready to be filed in court. If at any point in the process a reviewer finds an error, the reviewer rejects the petition and sends it back to the Intake Unit employee.

Over the last 2 years, CSSD has dramatically reduced the number of times petitions are rejected. As illustrated in Figure 6 below, during FY 2013, reviewers rejected petitions

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

in 511 unique cases 639 times.²⁶ CSSD reduced the number of rejections in FY 2014; reviewers rejected petitions in 145 unique cases 176 times. During 2014, CSSD trained QC reviewers and Intake employees on the QC process. The team determined that the improved statistics in Figure 6 reflect the impact of that additional training.

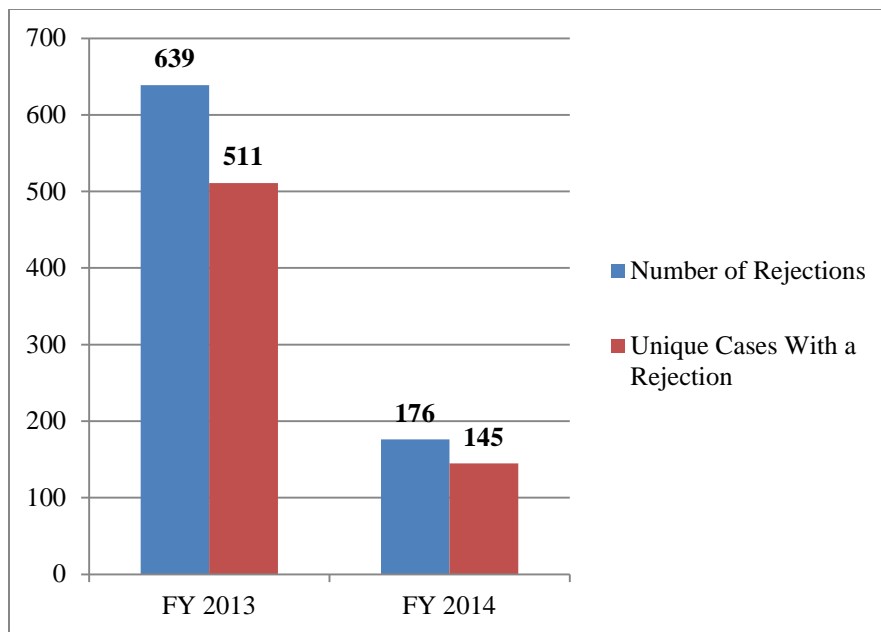


Figure 6: CSSD Petitions Rejected by QC Reviewers

Despite fewer rejections, employees at the end of the review process were concerned about the number of errors in petitions that made it through the first rounds of QC. QC reviewers identified several common mistakes: duplicate petitions;²⁷ non-current documentation; unsigned documents; missing or inaccurate information; and spelling or grammar errors. The team found that 159 petitions in FYs 2013 and 2014 were rejected more than once.

The team also observed that CSSD's review process for approving corrected petitions is cumbersome. The QC process takes significant time the first time a petition passes through for review. If a QC reviewer rejects a petition and sends it back through the process, the petition must go through each level of review again, regardless of the complexity of the error. This could take months to complete. Some QC reviewers called the original Intake worker to work through minor changes instead of rejecting the petition and sending it back through the process, but managers have discouraged this practice.

²⁶ QC reviewers rejected some petitions again after they had already been corrected.

²⁷ When drafting petitions, Intake employees should check DCCSES to determine whether a customer has a case pending in a different jurisdiction, has a related domestic violence or other Family Court case pending, or has previously filed with CSSD.

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

Recommendations:

- (1) That the D/CSSD conduct annual joint training for Intake workers, QC reviewers, and attorneys to ensure that employees within each layer of the petition drafting process understand the process.

Agree Disagree

OAG August 2015 Response, As Received: *CSSD agrees that training is the solution to the problem of inaccuracies in petitions, and, for that reason, CSSD conducted four trainings on this subject in 2014. One of these trainings was for quality control staff, one was for attorneys, and two were for Intake workers. CSSD also restructured its Intake operations so that Intake workers and attorneys are now part of the same section and report to the same section chief. This reorganization and the development of a single review checklist have helped to ensure consistency in the criteria used in approving petitions. CSSD will continue to train all relevant workers on petition preparation and review requirements as needed to ensure the quality and accuracy of its petitions.*

- (2) That the D/CSSD review the QC process and develop a procedure to streamline the review for rejected petitions.

Agree Disagree

OAG August 2015 Response, As Received: *CSSD believes that the quality control process is working effectively and this process is not currently interfering with CSSD's ability to meet federal performance standards. CSSD will review this process to determine if it can be streamlined or improved, however. If the error rate continues to decline as it did in 2014, it may also be possible to reduce the number of layers of quality control review.*

4. Many cases ready for court hearings do not proceed because CSSD cannot complete service of process on NCPs.

This area for improvement affects the serve NOHODA step of the child support process, as illustrated in Figure 7 below.

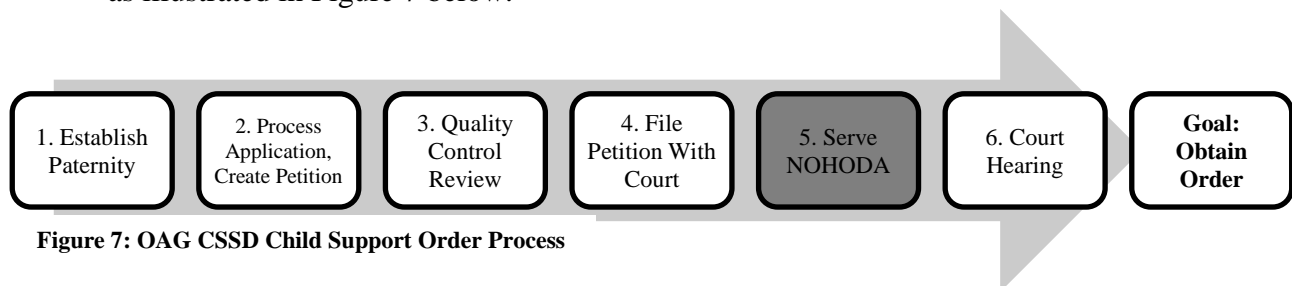


Figure 7: OAG CSSD Child Support Order Process

FINDING, AREAS FOR IMPROVEMENT, AND RECOMMENDATIONS

CSSD's Locate Unit serves NOHODAs to individuals who must appear in court for child support and paternity establishment hearings.²⁸ CSSD data show it served NOHODAs successfully in less than 60 percent of cases during FYs 2013 and 2014 (see Figures 8 and 9 below). Several factors impact CSSD's success with serving process, as discussed in the following sections.

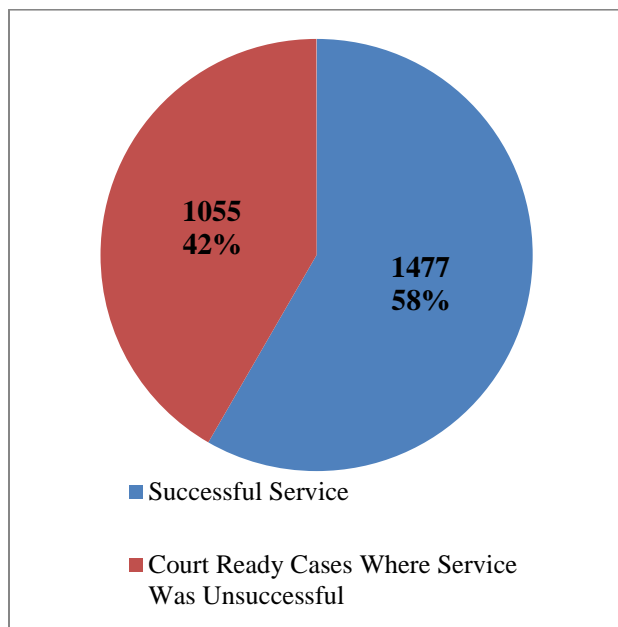


Figure 8: Rate of Successful Service in FY 2013

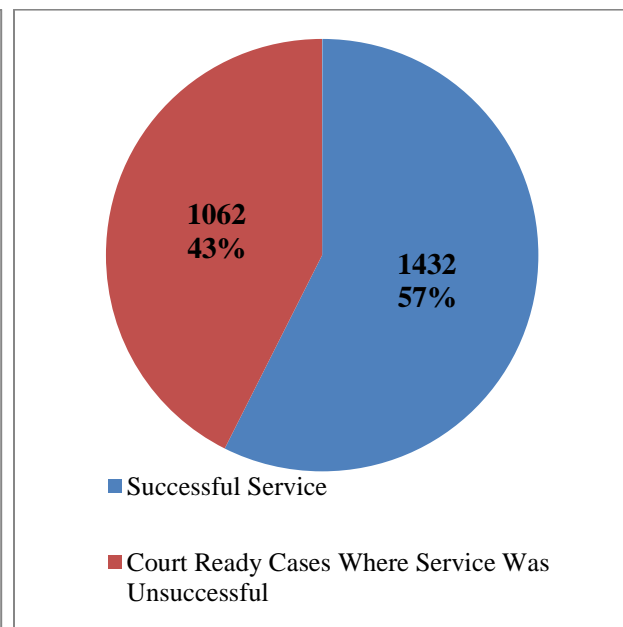


Figure 9: Rate of Successful Service in FY 2014

a. Lack of Employer Cooperation

CSSD's process for obtaining information from employers is ineffective, and employers' failure to cooperate with CSSD substantially hinders CSSD's ability to obtain child support orders for employed NCPs. Many employers, including District government agencies, do not cooperate with CSSD's requests for an employee's work site address. CSSD sometimes knows which company an NCP works for, but requires a work site address to attempt service at his/her workplace. In addition, sometimes the work address that CSSD has is the company's payroll office, which may be in another city outside the District.

The team learned that some large employers, such as law firms and global courier delivery companies, require a subpoena to obtain an employee's work site address. Although CSSD has the authority to issue administrative subpoenas, CSSD has no process in place to subpoena this employment information. CSSD sends letters to employers requesting information, but receives a low response rate to these requests.

²⁸ According to Section IIA (page 2) of CSSD's *Field Investigator Locate Policy*, dated January 20, 2011, "It is the responsibility of the field investigator to serve NOHODAs on NCPs."

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In addition, CSSD has no process to seek penalties against employers who knowingly refuse to provide information, although it may request court-imposed fines and/or imprisonment against those who refuse to comply.²⁹ According to D.C. Code § 46-224.02(e) (2001), “A person who knowingly refuses to provide information or provides false information that has been requested pursuant to subsection (c) of this section, upon conviction, shall be imprisoned for not more than 3 months, fined not more than \$1,000, or both.”

b. Low Response Rate to the Voluntary Service Letter

CSSD sends NCPs letters informing them they may voluntarily go to CSSD to accept their NOHODAs and copies of their child support petitions. According to a CSSD report, the Locate Unit received 353 cases to serve in November 2014, and served only 4 percent (14 cases) at the CSSD office. Although some NCPs prefer not to be served at their home or workplace, the letter does not mention the advantages of voluntary service. The letter also does not use bold text or other formatting to make the content easier to understand or to highlight key information, like that CSSD investigators or Metropolitan Police Department (MPD) officers will attempt to serve process if the NCP does not voluntarily accept service at CSSD.

c. Insufficient Performance Management Measures

Field investigators do not have an official standard for how many cases they should successfully serve in a stated period of time. Although the Locate Manager recommends that each field investigator make five attempts to serve process per day, this recommendation is not an official standard. According to a CSSD report, individual field investigators’ performance ranged from 8 to 32 cases successfully served in November 2014. Some field investigators’ performance is consistently lower than others.

²⁹ D.C. Code § 46-224.02(c) (2001) states:

A company, corporation, partnership, association, union, organization, or entity doing business in the District shall provide the IV-D agency [CSSD] with the following available information, if the IV-D agency certifies that the information shall be used to locate a parent of a child in need of support and that the information obtained will be treated as confidential by the IV-D agency unless the parent's name is published or reported to a consumer credit reporting agency pursuant to § 46-225:

- (1) Full name of the parent;
- (2) Name and address of the parent's employer;
- (3) Social security number of the parent;
- (4) Date of birth of the parent;
- (5) Home address of the parent;
- (6) Amount of wages earned by the parent; and
- (7) Number of dependents claimed by the parent on state and federal income withholding forms.

CSSD’s letter to employers requesting employment information states that CSSD certifies that the information will be treated as confidential and used only for child support purposes.

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d. Inefficient Case Assignment

The Locate Unit does not assign cases to field investigators based on geographic area, which increases travel time. Instead, CSSD assigns cases randomly to field investigators. CSSD's past attempt to assign cases to investigators based on ZIP code resulted in uneven case assignments, but CSSD could determine which areas have more cases and assign cases evenly by geographic area.

e. MPD's Low Rate of Successful Service

In FY 2014, the MPD Paternity Warrant Squad³⁰ successfully served 46 percent of the 612 child support and paternity NOHODAs it attempted to serve, which is lower than CSSD's 57 percent success rate of serving NOHODAs in FY 2014. Factors impeding MPD's success rate include competing responsibilities to serve warrants in child support cases and periodic redeployment to regular policing duties.

Recommendations:

- (1) That the D/CSSD coordinate with the Executive Office of the Mayor to issue a Mayor's Order directing District government agencies under the Mayor's administrative authority to cooperate fully with CSSD.

Agree X Disagree _____

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation. Mayor's Memorandum 99-9 already requires all District agencies to "cooperate fully" with CSSD.³¹ District agencies usually cooperate with CSSD, but we will ask the Mayor to issue a statement reminding employees of this requirement.*

- (2) That the D/CSSD develop strategies to educate employers about their responsibilities to cooperate with CSSD under D.C. Code § 46-224.02(c).

Agree X Disagree _____

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation. Employers are vital partners in establishing orders and collecting child support. CSSD will explore ways to remind employers of their responsibilities in a way that maintains CSSD's relationships with these employers as willing partners in a process that demands a lot of them.*

CSSD conducts extensive outreach to employers in connection with their participation in the National Directory of New Hires. CSSD will consider including outreach concerning service of process in these efforts. In addition, CSSD has piloted sending verification of

³⁰ Officers within the MPD Paternity Warrant Squad serve paternity and child support NOHODAs referred to them by CSSD, including, but not limited to, NOHODAs involving hostile NCPs.

³¹ See Attachment B: Mayor's Memorandum 99-9, July 29, 1999.

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employment requests to employers electronically through its wage withholding unit, and has found this to be more effective than sending paper requests. CSSD will explore additional ways in which electronic communication with employers can assist with service of process.

- (3) That the D/CSSD enact written policies and procedures for issuing subpoenas to employers to aid in serving NCPs and seek court sanctions against employers who knowingly refuse to cooperate with CSSD.

Agree X Disagree

OAG August 2015 Response, As Received: *CSSD has a policy for seeking contempt orders against employers if they fail to withhold payments for child support. This policy is effective in bringing employers into compliance, and a case against an employer was litigated successfully just recently. However, CSSD does not have a policy for issuing subpoenas to aid in serving NCPs and will work to develop one.*

- (4) That the D/CSSD revise CSSD’s voluntary service letter to be clearer and more persuasive to increase voluntary service rates.

Agree X Disagree

OAG August 2015 Response, As Received: *CSSD agrees to revise its voluntary service letter to be clearer and more persuasive. This should increase voluntary service rates. Increasing voluntary service will be valuable for three reasons: (1) it will put more NOHODAs into the hands of non-custodial parents; (2) it will enable CSSD’s field investigators to spend more time pursuing hard-to-serve cases; and (3) it will provide the NCP with a friendlier first contact with the child support program rather than a potentially tense situation surrounding service of process at the NCP’s home or place of employment.*

The timing of this recommendation is fortuitous. On September 30, 2014, the federal Administration for Children and Families within the U.S. Department of Health and Human Services awarded CSSD a 5-year grant under the 1115 Behavioral Intervention in Child Support program (“BICS”). With federal matching funds, this grant will total \$441,176 in the first year and \$1,147,057 over five years.

The BICS program is designed to test behavioral intervention approaches to improve human service outcomes. Previous efforts have examined, for example, how a cleaner, better designed letter can increase the likelihood that a non-custodial parent will make payments. Another example is how approaching customers when information is easiest for them to recall will result in better case information and an improved ability to locate the non-custodial parent. Behavioral intervention looks at how reducing the “hassle factor” with government forms and agencies can spur individuals to take actions that are in the interests of their families.

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As part of this grant, CSSD has been paired with a Technical Assistance and Evaluation (“TAE”) team that will design the interventions and ensure that the experimental and control group evaluation approach is implemented correctly. The TAE team consists of researchers from two very well respected research firms: MDRC and the Center for Policy and Research.

The TAE team visited our office May 12-13, 2015 to better understand CSSD’s business processes and interviewed staff in many units, including Locate and Litigation. At these meetings, staff discussed voluntary service and how it could be improved. The TAE team learned that previous judges who handled child support were not always comfortable with voluntary service of process, viewing it as coercive. The judges currently assigned to child support, however, appear to be more accepting of this process. CSSD will research case law to ensure there are no obstacles to voluntary service of process. Assuming there are none, CSSD will explore with the TAE whether this would be an appropriate intervention for evaluation.

The TAE has expertise in behavioral intervention theory and can work with CSSD to improve its forms to encourage more NCPs to come in voluntarily to receive their NOHODAs at CSSD’s office.

- (5) That the D/CSSD implement a target for how many NOHODAs each investigator should successfully serve per week or month.

Agree _____ X _____ Disagree _____

OAG August 2015 Response, As Received: *CSSD’s current goals for investigators were developed in collaboration with staff and reflect the recognition that there are multiple factors outside the investigator’s control that impact the number of NOHODAs successfully served. CSSD will continue its current practice of setting targets for service attempts made over specific periods. However, CSSD will also work with the investigators and AFSCME Local 2401 to develop targets for successful service of process.*

Currently, all field investigators and in-office investigators have a performance plan every year with goals. The goal with the heaviest weight for field investigators lists a specific number of NOHODAs per day that should be attempted to be served.³² Grade 9 field investigators must make 8 service attempts per day, and Grade 11 field investigators must make 12 service attempts per day. Similarly, in-office investigators have a goal related to the number of cases they must research in a day.

How investigators fare in meeting these performance standards is reflected in their performance evaluations. Investigators who fail to meet the performance targets will score lower on their evaluations. Deficient performance is addressed through mid-year and annual reviews, and can ultimately result in termination.

³² This goal accounts for 50% of these investigators’ performance rating.

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- (6) That the D/CSSD implement a case assignment system based on geographic area for field investigators and assist investigators with planning their routes more efficiently.

Agree X Disagree _____

OAG August 2015 Response, As Received: Currently, CSSD's automated system assigns cases to field investigators sequentially, and CSSD manually makes adjustments so that field investigators can concentrate their efforts in one geographic area. However, CSSD agrees that it would be more efficient to have the automated system automatically generate assignments based on geography. CSSD looks forward to implementing such a system when funding for the programming changes becomes available.

- (7) That the D/CSSD consider reducing the number of NOHODAs assigned to the MPD Paternity Warrant Squad in light of competing responsibilities.

Agree X Disagree _____

OAG August 2015 Response, As Received: CSSD agrees with this recommendation and recognizes that it will need to reevaluate and possibly renegotiate its contractual agreement with MPD if fewer cases are referred.

5. CSSD managers do not adequately manage attorneys' heavy workloads to maximize effectiveness.

This area for improvement primarily affects the court hearing stage of the child support process, as illustrated in Figure 10 below.

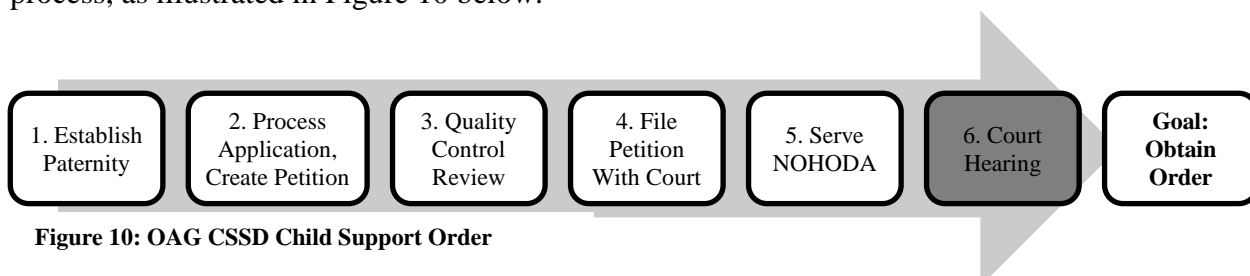


Figure 10: OAG CSSD Child Support Order

CSSD inadequately manages its attorneys' workloads, which hinders the attorneys' ability to prepare for court consistently, effectively, and efficiently. The team identified these inefficiencies:

- requiring attorneys to handle extraneous duties outside of court that could be handled by other staff members, like serving as a "duty attorney;"
- imbalances among each litigation team's workload; and
- lack of support staff available to the Domestic Violence litigation team.

CSSD management organizes its attorneys into four teams: three teams handle cases involving just child support ("traditional calendar teams") and one handles child support cases involving a domestic violence component ("DV calendar team"). CSSD attorneys

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are in court two to three times per week, depending upon how many attorneys are on the team. When they are in court, CSSD attorneys handle up to 30 cases per day, often working from 8:30 a.m. until 5:00 p.m. with minimal to no breaks.

Besides these duties, CSSD requires attorneys to act as a “duty attorney” on a rotating basis. The duty attorney’s responsibilities entail answering phone calls from customers after the front office receptionist handles any requests he/she can initially. Duty attorney responsibilities take attorneys away from preparing for their caseload. Although CSSD assigns a receptionist to filter calls, attorneys continue to receive several calls per day asking questions that could be answered by paralegals or other CSSD employees. Managers believe that, with proper training, the receptionist can filter the calls better and reduce the quantity of calls attorneys must handle. However, the team believes that a layer of screening should exist before an attorney must address the concern. Given the variety of attorneys’ duties, the team believes CSSD should try to reduce attorneys’ non-court-related workload, so they can better prepare for court.

Attorney workloads are especially heavy on certain teams, because staffing on CSSD’s litigation teams was imbalanced. CSSD planned for each of its three traditional calendar teams³³ to have three attorneys. However, as of January 2015, team A was comprised of three full-time attorneys; team B was comprised of two full-time attorneys and one part-time attorney; and team C was comprised of only two full-time attorneys because the third attorney was on extended leave. Despite the staffing deficiencies, CSSD requires understaffed teams to shoulder the workload of complete teams. With regard to team C:

- CSSD did not adjust for the attorney’s absence and has no plan to address extended attorney absences.
- Teams A and B had three paralegals supporting the attorneys, but team C had only two paralegals.
- Notwithstanding the staffing deficiencies, CSSD did not relieve team C attorneys of any additional duties. CSSD required the two team C attorneys to be in court every other day and still expected them to perform all of their other duties.³⁴

Regarding the DV team, as of January 2015, the team lacked a paralegal, and attorneys had to perform all duties normally assigned to paralegals, including locating files, determining what cases they should be involved in, and filling out all post-hearing data. These staffing imbalances have been a burden on team C and the DV team because the attorneys’ increased workload decreases their available court preparation time.

³³ These teams are designated as “A, B, and C” for purposes of this report.

³⁴ An attorney reported that an imbalance like this previously occurred and CSSD did not allow the short-staffed team to work overtime hours to manage the increased workload.

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Recommendations:

- (1) That the D/CSSD assign a “duty paralegal” or other employee to answer customer telephone calls before the duty attorney receives them, and that CSSD track the percentage of calls handled at each of the three levels (receptionist, duty paralegal, and duty attorney).

Agree _____ Disagree _____ X _____

OAG August 2015 Response, As Received: *CSSD does not agree that the assignment of a paralegal to handle customer calls forwarded to the Litigation Unit would be an appropriate use of CSSD resources. Calls directed to the duty attorney already undergo two levels of customer service and screening before they are forwarded to this attorney. The vast majority of customer calls are received by the Customer Service Unit, which has staff trained and equipped to provide most types of case information. If the Customer Service Unit cannot answer the caller’s question, the call is forwarded to the Litigation Unit’s receptionist. This worker is trained to respond to customers’ child support concerns and will again attempt to resolve the issue.³⁵ The duty attorney receives the call only if these two levels of customer service are unable to provide the needed assistance. Replacing the receptionist with a paralegal would not significantly reduce the number of referrals to the duty attorney.*

Further, serving as duty attorney is not an onerous assignment. While call volume can vary, the Litigation Unit receptionist receives an average of 3-10 calls per day and resolves a portion of these calls without forwarding them to the attorney. Further, an attorney rarely serves as duty attorney more than once every two weeks. When needed, the Assistant Chief of the Legal Services Section fills in with this assignment.³⁶

CSSD strives to provide excellent customer service. If a caller requests to speak with a lawyer about his or her case, CSSD believes it is appropriate to forward the call to an attorney. Attorneys in all types of practice understand the importance of communicating with and responding to the needs of their clients. In CSSD’s view, child support attorneys also have this responsibility.

OIG Comment: **The OIG encourages CSSD to attempt to reduce attorneys’ time spent on calls that do not require an attorney’s attention and preserve more of their time to prepare for court.**

³⁵ *The Litigation Unit is in the process of hiring a receptionist, so CSSD has temporarily assigned the responsibility for responding to calls to the Litigation Unit to its Operations Support Manager. This manager supervises CSSD’s paralegals.*

³⁶ *The frequency of this assignment may sometimes be higher around holidays when staff members tend to take vacation. CSSD can provide samples of its assignment records and call logs upon request.*

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- (2) That the D/CSSD develop and implement a plan to balance its traditional calendar litigations teams to account for future extended attorney absences.

Agree _____ X _____ Disagree _____

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation primarily because, to the extent possible, CSSD already balances the work loads of its litigation teams in response to absences and other circumstances. Sometimes imbalances occur because there are not enough attorneys in the Litigation Unit to fully staff each team. Each team generally has three attorneys. During the period discussed in the OIG Report, Team C had two attorneys, Team A had three attorneys, and Team B had two full-time attorneys and one part-time attorney. It was simply impossible to shift another attorney to Team C without creating an imbalance in the other teams.*

Contrary to the statements in the OIG Report, CSSD took several steps to address the imbalance described above. Team C was relieved of all duty attorney and time-consuming petition review responsibilities. CSSD also made two attorneys from other units available to assist in relieving Team C's burden. Both of these attorneys were available to appear in court and could review, prepare, and make files "court ready" for Team C.

Finally, CSSD took steps to prevent staffing imbalances from inconveniencing all litigation teams in the future. Despite a hiring freeze, CSSD was able to justify the hiring of an additional "floater attorney" to assist all teams, as needed, when absences occur or when there is a "surge" in child support cases. CSSD has therefore acted effectively to address staffing imbalances in the Legal Services Unit and will continue to do so.

- (3) That the D/CSSD assign at least one paralegal to assist attorneys on the DV litigation team.

Agree _____ Disagree _____

OAG August 2015 Response, As Received:³⁷ *Will consider if caseloads increase.*

CSSD has not assigned a paralegal to the Domestic Violence ("DV") team because this team has a small case load and is staffed with highly experienced attorneys. In CSSD's view, the DV Team is adequately supported by two clerks assigned to file motions and handle administrative tasks. Additionally, DV attorneys do not regularly serve as duty attorney and do not file routine motions for support.³⁸

CSSD is willing to explore the option of assigning a paralegal to the DV team if the DV caseload increases.

³⁷ OAG neither agreed nor disagreed with this recommendation.

³⁸ Sometimes DV attorneys volunteer to serve as the duty attorney. They may also be assigned to this function when court is closed or they have no cases assigned.

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OIG Comment: The CSSD neither agreed nor disagreed to this recommendation. The OIG agrees that CSSD's assignment of a paralegal, based on caseload, will help to reduce the DV litigation team attorney's workload.

6. The environment at CSSD is one of deficient communication, collaboration, oversight, and discipline.

The team identified four primary areas of concern within CSSD's organizational culture that may affect employee productivity and the timeliness and effectiveness with which CSSD proceeds through the child support process. Although the team could only base these concerns on interviews and anecdotal evidence, it believes that the prevalence of these complaints, combined with significant concerns expressed in the survey, make them credible enough to require management's attention. Employees' primary concerns related to the following management practices:

- creating an environment that lacks healthy communication between management and employees;
- failing to ensure that CSSD units understand their roles in the entire child support process and collaborate toward a common goal;
- neglecting to observe and evaluate employees; and
- failing to discipline employees for inappropriate conduct and address underperforming employees.

a. Communication Between Management and Employees

The team determined that communication between management and employees is deficient. Employees reported that some managers are reluctant to answer questions or give guidance, often closing their doors, claiming to be too busy when asked for advice, and even refusing to speak with certain employees. CSSD upper management fails to give mid-level managers and other employees guidance on how to handle situations and do not value employee opinions.

Management rarely solicits or considers employees' opinions about policies or other matters before taking action.³⁹ Specifically, management promulgates positions that CSSD should take in court, without seeking input from attorneys who have to defend those positions.⁴⁰ Because managers rarely observe court hearings, employees feel

³⁹ Employees and stakeholders cited two examples of policies that CSSD developed without input from attorneys: 1) CSSD's official position on genetic testing is to fight its use in nearly all cases in which paternity has already been established, a position that requires attorneys to expend time and resources, even when the attorney believes genetic testing is the correct course of action according to the facts of the case; and 2) CSSD discourages attorneys from seeking continuances, even if obtaining a continuance would result in a more accurate and substantial child support order.

⁴⁰ CSSD was recently involved in an 8-month litigation matter regarding retroactive support. Management allegedly did not ask attorneys for their suggestions related to this practice or even inform them that the litigation was occurring, despite the fact that the attorneys have a unique and valuable perspective on the matter considering their frequent interaction with the issue. Following the decision in the case, a CSSD manager called a meeting

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management does not understand the reality of what occurs in court and consequently enacts policies that are impractical.

b. Communication and Collaboration Among Units

Communication among CSSD units is deficient. The team found that many employees, including managers, are unaware of how other CSSD units impact the child support process.⁴¹ A member of CSSD senior management was unaware of what happened in other sections and emphasized that sections interacted little. CSSD reportedly has not had a division-wide staff meeting for at least 3 years, which exacerbates the lack of communication.

Some employees only focus on the tasks and goals of their unit, rather than the overall goal of CSSD. Employees in the beginning stages of the child support process do not appear to understand how the quality of their work affects subsequent court proceedings and order processing. If an Intake worker misspells an NCP's name, it may make a locate worker's database searches futile or may mean that an attorney files a duplicate case with the court. Employees have blamed other units for problems, rather than trying to fix their unit's problems. To remedy these communication problems, both employees and managers repeatedly cited the need to cross-train employees and allow employees involved in the early parts of cases to see how their work influences activities at court.

c. Observing and Evaluating Attorneys

CSSD's process for evaluating employee performance needs improvement. Most of the deficiencies were related to CSSD's evaluation of attorneys. The team found:

- supervisors and senior managers rarely, if ever, go to court and observe attorneys, although approximately 50 percent of attorneys' time is spent in court;⁴² and
- supervisors seek input about attorney performance from paralegals, but do not seek input about paralegal performance from attorneys.

d. Employee Discipline and Remediation

The team found that some employees had the impression that "discipline is not being handled" and some employees are not punished when they should be.⁴³ Employees alleged that others had participated in the following misconduct without repercussions:

specifically to discuss CSSD's policy on retroactive support. When attorneys raised their concerns, the manager immediately "tabled" the discussion, despite the fact that the meeting was called specifically to discuss concerns.

⁴¹ CSSD has units located on both the fifth and sixth floors of the One Judiciary Square Building. The team found that the lack of communication among units is most prominent among units that are not located on the same floor.

⁴² Most interviewees indicated that their immediate supervisors have never observed them in court. Others indicated that the immediate supervisor observed them once or twice in the past, but the managers above that level have never observed them.

⁴³ The team did not review personnel files to assess claims of complacency or whether CSSD's internal investigations unit or human resources addressed the cited matters.

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- engaging in a physical fight with another employee;
- changing information on affidavits after notarization;
- stealing a notary seal and forging a notary's signature on legal documents;⁴⁴ and
- accepting cash from customers.

CSSD upper level management is reticent to hold employees accountable for unprofessional conduct. This lack of accountability, whether actual or perceived, negatively affects employee morale and productivity because some employees appear to get away with unproductive behavior.

Recommendations:

- (1) That the D/CSSD draft a plan to improve communication between management and employees, including, but not limited to, requiring CSSD management to attend training related to effective communication.

Agree _____ X _____ Disagree _____

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation and will implement such a plan. CSSD must point out, however, that we currently encourage management and employee communication through several different mechanisms. CSSD holds regular unit meetings that generally end with free time for employees to voice their questions and concerns. CSSD's Director routinely appears at these meetings.*

CSSD also communicates with employees via our newsletter, "CSSD Speaks." This newsletter highlights our recent accomplishments and current goals. We also encourage our employees to submit ideas for content to our editor. These ideas are often incorporated into the next issue of "CSSD Speaks."

The OIG Report inaccurately states that CSSD often makes policy decisions without seeking input from employees, specifically attorneys. During monthly Litigation Unit meetings, the Chief of the Legal Services Section and attorneys discuss particular scenarios on a case-by-case basis, and CSSD bases policy decisions on these discussions. CSSD understands that general policy decisions are not always reasonable when looking at the facts of a particular case, and we allow deviations from general policy when appropriate. Occasionally, CSSD needs to make a policy decision swiftly in response to emerging circumstances. When this happens, CSSD informs attorneys of the policy decision and follows up with discussions regarding implementation. CSSD will then amend the policy if necessary.

Training for managers in the area of communication could be improved and we will make additional efforts in this regard. Some mandatory training already occurs, however. All managers are required to participate annually in management training, which often includes training on effective communication.

⁴⁴ Interviewees also alleged that management did not notify attorneys that the forgery was occurring after they discovered it.

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- (2) That the D/CSSD implement a cross-training regimen encompassing all CSSD units.

Agree Disagree

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation but notes that such a cross-training regimen has been in place for quite some time. CSSD conducts a monthly “Case Flow” training that walks participants through the life of a case as it goes through each unit and explains what each unit does. Last year, CSSD conducted several trainings related to the petition review process. This training familiarized staff located on the 5th (Intake Unit) and 6th (Litigation Unit) floors with the petition review and quality control processes. Finally, the OIG Report inaccurately states that CSSD has not had a division-wide staff meeting in 3 years.⁴⁵ On May 29-30, 2014, CSSD conducted a conference for staff that opened with a division-wide staff meeting. Thus, while we are open to improvement, we do not believe that the OIG Report captures the facts with respect to this recommendation.*

- (3) That the D/CSSD require CSSD supervisors and managers observe attorneys in court on a quarterly basis and incorporate their observations into each attorney’s annual performance evaluation.

Agree Disagree

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation but notes that all attorneys were observed in court at least once during the past fiscal year and the vast majority of attorneys were viewed twice. Attorneys are generally observed once before their mid-year evaluation and once before their final evaluation. Most attorneys have the findings of these observations incorporated into their annual performance evaluations.⁴⁶ Additionally, the Assistant Section Chief regularly communicates with the court regarding attorney performance and possible concerns. With all this in mind CSSD agrees that observation on a quarterly basis by the Chief and Assistant Chief of the Legal Services Section would be helpful and we look forward to implementing this recommendation.*

- (4) That the D/CSSD ensure that conduct and performance problems are administered and documented under the District Personnel Manual.

Agree Disagree

OAG August 2015 Response, As Received: *CSSD agrees with this recommendation and will continue to comply.*

⁴⁵ OIG Report at page [29].

⁴⁶ A review of all 14 attorney evaluations for FY 14 indicated that only one did not have observation findings incorporated into their report.

**EMPLOYEE SURVEY AND
STAKEHOLDER CONCERNS**

Introduction

This section of the report includes observations and commentary obtained through the CSSD employee survey and stakeholder interviews. The information highlights feedback from individuals who have daily interaction with CSSD and desire more efficient, effective, and timely child support services. The team believes that CSSD managers and employees could benefit from these opinions. Many may be rectified by addressing recommendations listed in the “Finding, Areas for Improvement, and Recommendations” section of this report.

Survey Methodology

On November 7, 2014, I&E issued an online survey to all CSSD employees. The survey consisted of multiple choice and open-ended questions, and allotted 2 weeks for completion. To increase the survey’s usefulness, I&E informed CSSD employees that all surveys would remain anonymous, emphasized the importance of open and honest assessments, and asked employees to complete only one survey.

Approximately 60 percent of CSSD employees responded to the survey. Of those that completed the survey, approximately 15 percent identified themselves as managers or supervisors; 6 percent identified themselves as attorneys; 6 percent identified themselves as paralegals; and 74 percent identified themselves as other employees. The respondents had varying years of experience with CSSD. Approximately 17 percent of respondents had worked at CSSD for less than 2 years; 5 percent had worked at CSSD for 3-4 years; 36 percent had worked at CSSD for 5-10 years; and 43 percent had worked at CSSD for over 10 years.

Survey Results

The survey asked employees to rate CSSD’s performance regarding steps in the child support process (Figure 11), CSSD operations (Figure 12), and other administrative items (Figure 13). When responding to these questions, employees selected from one of the following five responses: “very good,” “good,” “fair,” “poor,” or “no opinion.” The results of the multiple choice questions are contained in the tables and figures on the following pages.

EMPLOYEE SURVEY AND STAKEHOLDER CONCERNS

Child Support Step	Very Good and Good Combined %	Fair and Poor Combined %	Very Good %	Good %	Fair %	Poor %
Establishing paternity	72%	28% ⁴⁷	31%	40%	18%	11%
Maintaining accurate records of payments from NCPs	69%	31%	32%	37%	22%	9%
Collecting payments from NCPs	61%	39%	18%	43%	31%	8%
Establishing child support orders	60%	40%	28%	32%	31%	9%
Modifying orders	56%	44%	19%	37%	32%	12%
Taking enforcement actions against non-compliant NCPs	54%	46%	20%	34%	32%	14%
Intake	47%	53%	18%	29%	37%	16%
Locating NCPs	46%	54%	17%	29%	35%	19%
Closing cases	44%	56%	15%	29%	40%	17%

Table 2: CSSD employee responses to survey request: "Please rate CSSD's performance in the following steps of the child support process."

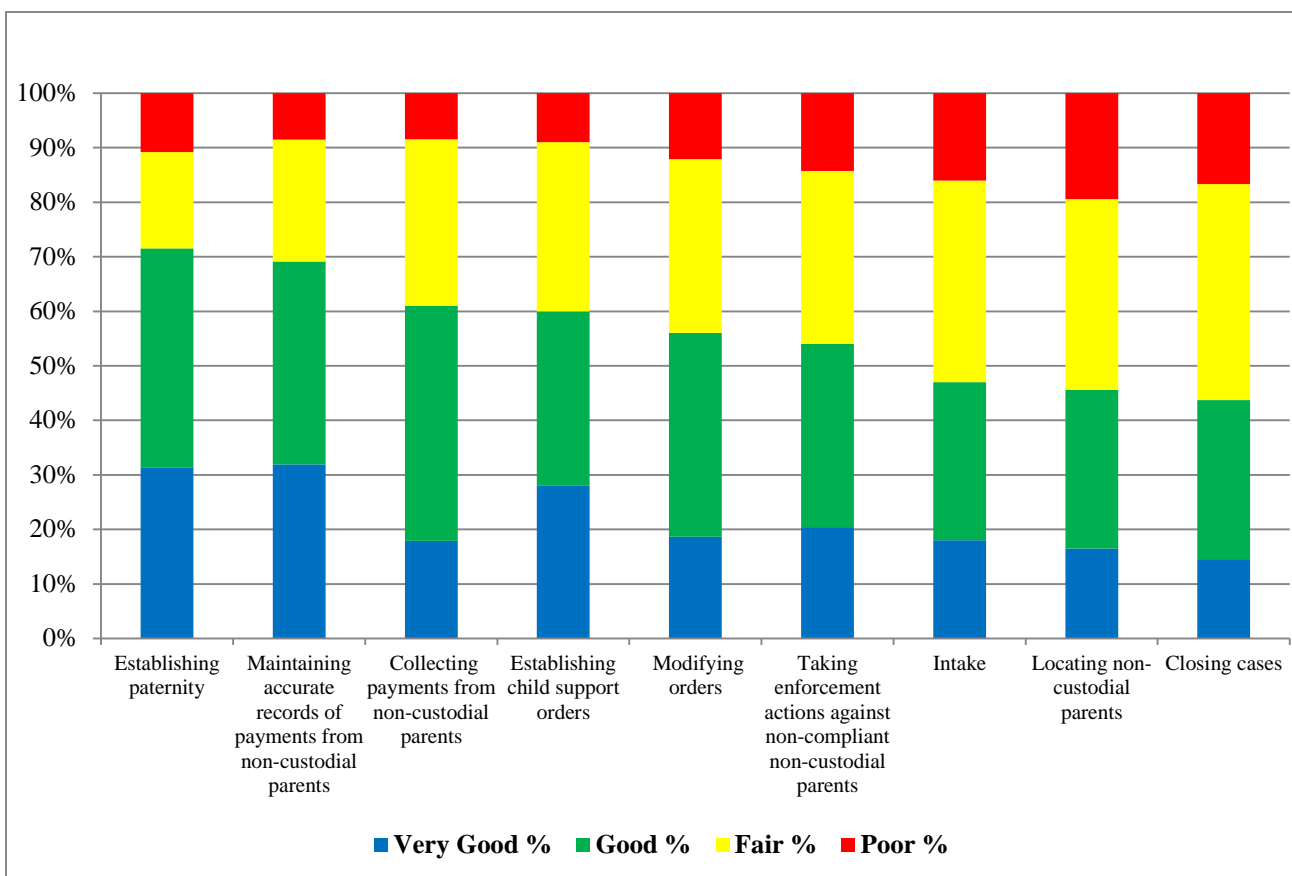


Figure 11: CSSD employee responses to survey request "Please rate CSSD's performance in the following steps of the child support process."

⁴⁷ For some items in these tables, the combined percentages do not equal the sums of their component percentages due to rounding (e.g., 18% "fair" plus 11% "poor" equals 29%, while the fair and poor combined percentage is 28%).

EMPLOYEE SURVEY AND STAKEHOLDER CONCERNS

Child Support Area	Very Good and Good Combined %	Fair and Poor Combined %	Very Good %	Good %	Fair %	Poor %
Establishing medical support orders	66%	34%	20%	46%	29%	5%
Enforcing medical support orders	60%	40%	18%	43%	27%	12%
Non-assistance cases (CP has never received TANF or Medicaid)	55%	45%	15%	40%	35%	10%
Assistance cases (CP currently or formerly received TANF or Medicaid)	52%	48%	17%	35%	33%	15%
Providing other services to increase compliance of NCPs	41%	59%	16%	25%	32%	27%
Employment services for NCPs to increase their compliance	41%	59%	16%	25%	31%	28%
Interstate cases originating in other states	39%	61%	16%	23%	28%	33%
Interstate cases originating in the District	38%	62%	13%	25%	33%	29%

Table 3: CSSD employee responses to survey request: "Please rate CSSD's performance in the following areas related to child support cases."

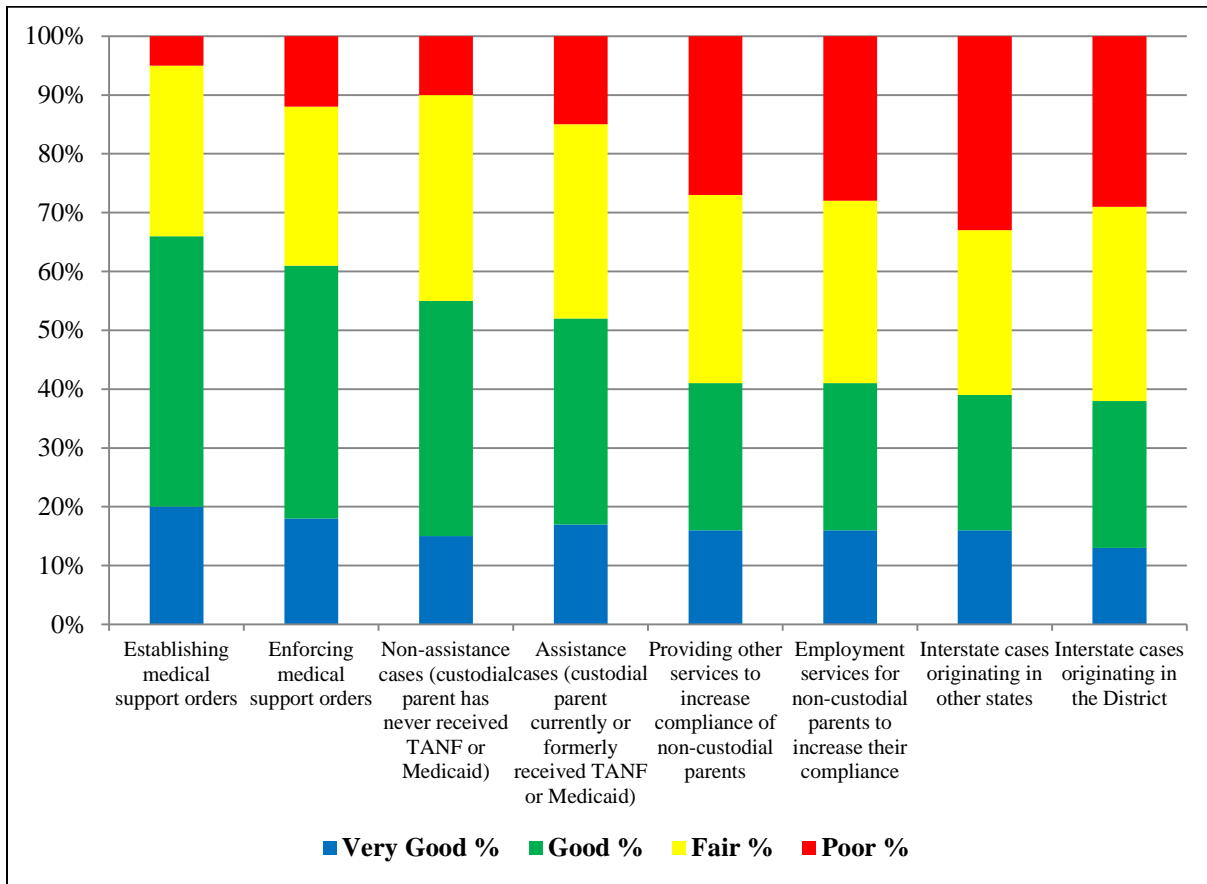


Figure 12: CSSD employee responses to survey request: "Please rate CSSD's performance in the following areas related to child support cases."

EMPLOYEE SURVEY AND STAKEHOLDER CONCERNS

Administrative Area	Very Good and Good Combined %	Fair and Poor Combined %	Very Good %	Good %	Fair %	Poor %
Information technology	56%	44%	20%	36%	31%	13%
Case tracking	50%	50%	16%	35%	36%	14%
Training	49%	51%	20%	29%	29%	23%
Employee retention	48%	52%	17%	31%	27%	25%
Case management/sorting (i.e., efficient distribution amongst staff)	39%	61%	15%	24%	35%	25%
Managerial oversight	36%	64%	12%	24%	24%	41%
Organization structure ⁴⁸	30%	70%	12%	18%	32%	38%

Table 4: Employee Ratings of CSSD's Performance in Administrative Areas

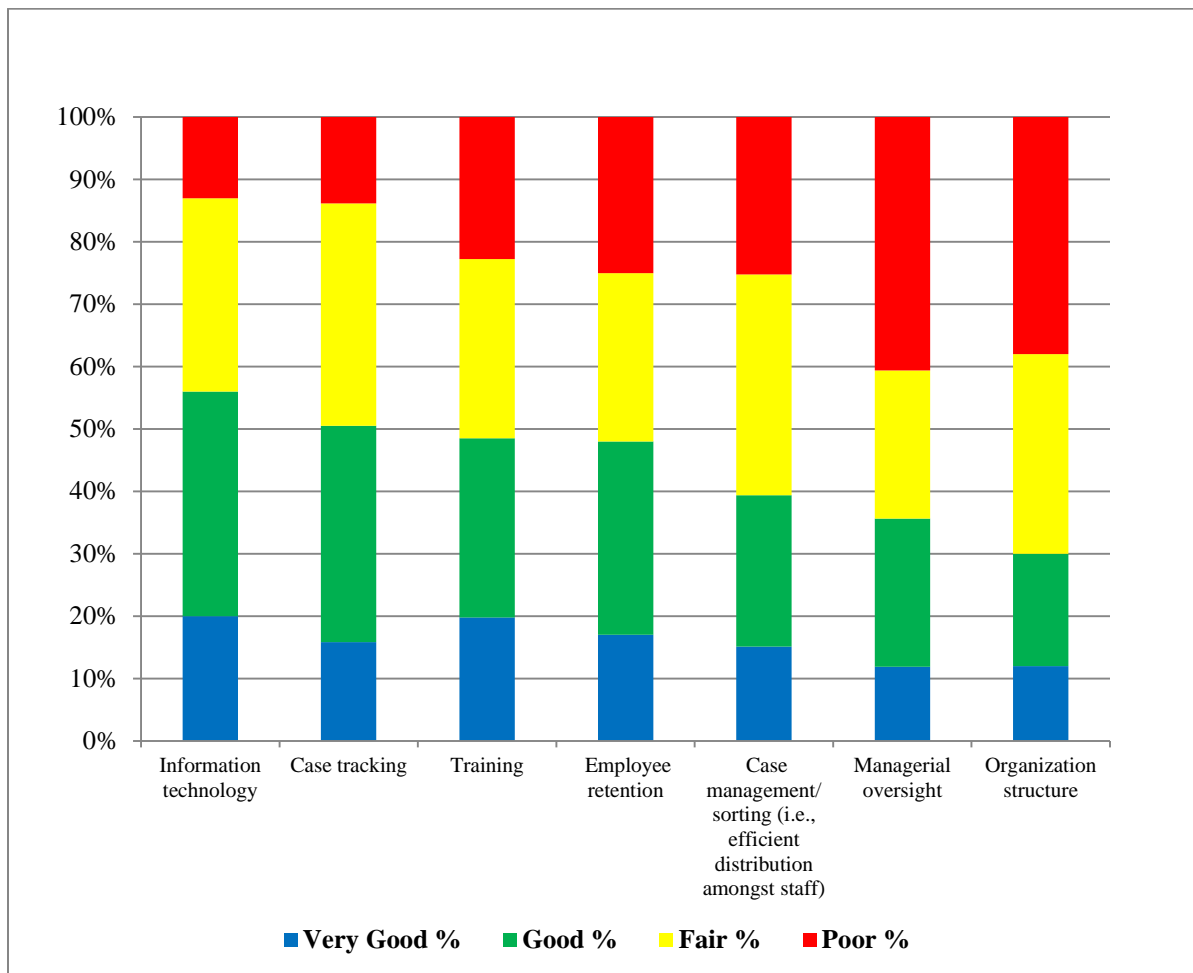


Figure 13: Employee Ratings of CSSD's Performance in Administrative Areas

⁴⁸ See Appendix 5 for OAG's organization charts.

EMPLOYEE SURVEY AND STAKEHOLDER CONCERNS

The survey's open-ended questions asked for CSSD employees' opinions about what is going well at CSSD and what requires improvement.⁴⁹ Employees detailed several concerns about CSSD management. Respondents noted that CSSD management does not provide sufficient training (21 respondents) or supervision (18 respondents), or hold under-performing employees accountable (29 respondents). The survey results were used to focus the OIG team's review.

Stakeholder Feedback

The team also conducted panel interviews with a variety of community stakeholders that regularly interact with CSSD. These stakeholders included representatives from advocacy agencies and representatives of the court. Stakeholders were concerned with:

- *Lack of collaboration with the court:* CSSD supervisors do not seem to want to work with the court to improve the child support process. Stakeholders suggested that CSSD return to regular meetings with the court.
- *Unwillingness to collaborate with other organizations that have an interest in child support:* CSSD seems unwilling to work with other organizations that ultimately want to help facilitate the smooth operation of the child support system. CSSD management treats them as adversaries instead of collaborators and approaches them with hostility.
- *Problems locating and serving NCPs:* Stakeholders echoed the concerns the team described in its finding.
- *Incomplete files:* Frequently, customer files do not contain routine items that should be included in nearly every file, such as audit reports, documentation of income, and a client's TANF benefit history.
- *Lack of communication with the court:* CSSD does not consistently inform the court when it serves or fails to serve an NCP, or when it withdraws a petition after the court has issued a bench warrant.⁵⁰ Failure to do so leads to unnecessary delays.
- *Lack of attorney preparation:* Although stakeholders praised CSSD attorneys, saying they were "professional" and "consistently good," and noting that they

⁴⁹ The survey included the following open-ended questions:

- What is going well regarding how OAG handles child support cases?
- How should OAG improve how it handles child support cases?
- Are there additional CSSD functions that should be included in this inspection that have not yet been addressed?
- Is there anything else you wish to tell us about CSSD?
- Are you aware of any fraud, waste, or abuse in CSSD, OAG, or elsewhere in the District government?

⁵⁰ When an NCP fails to appear in court after receiving a NOHODA, a judge can issue a bench warrant that makes the person subject to arrest. The bench warrant does not automatically deactivate if CSSD withdraws a petition. If CSSD withdraws the petition but does not inform the court to quash the warrant, the NCP still could be subject to arrest.

EMPLOYEE SURVEY AND STAKEHOLDER CONCERNS

have improved, they also noted concerns that attorneys often appear “overwhelmed” and are not always prepared for court.

- *Lack of support for attorneys from CSSD management:* Stakeholders noted that attorneys are not getting support from CSSD management and other support staff. Specifically, stakeholders reported that, when a judge requests that an attorney call the CSSD office to obtain additional information when court is in session, CSSD staff members rarely answer the phone, and the attorney cannot obtain the requested information in a timely fashion.
- *Use of outdated forms containing faulty instructions for customers:* CSSD often provides customers with outdated information, such as forms that tell CPs they must bring their children to court, when, in reality, children are needed only in paternity cases. Often customers do not understand the process or what is expected of them.
- *Management satisfaction with minimum standards:* To many stakeholders, management seems satisfied with performance if the agency meets minimum federal standards and avoids having the federal government penalize it by withdrawing funding. Stakeholders do not believe that meeting this minimum standard is adequate, as the data can mislead and these standards do not guarantee effective, efficient, and timely services. They also mentioned that the previous Attorneys General have not seemed to care much about CSSD’s success, focusing their efforts on other divisions of the OAG.
- *Fighting unwinnable issues in court:* Stakeholders reported that CSSD often takes stances in court not in CSSD’s best interests. Specifically, CSSD seems to fight every instance when an NCP wants to disestablish paternity through genetic testing. CSSD wastes a lot of time fighting these cases, even in extreme instances such as when the biological father, who is not the putative father, admits to being the biological father and later enters into a relationship with the biological mother. Likewise, stakeholders indicate that CSSD continues to fight cases that have exceeded the statute of limitations, despite having no chance of winning those cases.

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- Appendix 1:** Acronyms and Abbreviations
- Appendix 2:** Finding, List of Areas for Improvement, and Recommendations
- Appendix 3:** MAR Finding and Recommendations
- Appendix 4:** OAG Response to Draft Report of Inspection
- Appendix 5:** Organization Charts

APPENDIX 1

APPENDICES

Appendix 1 – Acronyms and Abbreviations

AOP	Acknowledgement of Paternity
CFR	Code of Federal Regulations
CP	Custodial Parent
CSSD	Child Support Services Division
DCCSES	District of Columbia Child Support Enforcement System
D/CSSD	Director of the Child Support Services Division
D/DHS	Director of the Department of Human Services
DHS	Department of Human Services
DV	Domestic Violence
FY	Fiscal Year
I&E	Inspections and Evaluations
MAR	Management Alert Report
MPD	Metropolitan Police Department
NCP	Non-Custodial Parent
NOHODA	Notice of Hearing and Order Directing Appearance
OAG	Office of the Attorney General
OIG	Office of the Inspector General
QC	Quality Control
TANF	Temporary Assistance for Needy Families

APPENDIX 2

Appendix 2 – Inspection Finding, List of Areas for Improvement, and Recommendations

Finding: Due to management and operational deficiencies, CSSD obtains fewer child support orders than it has in the past.

Areas for Improvement:

- 1. CSSD has a backlog of cases requiring action by Intake employees and insufficient controls to ensure older cases are processed.**

Recommendations

- 1) That the D/CSSD enact written policy and procedures to ensure that Intake employees process child support cases that have missed the 20-day requirement within a designated timeframe, such as 6 months.
- 2) That the D/CSSD ensure that DCCSES alerts CSSD managers to cases not processed within timeframes established in the new policy.

- 2. DHS submits incomplete benefits applications to CSSD, and does not sanction the majority of TANF recipients who do not cooperate with CSSD.**

Recommendations

- 1) That the D/CSSD collaborate with DHS to ensure that DHS employees are adequately trained to complete the benefits application sections that are crucial to establishing paternity for child support cases.
- 2) That the D/DHS ensure that DHS fulfills requests from CSSD to sanction TANF recipients for non-cooperation, including past requests for sanctions that DHS did not implement if the CP has not yet cooperated with CSSD.
- 3) That the D/DHS and D/CSSD establish a written agreement with procedures for sanctioning TANF recipients for non-cooperation with CSSD and reporting detailed sanction information to CSSD.

- 3. Although CSSD's petition review process has improved, it still delays the child support process.**

Recommendations

- 1) That the D/CSSD conduct annual joint training for Intake workers, QC reviewers, and attorneys to ensure that employees within each layer of the petition drafting process understand the process.
- 2) That the D/CSSD review the QC process and develop a procedure to streamline the review for rejected petitions.

4. Many cases that are ready for court hearings do not proceed because CSSD cannot complete service of process on NCPs.

Recommendations

- 1) That the D/CSSD coordinate with the Executive Office of the Mayor to issue a Mayor's Order directing District government agencies under the Mayor's administrative authority to cooperate fully with CSSD.
- 2) That the D/CSSD develop strategies to educate employers about their responsibilities to cooperate with CSSD in accordance with D.C. Code § 46-224.02(c).
- 3) That the D/CSSD enact written policies and procedures for issuing subpoenas to employers to aid in serving NCPs and seek court sanctions against employers who knowingly refuse to cooperate with CSSD.
- 4) That the D/CSSD revise CSSD's voluntary service letter to be clearer and more persuasive in an effort to increase voluntary service rates.
- 5) That the D/CSSD implement a target for how many NOHODAs each investigator should successfully serve per week or month.
- 6) That the D/CSSD implement a case assignment system based on geographic area for field investigators and assist investigators with planning their routes more efficiently.
- 7) That the D/CSSD consider reducing the number of NOHODAs assigned to the MPD Paternity Warrant Squad in light of competing responsibilities.

5. CSSD managers do not adequately manage attorneys' heavy workloads to maximize effectiveness.

Recommendations

- 1) That the D/CSSD assign a "duty paralegal" or other employee to answer customer calls before the duty attorney receives them, and that CSSD track the percentage of calls handled at each of the three levels (receptionist, duty paralegal, and duty attorney).
- 2) That the D/CSSD develop and implement a plan to balance its traditional calendar litigation teams to account for future extended attorney absences.
- 3) That the D/CSSD assign at least one paralegal to assist attorneys on the DV litigation team.

6. The environment at CSSD is one of deficient communication, collaboration, oversight, and discipline.

Recommendations

- 1) That the D/CSSD draft a plan to improve communication between management and employees, including, but not limited to, requiring CSSD management to attend training related to effective communication.
- 2) That the D/CSSD implement a cross-training regimen encompassing all CSSD units.
- 3) That the D/CSSD require CSSD supervisors and managers to observe attorneys in court on a quarterly basis and incorporate their observations into each attorney's annual performance evaluation.
- 4) That the D/CSSD ensure that conduct and performance problems are administered and documented in accordance with the District Personnel Manual.

APPENDIX 3

Appendix 3 – MAR Finding and Recommendations



DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL

DANIEL W. LUCAS
INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION
MANAGEMENT ALERT REPORT

OFFICE OF THE ATTORNEY GENERAL
CHILD SUPPORT SERVICES DIVISION

**FIELD INVESTIGATORS LACK TRAINING,
PROCEDURES, AND PRECAUTIONS FOR
MANAGING THREATENING INDIVIDUALS AND
DANGEROUS SITUATIONS**

MAR 15-I-001

APRIL 6, 2015

APPENDICES

GOVERNMENT OF THE DISTRICT OF COLUMBIA Office of the Inspector General

Inspector General



April 6, 2015

The Honorable Karl A. Racine
Attorney General for the District of Columbia
Office of the Attorney General
441 4th Street, N.W., Suite 1100 South
Washington, D.C. 20001

Dear Mr. Racine:

I am sending you this Management Alert Report (MAR) to inform you that during our inspection of the Office of the Attorney General's (OAG) Child Support Services Division (CSSD), my office learned that CSSD has not implemented safety protocols for field investigators or trained them to deal with potentially volatile individuals and other safety threats that they may encounter while performing their job duties. Rather than communicating this information to you in the final report of inspection that we expect to publish later this year, I am sending you this MAR now because I believe the matter requires immediate attention from OAG management.

Background

CSSD's Locate Unit includes eight field investigators who serve Notices of Hearing and Orders Directing Appearance (NOHODAs, also referred to as service of process) to individuals who must appear in court for child support or paternity establishment hearings.¹ Field investigators are required to travel to neighborhoods throughout the District of Columbia, Maryland, and Virginia to serve NOHODAs.

Finding

CSSD field investigators have been threatened with bodily harm during service of process, but CSSD has not implemented a safety policy, training, or precautions to address the unsafe work environment.

Field investigators interviewed by the team reported that while serving notices, they have received threats of bodily harm.² Examples of dangerous situations cited were arriving at a home when a man was beating a woman; a group of individuals converging on one investigator's car to assess what was inside; being chased by a dog; and traveling into areas with high crime rates.

¹ According to Section IIA of CSSD's "Field Investigator Locate Policy," dated January 20, 2011, "It is the responsibility of the field investigator to serve NOHODAs on NCPs [non-custodial parents]." The policy defines "non-custodial parent" as the "[p]arent who does not have physical custody of a child but who has a responsibility for financial support." *Id.* § IV(3).

² Such as, "If you ever [expletive] come on my property again, I'm going to blow your brains out."

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April 6, 2015

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car to assess what was inside; being chased by a dog; and traveling into areas with high crime rates.

(a) Metropolitan Police Department (MPD) Practices When Serving Child Support and Paternity NOHODAs

CSSD's and MPD's³ methods for serving child support and paternity NOHODAs are similar, but CSSD field investigators lack protective equipment (i.e. baton, oleoresin capsicum,⁴ and two-way radios) similar to what MPD officers carry. Furthermore, MPD Paternity Warrant Unit officers work in teams of two as a safety measure when they serve NOHODAs. Field investigators expressed concerns with working alone and stated that working in pairs as MPD does could improve safety.

(b) No CSSD Safety Policy or Training for Field Investigators

According to 7 DCMR § 2009.1, “[e]mployees have a right, to the maximum extent possible, to a safe and healthful working environment.” In addition, the Government Accountability Office (GAO) recommends that agencies have an appropriate training program to meet the needs of all of its employees,⁵ to include orientation for new employees and ongoing training for all employees.⁶ GAO also recommends that management use “effective communication methods, which may include policy and procedures manuals” to communicate important information to employees and others.⁷

The team learned that CSSD has not trained field investigators in self-defense or defusing volatile situations, even though their position description notes they may be required to “respond to hazardous situations.” Some interviewees with previous experience in law enforcement stated that police officers receive training such as Verbal Judo,⁸ which would help field investigators in learning how to calm hostile, threatening individuals and defuse dangerous situations. Currently, field investigators do not receive formal training specific to their responsibilities except for computer training, however, new field investigators receive on-the-job training from more experienced investigators.

³ Officers within the MPD Paternity Warrant Unit serve paternity and child support NOHODAs referred to them by CSSD, including but not limited to NOHODAs involving hostile NCPs. CSSD has a Memorandum of Understanding establishing MPD's assistance with serving NOHODAs. An interviewee explained that CSSD will refer NOHODAs to MPD where an arrest warrant has been issued for the respondent, the respondent is involved in an existing family violence case, or the CSSD field investigator believes serving the NOHODA would be unsafe.

⁴ The commonly used name is “pepper spray.”

⁵ GENERAL ACCOUNTING OFFICE, INTERNAL CONTROL MANAGEMENT AND EVALUATION TOOL, GAO-01-1008G 12 (Aug. 2001).

⁶ *Id.* at 18.

⁷ *Id.* at 55.

⁸ The Verbal Judo Institute, Inc.'s website states that Verbal Judo training teaches individuals to effectively speak and use their presence to diffuse potentially dangerous situations, enhance personal safety, and increase compliance from confrontational individuals. See <http://www.verbaljudo.com/programs/law-enforcement/> (last visited Feb. 13, 2015).

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April 6, 2015
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CSSD's "Field Investigator Locate Policy," dated January 20, 2011, does not address field investigator safety. The policy's purpose is "[t]o establish standard procedures for the field investigators in the Locate Unit to use when performing locate functions including: (1) researching NOHODAs, (2) serving summons, (3) updating [information in] DCCSES [District of Columbia Child Support Enforcement System], and/or (4) handling government vehicles."⁹ The instructions in this policy regarding service of process are:

- B. Service of Process
 - 1. Every field investigator is to present himself or herself in a professional manner
 - 2. Have the proper credentials and show them
 - 3. State who you are, where you are from and your purpose
 - 4. Properly document the NOHODA
 - i. Return of service should be filed [stet] out with how the NCP was served, date and time
 - ii. Sign the NOHODA
 - iii. complete Affidavit of Service for all NOHODAs for which service will not be attempted again¹⁰

In addition, CSSD's "Field Investigator Locate Policy" does not require documentation of threatening incidents. As such, CSSD managers and field investigators do not document them. Thus, CSSD management is unaware of the extent of these risks.

CSSD Office Security Measures Compared to Field Safety Measures

Although CSSD lacks safety precautions for field investigators, it has implemented security measures in its offices to protect customers and employees. A security guard is stationed in the CSSD lobby, and the interview rooms where CSSD employees meet with customers have panic buttons that an employee can use to alert security in the event that he or she feels unsafe. Given the need for safety precautions within CSSD's office space, we are concerned that due to the lack of training and safety policies, CSSD's investigators are ill-equipped to handle threatening situations in the field and document them appropriately.

Conclusion and Recommendations

To our knowledge, no CSSD field investigator has ever been physically harmed while on the job. However, the lack of safety precautions and training increases the risk that CSSD field investigators may be harmed while performing their duties, resulting in liability for the District.

⁹ *Id.* at 1.

¹⁰ *Id.* at 3.

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MAR 15-I-001
April 6, 2015
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To remedy these deficiencies, the OIG recommends that CSSD:

- (1) Require field investigators to serve NOHODAs in teams of two until other safety measures are implemented, and assess the feasibility of implementing team service as a permanent measure.
- (2) Develop and implement a written safety policy and procedures for field investigators to include:
 - a. periodic safety training, including training on de-escalating volatile situations;
 - b. appropriately documenting and communicating to CSSD management incidents that endanger field investigators; and
 - c. procuring, and training CSSD employees on the use of, any additional equipment CSSD deems necessary to enhance field investigators' safety.

Please provide your comments to this MAR by April 20, 2015. Your response should include: (1) actions taken or planned; (2) dates for completion of planned actions; and (3) reasons for any disagreement with the issue and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions prior to preparing your response, please contact Edward Farley, Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540 or Edward.Farley@dc.gov.

Sincerely,



Daniel W. Lucas
Inspector General

DWL/klb

cc: The Honorable Kenyan McDuffie, Chairperson, Committee on the Judiciary

APPENDICES

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



May 21, 2015

Mr. Daniel Lucas
Inspector General
717 14th Street NW
Washington, DC 20001

Re: MAR 15-I-001

Dear Mr. Lucas:

I write to follow up on your Management Alert Report of April 6, 2014, advising that we have not implemented a safety policy, training, or precautions for our field investigators in the Child Support Services Division to address unsafe working conditions. I apologize for the delay in our response, but I have conducted an extensive internal review, including interviews with our investigators outside of the Child Support Services Division.

To this end, I have determined that there appears to be an uneven understanding on how much assistance the Metropolitan Police Department provides our investigators when serving subpoenas and other documents. Some investigators knew that MPD officers would immediately arrive on a scene if an investigator calls them for a threat or potential threat. Other investigators knew that they could make prior arrangements for an MPD officer to escort investigators to a site when there is a potential for an unsafe situation. Other investigators had to be reminded that if they arrive at a site which may appear unsafe, protocol dictates the investigator to abandon his/her attempted service, call MPD for assistance and/or return to the site at a safer time. Thus, written standard operating procedures would be beneficial so that all investigators possess the same knowledge regarding safety procedures. The investigators will then receive training on these new standard operating procedures.

Training

While the investigators did not have specific suggestions for the content of training, most welcomed the idea for training on how to de-escalate a situation and how to defend themselves during an emergency. None of the investigators reported encountering a situation which they felt they could not handle or where they were harmed, but most investigators believed that it is wise to be proactive about field safety rather than wait for a situation in which employees experience actual harm. Some investigators have taken the “Verbal Judo” course with other agencies and

441 Fourth Street, NW, Suite 1100S, Washington, D.C. 20001, (202) 727-3400, Fax (202) 741-0580

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Daniel Lucas, Esq.
May 21, 2015
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believe it is helpful. Others attended MPD's police academy and also believe that is helpful. The major concern of several investigators was entering an environment where there is an unknown or walking up stairs when their back may be turned away from a surprise encounter. In these circumstances, an investigator partner may be helpful.

Pairing of Investigators

Three or four of the 40 investigators believe that pairing would be helpful. A suggestion was made to pair investigators only when investigators work in a higher crime area.

Action Items

The Office of the Attorney General will move forward with implementing standard written protocols for all of our investigators. We will also require attendance in a "Verbal Judo" session and explore options with MPD on a "mini police academy." We also intend to pair investigators in those circumstances in which investigators desire a partner. Finally, we are working to implement a process to provide investigators with a photograph of the individual whom the investigator is expected to serve. All of the above actions will be implemented before the end of the FY 2015 fiscal year.

Please let me know if you need any additional information. Please be assured that we want our investigators to work safely in the community. Thank you for bringing this matter to our attention.

Sincerely,

A large black rectangular redaction box covering the signature of the Chief of Staff.

Chief of Staff to the Attorney General for the District of Columbia

APPENDIX 4

Appendix 4 – OAG Response to Draft Report of Inspection

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL
KARL A. RACINE



August 24, 2014

Mr. Daniel W. Lucas
Inspector General
Office of the Inspector General
717 14th Street, N.W.
Washington, D.C. 20001

Dear Mr. Lucas:

Thank you for sending me the Office of the Inspector General's ("OIG's") Draft Report of Inspection for the Child Support Services Division ("CSSD") of the Office of the Attorney General ("OAG"). I appreciate OIG's analysis of CSSD's operations and OIG's helpful recommendations. As your report indicates, many interrelated factors contribute to the performance of the District's child support program, and OAG is pleased with CSSD's progress and accomplishments over the past several years. The hard work of CSSD's managers and staff has successfully transformed the District's program from one owing millions of dollars in federal performance penalties to one that receives annual federal incentive payments based on its performance. Moreover, in 2007 the National Child Support Enforcement Association gave CSSD its annual Most Improved Program award after comparing CSSD with state and local programs nationwide. Of course, as with any human services program, there is room for improvement, and we will make our best efforts to implement your recommendations.

The attached document contains OAG's responses to the OIG Report's specific finding and recommendations. I hope this information is useful to you in finalizing your report on CSSD. Please feel free to contact me on 727-3400 if you would like to discuss this response.

Sincerely,

A handwritten signature in blue ink that reads "Karl A. Racine / by NOL". The signature is written in a cursive, slightly slanted style.

Karl A. Racine
Attorney General

KAR/bar, lae

APPENDICES

RESPONSE BY THE OFFICE OF THE ATTORNEY GENERAL TO DRAFT OIG REPORT NO. 15-I-0068 ON THE INSPECTION OF THE CHILD SUPPORT SERVICES DIVISION

The Office of the Inspector General's ("OIG's") Report makes one finding concerning the Child Support Services Division's ("CSSD's") performance and identifies six Areas for Improvement with 21 related Recommendations. This response will address each of these items in turn.

Finding: CSSD obtains fewer child support orders than it has in the past.

OIG is correct in finding that CSSD's numerical goal for support orders decreased between 2009 and 2014, and that CSSD's performance in this area declined between 2009 and 2012. CSSD's performance began to improve again in 2012 and has continued to do so each year since then, including 2015. We agree that increasing the establishment of support orders helps families and is important to CSSD's success. CSSD is therefore committed to doing all that is needed to enhance its capacity to establish orders.

Although CSSD's goals and performance in the establishment of support orders decreased between 2009 and 2012, it is important to note the reasons for this decline and place these numbers in context. During this period, the District of Columbia Superior Court began rejecting CSSD's paternity and support petitions as factually insufficient on the ground that they lacked information from the custodial parent about the date of the child's conception. These decisions reversed the Court's decades-long acceptance of petitions that alleged paternity based on the child's date of birth.

In addition to requiring CSSD to revise its petitions, these new judicial requirements had an enormous impact on CSSD's ability to promptly file new cases in court, particularly cases initiated at the Department of Human Services ("DHS") because of the custodial parent's receipt of Temporary Assistance for Needy Families ("TANF"). Many custodial parents who receive TANF are not personally motivated to cooperate with CSSD, and this fact causes delays in case processing when TANF recipients fail to appear. Previously, CSSD filed paternity and support cases based on information DHS received from the custodial parent as part of this parent's application for TANF. The court's new position on petitions required CSSD to schedule an appointment with the custodial parent to discuss the conception of the child and complete a paternity affidavit. This change added many steps to CSSD's Intake process and required significant training for CSSD staff.

Recognizing the effect that the court's new requirements were having on the order establishment process, CSSD began to re-evaluate its performance goal in this area. This goal was not simply an internal benchmark for CSSD, but was one of the measures CSSD submitted to the Mayor for the assessment of agency performance. Based on the complications associated with implementing the new Intake process, the Mayor agreed with CSSD's proposal to reduce its order establishment goal to a more realistic level. This decision reflected the Mayor's understanding that it was reasonable to temporarily adjust expectations for CSSD's performance based on changed circumstances. CSSD's rate of order establishment has been improving since

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2012, and CSSD exceeded its goal for 2014. As the new Intake process is further streamlined and improved, CSSD expects both its goals and its rate of order establishment to continue to increase.

Despite the decline in order establishment between 2009 and 2012, CSSD is currently meeting federal requirements related to this performance measure. Under federal regulations, each state must satisfy specific case processing requirements for, among other things, the establishment of support orders. The child support program must meet these requirements in at least 75% of its cases to remain in compliance with federal program standards. 45 C.F.R. § 308.2.¹ With respect to order establishment, if a support order is required and established during the 12-month review period, the case will be considered to have met the review criteria. If an order is not established, the review criteria will have been met if the next appropriate case action was taken within federally established time frames.² For Fiscal Year (“FY”) 2014, CSSD’s compliance level was 83% for this measure. *See* CSSD’s Self- Assessment Review, 2014 Annual Report.³

Federal regulations also impose time frames on the process for establishing support orders, regardless of whether paternity has been established, after service of process has been completed. To meet federal standards, orders must be obtained within 6 months in 75% of all cases, and within 12 months in 90% of all cases where service of process has been completed.⁴ 45 C.F.R. § 303.101. CSSD has been in full compliance with these standards since 2009. In FY 2014, 93% of these cases had orders within 6 months and 98% within 12 months. Thus, while CSSD always seeks to improve its performance, its efforts to establish support orders have consistently exceeded federal standards in cases where the non-custodial parent has been served.

¹ Under the federal regulations, a state may base its performance statistics on a review of a sample drawn using a sampling methodology that has a minimum confidence level of 90% for each criterion. 45 C.F.R. § 308.1. A failure to satisfy program compliance requirements can result in a loss of federal funding for the program.

² The next appropriate case action and its associated time frame depend on the status of the case at the time of the review. For example:

- For a new referral, a case should be opened in 20 days.
- Where locate is necessary, the agency must access all appropriate locate sources within 75 days.
- After locating a non-custodial parent, the agency has 90 days to establish an order, complete service of process for a court hearing, or document diligent but unsuccessful attempts to serve process.

45 C.F.R. §§ 303.2 and 303.3. These performance criteria were developed by industry experts in consultation with the federal Office of Child Support Enforcement to ensure timely processing of cases. Among other things, they reflect the federal government’s understanding that diligent case processing does not always immediately result in a support order.

³ CSSD did not meet this requirement in 2010, 2012, and 2013 as a result of difficulties with the Intake process. CSSD is pleased that these issues were resolved sufficiently in 2014 to satisfy federal standards.

⁴ In cases where the IV-D agency relies on long-arm jurisdiction, the 6-month standard is considered met if an order is obtained within 12 months.

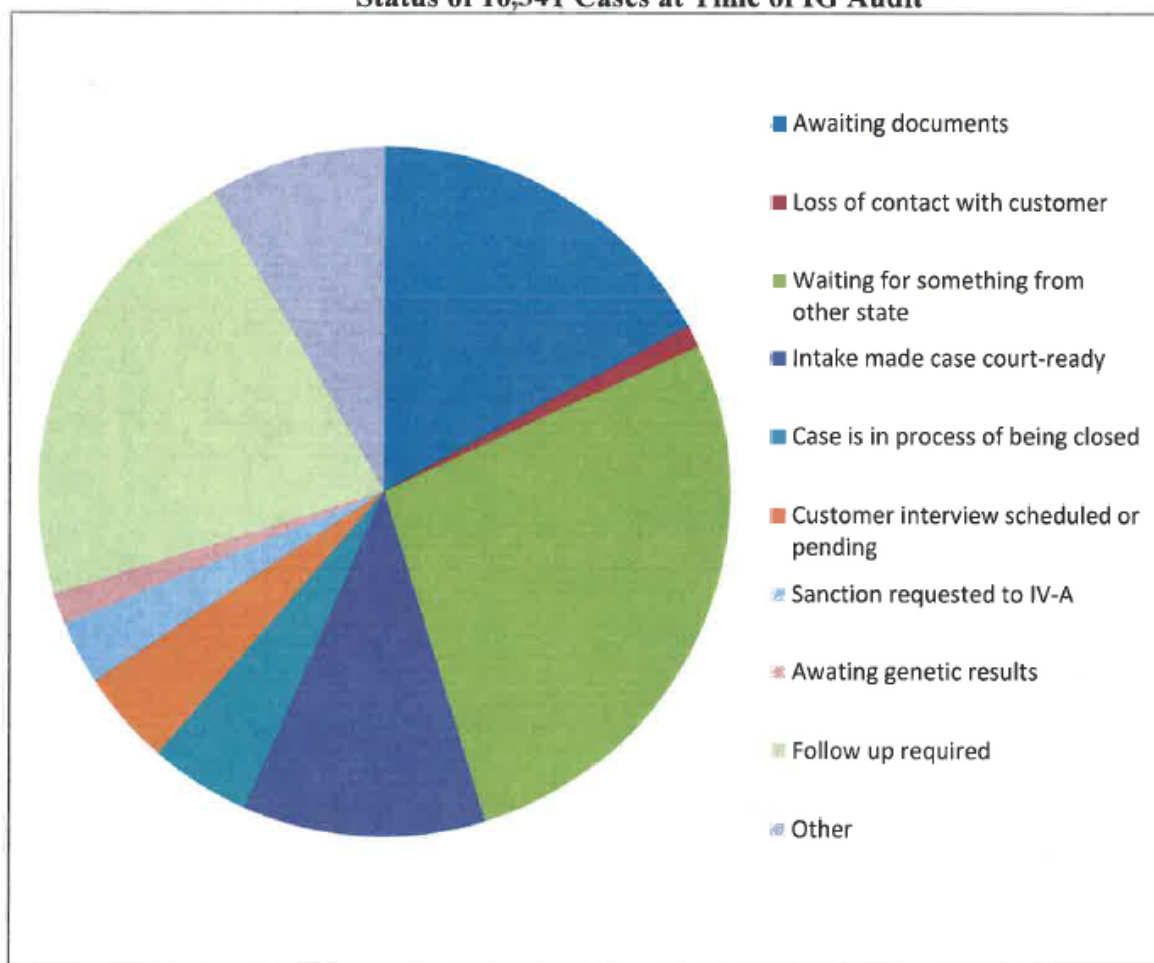
I. Area of Improvement No. 1: CSSD has a backlog of cases requiring action by Intake Employees and insufficient controls to ensure older cases are processed.

CSSD agrees that more can be done to ensure that orders are entered in older cases. However, the OIG Report's analysis of the status of CSSD's cases is not completely correct. The OIG Report states that CSSD has a backlog of 10,341 cases that require processing by the Intake Unit. In addition, the OIG Report notes that, under federal regulations, a case must be opened within 20 days of the filing of an application. 45 C.F.R. § 303.2. In Table 1, the OIG Report identifies 10,341 cases as exceeding this 20-day limit for case processing, but, in reality, a case was opened in every one of these matters within this deadline. The 10,341 cases reflect open cases which, for the most part, CSSD workers have appropriately processed, but that do not yet have support orders for various reasons.

CSSD has created a chart and a table that accurately represent the current posture of the 10,341 cases the OIG report discusses. (See the following page.) For a large portion, 1,131, Intake has taken the steps needed to make the cases court ready, and these cases are awaiting a hearing or review. For 2,706 of these cases, CSSD is waiting for documentation or other information from another state on an interstate case. For 441 of the cases, an interview with the customer has been scheduled or is pending. For 145, CSSD is awaiting genetic testing results. The "Other" category reflects 53 different case statuses that show that the cases are being worked, including pending appointments for genetic testing, change of payee requests, fraud investigations, and the addition of dependents. The 2,149 cases in the "Follow Up Required" category are the ones that merit managers' attention and that managers are reviewing with workers to make sure that important next steps are taken. The 10,341 cases referenced in the OIG Report reflect cases with no orders established that have not been referred to Locate. They are not cases in which no action has been taken. These cases therefore do not establish the wide-spread inefficiency in case processing that the OIG Report suggests.

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Status of 10,341 Cases at Time of IG Audit



Status of Case	Number of Cases
Awaiting documents (that have been requested from customer, Vital Records, etc.)	1,695
Loss of contact with customer	103
Waiting for response from another state	2,706
Intake made case court-ready (Awaiting hearing, review for filing, etc.)	1,131
Case is in the process of being closed	471
Customer interview scheduled or pending	441
Sanction requested to IV-A agency for failure to cooperate	297
Awaiting genetic results	145
Follow-up required	2,149
Other (representing 53 other case statuses)	1,203
Total	10,341

Recommendation 1: That the Director of CSSD enact written policy and procedures to ensure that Intake process child support cases that have missed the 20-day requirement within a designated time frame, such as 6 months.

Response: Agree.

As noted above, CSSD does not have a significant number of matters that have missed the 20-day deadline for the opening of a case. However, CSSD does have older cases in its case load that require additional processing.⁵ As the OIG Report shows, in January 2015 CSSD started assigning 100 old cases per month to each Intake worker and had succeeded in assigning 4,000 cases by April 2015. Since then, CSSD has assigned a team of Intake workers to focus on old cases. The older cases will be processed according to the time frames associated with the status each case is in.

Recommendation 2: That the Director of CSSD ensure that DCCSES alerts CSSD managers to cases not processed within timeframes established in the new policy.

Response: Agree.

CSSD agrees to set up alerts to managers on cases not processed within timeframes. CSSD will seek to reprogram its automated system to do so.

In the meantime, Intake managers have reports of cases where staff have not met processing timeframes and regularly review these reports. The managers use these reports to draw the attention of the worker to any overdue tasks and assist with moving the case forward.

II. Area of Improvement No. 2: DHS submits incomplete benefits applications to CSSD, and does not sanction the majority of TANF recipients who do not cooperate with CSSD.

Because the TANF and child support programs are so closely connected, collaboration between DHS and CSSD is important to the success of both programs. It also contributes to the well-being of our joint customers. CSSD therefore agrees with the OIG Report's recommendations and has made significant progress in this area since 2014.

Recommendation 1: That the Director of CSSD collaborate with DHS to ensure that DHS employees are adequately trained to complete the benefits applications sections that are crucial to establishing paternity for child support cases.

Response: Agree.

CSSD agrees to continue to collaborate with DHS with respect to the new benefits application and other operational and policy matters where cooperation is needed. In fact, in 2014 CSSD and DHS began a new initiative to streamline the child support information gathering process for

⁵ The OIG Report notes the existence of 8,000 cases that had been removed from workers' task lists due to concerns raised by the workers' union. Many of these cases are included in the 10,341 that the OIG Report analyzes.

TANF recipients. This initiative was a direct result of the difficulty CSSD Intake workers were having in meeting the new requirements that the Superior Court imposed on CSSD's petitions, and it resulted in the collaborative development of the new application. Through this revised benefits application process, TANF workers collect the information and documentation necessary for CSSD to file a case in court without re-interviewing the custodial parent. CSSD and DHS developed the new application in 2014 and TANF workers began using it in 2015 when funding for it became available.

As with any new process, training was required for TANF workers to consistently use the new application correctly. Gathering information about the conception of children is a new task for DHS staff who previously asked questions about income and assets, and TANF workers sometimes need guidance in preparing documents in the form required for use in court. Through its collaboration with CSSD, DHS has been providing this additional training, and CSSD has continued to see improvements in the information it receives. This process has also fostered relationships between CSSD and DHS managers and staff that will assist both agencies in jointly addressing future issues.

Recommendation No. 2: That the Director of DHS ensure that DHS fulfills requests from CSSD to sanction TANF recipients for non-cooperation, including past requests for sanctions that DHS did not implement if the custodial parent has not yet cooperated with CSSD.

Response: Agree.

DHS's failure to impose TANF sanctions for non-cooperation with child support has been a matter of concern to CSSD for quite some time, as has the level of the sanctions that DHS has been willing to impose. If TANF sanctions are not timely and significant, custodial parents who are not themselves seeking child support have little reason to participate in CSSD's efforts to establish support orders. CSSD has been pleased with DHS's recent, ongoing efforts to alleviate this problem, however. DHS is currently providing weekly child support sanction totals so that CSSD can ensure that sanctions are being appropriately applied. CSSD and DHS have also agreed to meet regularly to discuss this issue and other matters of mutual interest.

Recommendation No. 3: That the Directors of DHS and CSSD establish a written agreement with procedures for sanctioning TANF recipients for non-cooperation with CSSD and reporting detailed sanction information to CSSD.

Response: Agree.

CSSD will meet with DHS to establish a written agreement governing sanctioning procedures and reporting.

III. Area of Improvement No. 3: Although CSSD's petition review process has improved, it still delays the child support process.

CSSD agrees that its quality control efforts slow down the process for making petitions ready for court. CSSD implemented the quality control process, however, after the court started requiring

the inclusion of information about a child's date of conception in CSSD's petitions. This added significantly to the complexity of the material that Intake workers are required to prepare. The large error rate for 2013 noted in the OIG Report reflects the difficulties that Intake staff have had in correctly satisfying these requirements. As a result of regular training, the quality control process, and workers' increasing experience with the revised petitions, the error rate declined by more than 70% in 2014. Although the quality control process may be somewhat cumbersome, it has avoided the longer delays that can occur when the court rejects CSSD's petitions and the problems that attorneys face if inaccurate documents are filed in court. Further, even with the time devoted to the quality control process, CSSD is now meeting all the applicable federal timeframes for order establishment.

Recommendation 1: That the Director of CSSD conduct annual joint training for Intake workers, QC reviewers, and attorneys to ensure that employees within each layer of the petition drafting process understand the process.

Response: Agree.

CSSD agrees that training is the solution to the problem of inaccuracies in petitions, and, for that reason, CSSD conducted four trainings on this subject in 2014. One of these trainings was for quality control staff, one was for attorneys, and two were for Intake workers. CSSD also restructured its Intake operations so that Intake workers and attorneys are now part of the same section and report to the same section chief. This reorganization and the development of a single review checklist have helped to ensure consistency in the criteria used in approving petitions. CSSD will continue to train all relevant workers on petition preparation and review requirements as needed to ensure the quality and accuracy of its petitions.

Recommendation 2: That the Director of CSSD review the QC process and develop a procedure to streamline the review of rejected petitions.

Response: Agree.

CSSD believes that the quality control process is working effectively and this process is not currently interfering with CSSD's ability to meet federal performance standards. CSSD will review this process to determine if it can be streamlined or improved, however. If the error rate continues to decline as it did in 2014, it may also be possible to reduce the number of layers of quality control review.

IV. Area of Improvement No. 4: Many cases ready for court hearings do not proceed because CSSD cannot complete service of process on NCPs.

Without service of process, the establishment of paternity and support cannot go forward. This is a challenging area, and CSSD will implement the recommendations in the OIG Report.

Recommendation 1: That the Director of CSSD coordinate with the Executive Office of the Mayor to issue a Mayor's Order directing District government agencies under the Mayor's administrative authority to cooperate fully with CSSD.

Response: Agree.

CSSD agrees with this recommendation. Mayor's Memorandum 99-9 already requires all District agencies to "cooperate fully" with CSSD.⁶ District agencies usually cooperate with CSSD, but we will ask the Mayor to issue a statement reminding employees of this requirement.

Recommendation 2: That the Director of CSSD develop strategies to educate employers about their responsibilities to cooperate with CSSD under D.C. Official Code § 46-224.02(c).

Response: Agree.

CSSD agrees with this recommendation. Employers are vital partners in establishing orders and collecting child support. CSSD will explore ways to remind employers of their responsibilities in a way that maintains CSSD's relationships with these employers as willing partners in a process that demands a lot of them.

CSSD conducts extensive outreach to employers in connection with their participation in the National Directory of New Hires. CSSD will consider including outreach concerning service of process in these efforts. In addition, CSSD has piloted sending verification of employment requests to employers electronically through its wage withholding unit, and has found this to be more effective than sending paper requests. CSSD will explore additional ways in which electronic communication with employers can assist with service of process.

Recommendation 3: That the Director of CSSD enact written policies and procedures for issuing subpoenas to employers to aid in serving NCPs and seek court sanctions against employers who knowingly refuse to cooperate with CSSD.

Response: Agree.

CSSD has a policy for seeking contempt orders against employers if they fail to withhold payments for child support. This policy is effective in bringing employers into compliance, and a case against an employer was litigated successfully just recently. However, CSSD does not have a policy for issuing subpoenas to aid in serving NCPs and will work to develop one.

Recommendation 4: That the Director of CSSD revise CSSD's voluntary service letter to be clearer and more persuasive to increase voluntary service rates.

Response: Agree.

CSSD agrees to revise its voluntary service letter to be clearer and more persuasive. This should increase voluntary service rates. Increasing voluntary service will be valuable for three reasons: (1) it will put more NOHODAs into the hands of non-custodial parents; (2) it will enable CSSD's field investigators to spend more time pursuing hard-to-serve cases; and (3) it will provide the

⁶ See Attachment B: Mayor's Memorandum 99-9, July 29, 1999.

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NCP with a friendlier first contact with the child support program rather than a potentially tense situation surrounding service of process at the NCP's home or place of employment.

The timing of this recommendation is fortuitous. On September 30, 2014, the federal Administration for Children and Families within the U.S. Department of Health and Human Services awarded CSSD a 5-year grant under the 1115 Behavioral Intervention in Child Support program ("BICS"). With federal matching funds, this grant will total \$441,176 in the first year and \$1,147,057 over five years.

The BICS program is designed to test behavioral intervention approaches to improve human service outcomes. Previous efforts have examined, for example, how a cleaner, better designed letter can increase the likelihood that a non-custodial parent will make payments. Another example is how approaching customers when information is easiest for them to recall will result in better case information and an improved ability to locate the non-custodial parent. Behavioral intervention looks at how reducing the "hassle factor" with government forms and agencies can spur individuals to take actions that are in the interests of their families.

As part of this grant, CSSD has been paired with a Technical Assistance and Evaluation ("TAE") team that will design the interventions and ensure that the experimental and control group evaluation approach is implemented correctly. The TAE team consists of researchers from two very well respected research firms: MDRC and the Center for Policy and Research.

The TAE team visited our office May 12-13, 2015 to better understand CSSD's business processes and interviewed staff in many units, including Locate and Litigation. At these meetings, staff discussed voluntary service and how it could be improved. The TAE team learned that previous judges who handled child support were not always comfortable with voluntary service of process, viewing it as coercive. The judges currently assigned to child support, however, appear to be more accepting of this process. CSSD will research case law to ensure there are no obstacles to voluntary service of process. Assuming there are none, CSSD will explore with the TAE whether this would be an appropriate intervention for evaluation.

The TAE has expertise in behavioral intervention theory and can work with CSSD to improve its forms to encourage more NCPs to come in voluntarily to receive their NOHODAs at CSSD's office.

Recommendation 5: That the Director of CSSD implement a target for how many NOHODAs each investigator should successfully serve per week or month.

Response: Agree.

CSSD's current goals for investigators were developed in collaboration with staff and reflect the recognition that there are multiple factors outside the investigator's control that impact the number of NOHODAs successfully served. CSSD will continue its current practice of setting targets for service attempts made over specific periods. However, CSSD will also work with the investigators and AFSCME Local 2401 to develop targets for successful service of process.

Currently, all field investigators and in-office investigators have a performance plan every year with goals. The goal with the heaviest weight for field investigators lists a specific number of NOHODAs per day that should be attempted to be served.⁷ Grade 9 field investigators must make 8 service attempts per day, and Grade 11 field investigators must make 12 service attempts per day. Similarly, in-office investigators have a goal related to the number of cases they must research in a day.

How investigators fare in meeting these performance standards is reflected in their performance evaluations. Investigators who fail to meet the performance targets will score lower on their evaluations. Deficient performance is addressed through mid-year and annual reviews, and can ultimately result in termination.

Recommendation 6: That the Director of CSSD implement a case assignment system based on geographic area for field investigators and assist investigators with planning their routes more efficiently.

Response: Agree.

Currently, CSSD's automated system assigns cases to field investigators sequentially, and CSSD manually makes adjustments so that field investigators can concentrate their efforts in one geographic area. However, CSSD agrees that it would be more efficient to have the automated system automatically generate assignments based on geography. CSSD looks forward to implementing such a system when funding for the programming changes becomes available.

Recommendation 7: That the Director of CSSD consider reducing the number of NOHODAs assigned to the MPD Paternity Warrant Squad in light of competing responsibilities.

Response: Agree.

CSSD agrees with this recommendation and recognizes that it will need to reevaluate and possibly renegotiate its contractual agreement with MPD if fewer cases are referred.

V. Area of Improvement No. 5: CSSD managers do not adequately manage attorneys' heavy workloads to maximize effectiveness.

Although CSSD understands the concerns the OIG Report raises in connection with this Area of Improvement, CSSD disagrees with some of the OIG Report's conclusions concerning the management of CSSD's legal function. CSSD's assignments and organizational decisions have been thoughtfully implemented to satisfy the needs of a high volume practice with a limited number of attorneys and support staff.

Recommendation 1: That the Director of CSSD assign a "duty paralegal" or other employee to answer customer telephone calls before the duty attorney receives them, and

⁷ This goal accounts for 50% of these investigators' performance rating.

that CSSD track the percentage of calls handled at each of the three levels (receptionist, duty paralegal, and duty attorney).

Response: Disagree.

CSSD does not agree that the assignment of a paralegal to handle customer calls forwarded to the Litigation Unit would be an appropriate use of CSSD resources. Calls directed to the duty attorney already undergo two levels of customer service and screening before they are forwarded to this attorney. The vast majority of customer calls are received by the Customer Service Unit, which has staff trained and equipped to provide most types of case information. If the Customer Service Unit cannot answer the caller's question, the call is forwarded to the Litigation Unit's receptionist. This worker is trained to respond to customers' child support concerns and will again attempt to resolve the issue.⁸ The duty attorney receives the call only if these two levels of customer service are unable to provide the needed assistance. Replacing the receptionist with a paralegal would not significantly reduce the number of referrals to the duty attorney.

Further, serving as duty attorney is not an onerous assignment. While call volume can vary, the Litigation Unit receptionist receives an average of 3-10 calls per day and resolves a portion of these calls without forwarding them to the attorney. Further, an attorney rarely serves as duty attorney more than once every two weeks. When needed, the Assistant Chief of the Legal Services Section fills in with this assignment.⁹

CSSD strives to provide excellent customer service. If a caller requests to speak with a lawyer about his or her case, CSSD believes it is appropriate to forward the call to an attorney. Attorneys in all types of practice understand the importance of communicating with and responding to the needs of their clients. In CSSD's view, child support attorneys also have this responsibility.

Recommendation 2: That the Director of CSSD develop and implement a plan to balance its traditional calendar litigation teams to account for future extended attorney absences.

Response: Agree.

CSSD agrees with this recommendation primarily because, to the extent possible, CSSD already balances the work loads of its litigation teams in response to absences and other circumstances. Sometimes imbalances occur because there are not enough attorneys in the Litigation Unit to fully staff each team. Each team generally has three attorneys. During the period discussed in the OIG Report, Team C had two attorneys, Team A had three attorneys, and Team B had two full-time attorneys and one part-time attorney. It was simply impossible to shift another attorney to Team C without creating an imbalance in the other teams.

⁸ The Litigation Unit is in the process of hiring a receptionist, so CSSD has temporarily assigned the responsibility for responding to calls to the Litigation Unit to its Operations Support Manager. This manager supervises CSSD's paralegals.

⁹ The frequency of this assignment may sometimes be higher around holidays when staff members tend to take vacation. CSSD can provide samples of its assignment records and call logs upon request.

Contrary to the statements in the OIG Report, CSSD took several steps to address the imbalance described above. Team C was relieved of all duty attorney and time-consuming petition review responsibilities. CSSD also made two attorneys from other units available to assist in relieving Team C's burden. Both of these attorneys were available to appear in court and could review, prepare, and make files "court ready" for Team C.

Finally, CSSD took steps to prevent staffing imbalances from inconveniencing *all* litigation teams in the future. Despite a hiring freeze, CSSD was able to justify the hiring of an additional "floater attorney" to assist all teams, as needed, when absences occur or when there is a "surge" in child support cases. CSSD has therefore acted effectively to address staffing imbalances in the Legal Services Unit and will continue to do so.

Recommendation 3: That the Director of CSSD assign at least one paralegal to assist attorneys on the DV litigation team.

Response: Will consider if caseloads increase.

CSSD has not assigned a paralegal to the Domestic Violence ("DV") team because this team has a small case load and is staffed with highly experienced attorneys. In CSSD's view, the DV Team is adequately supported by two clerks assigned to file motions and handle administrative tasks. Additionally, DV attorneys do not regularly serve as duty attorney and do not file routine motions for support.¹⁰

CSSD is willing to explore the option of assigning a paralegal to the DV team if the DV caseload increases.

VI. Area of Improvement No. 6: The environment at CSSD is one of deficient communication, collaboration, oversight, and discipline.

CSSD agrees that communication, collaboration, oversight, and discipline are all important to the success of the child support program and will seek to improve in each of these areas. The OIG Report's conclusions, however, based as they are on interviews and anecdotal evidence, are not fully supported by the facts. CSSD acknowledges, however, that employee perceptions in these areas indicate that additional efforts are warranted, particularly with respect to communication.

Recommendation 1: That the Director of CSSD draft a plan to improve communication between management and employees, including, but not limited to, requiring CSSD management to attend training related to effective communication.

Response: Agree.

CSSD agrees with this recommendation and will implement such a plan. CSSD must point out, however, that we currently encourage management and employee communication through

¹⁰ Sometimes DV attorneys volunteer to serve as the duty attorney. They may also be assigned to this function when court is closed or they have no cases assigned.

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several different mechanisms. CSSD holds regular unit meetings that generally end with free time for employees to voice their questions and concerns. CSSD's Director routinely appears at these meetings.

CSSD also communicates with employees via our newsletter, "CSSD Speaks." This newsletter highlights our recent accomplishments and current goals. We also encourage our employees to submit ideas for content to our editor. These ideas are often incorporated into the next issue of "CSSD Speaks."

The OIG Report inaccurately states that CSSD often makes policy decisions without seeking input from employees, specifically attorneys. During monthly Litigation Unit meetings, the Chief of the Legal Services Section and attorneys discuss particular scenarios on a case-by-case basis, and CSSD bases policy decisions on these discussions. CSSD understands that general policy decisions are not always reasonable when looking at the facts of a particular case, and we allow deviations from general policy when appropriate. Occasionally, CSSD needs to make a policy decision swiftly in response to emerging circumstances. When this happens, CSSD informs attorneys of the policy decision and follows up with discussions regarding implementation. CSSD will then amend the policy if necessary.

Training for managers in the area of communication could be improved and we will make additional efforts in this regard. Some mandatory training already occurs, however. All managers are required to participate annually in management training, which often includes training on effective communication.

Recommendation 2: That the Director of CSSD implement a cross-training regimen encompassing all CSSD Units.

Response: Agree.

CSSD agrees with this recommendation but notes that such a cross-training regimen has been in place for quite some time. CSSD conducts a monthly "Case Flow" training that walks participants through the life of a case as it goes through each unit and explains what each unit does. Last year, CSSD conducted several trainings related to the petition review process. This training familiarized staff located on the 5th (Intake Unit) and 6th (Litigation Unit) floors with the petition review and quality control processes. Finally, the OIG Report inaccurately states that CSSD has not had a division-wide staff meeting in 3 years.¹¹ On May 29-30, 2014, CSSD conducted a conference for staff that opened with a division-wide staff meeting. Thus, while we are open to improvement, we do not believe that the OIG Report captures the facts with respect to this recommendation.

Recommendation 3: That the Director of CSSD require CSSD supervisors and managers to observe attorneys in court on a quarterly basis and incorporate their observations into each attorney's annual performance evaluation.

¹¹ OIG Report at page 22.

Response: Agree.

CSSD agrees with this recommendation but notes that all attorneys were observed in court at least once during the past fiscal year and the vast majority of attorneys were viewed twice. Attorneys are generally observed once before their mid-year evaluation and once before their final evaluation. Most attorneys have the findings of these observations incorporated into their annual performance evaluations.¹² Additionally, the Assistant Section Chief regularly communicates with the court regarding attorney performance and possible concerns. With all this in mind CSSD agrees that observation on a quarterly basis by the Chief and Assistant Chief of the Legal Services Section would be helpful and we look forward to implementing this recommendation.

Recommendation 4: That the Director of CSSD ensure that conduct and performance problems are administered and documented under the District Personnel Manual.

Response: Agree.

CSSD agrees with this recommendation and will continue to comply.

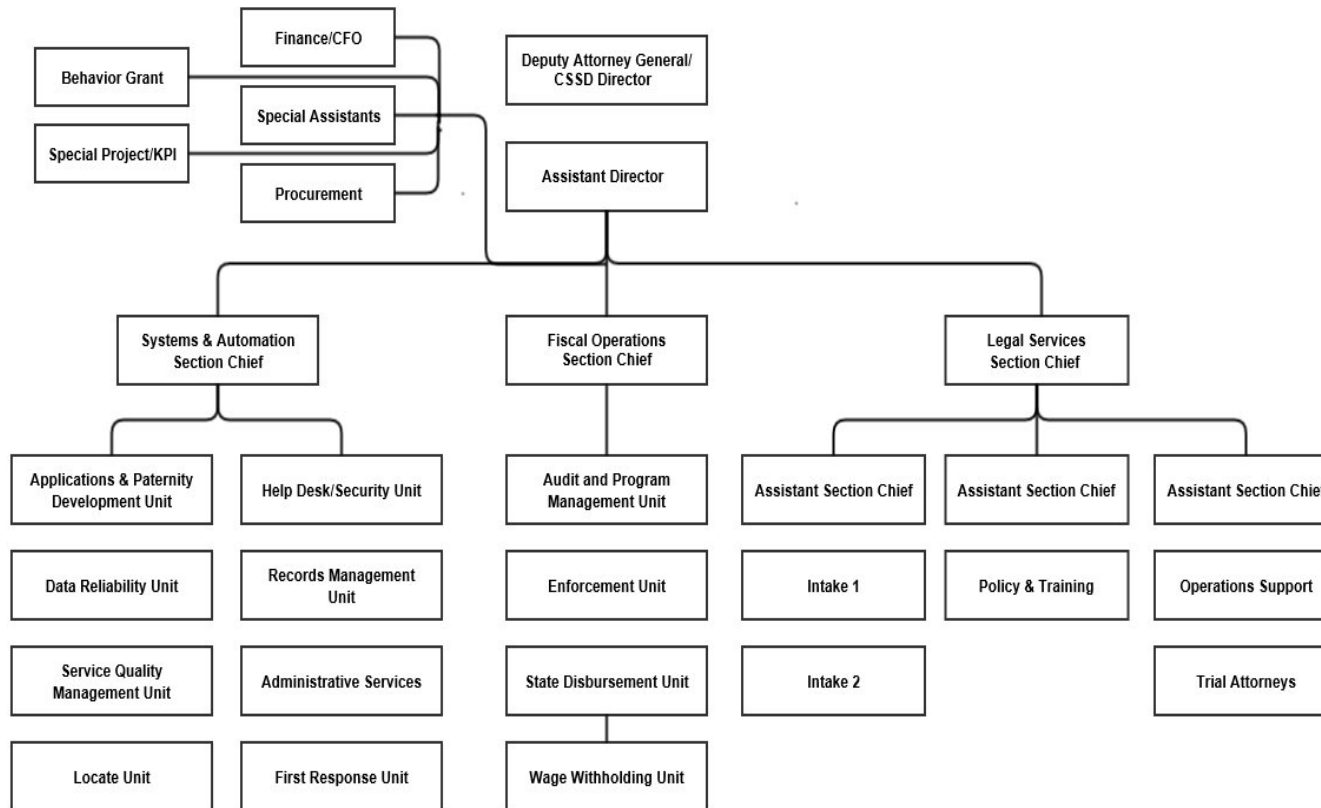
¹² A review of all 14 attorney evaluations for FY 14 indicated that only one did not have observation findings incorporated into their report.

APPENDIX 5



Appendix 5 – Organization Charts

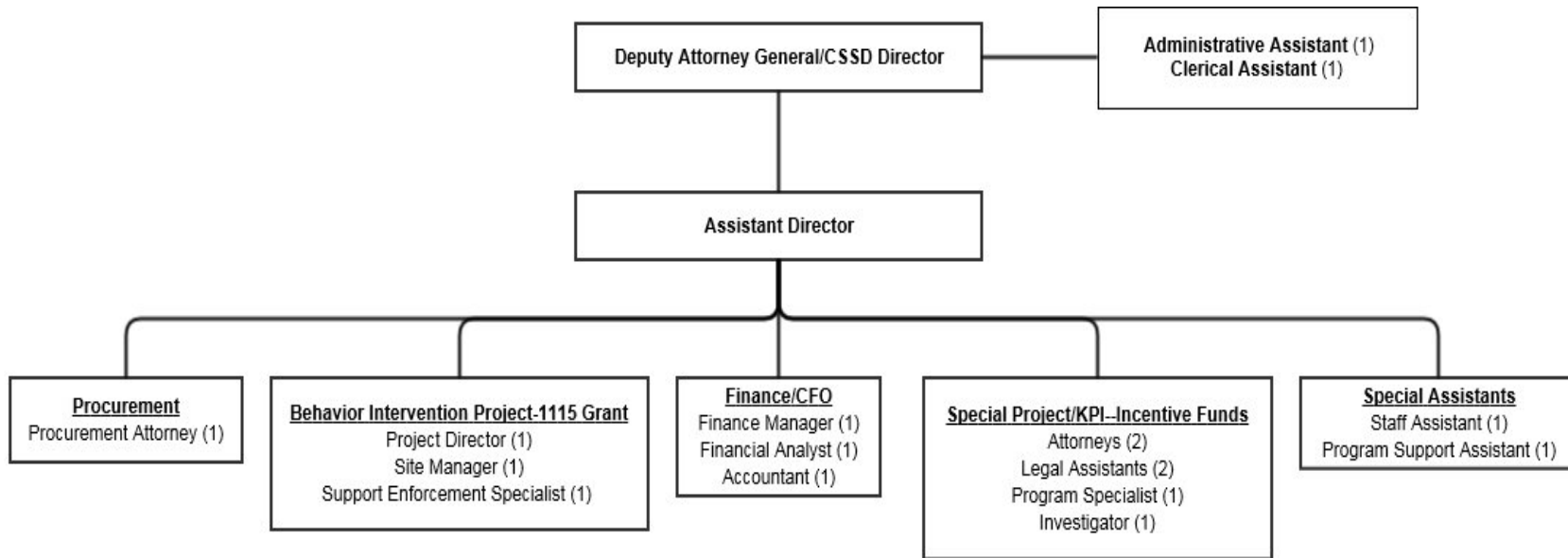
Office of the Attorney General
Child Support Services Division



Source: Organization Chart provided by CSSD on October 27, 2014



Office of the Attorney General
 Child Support Services Division
 Office of the Director

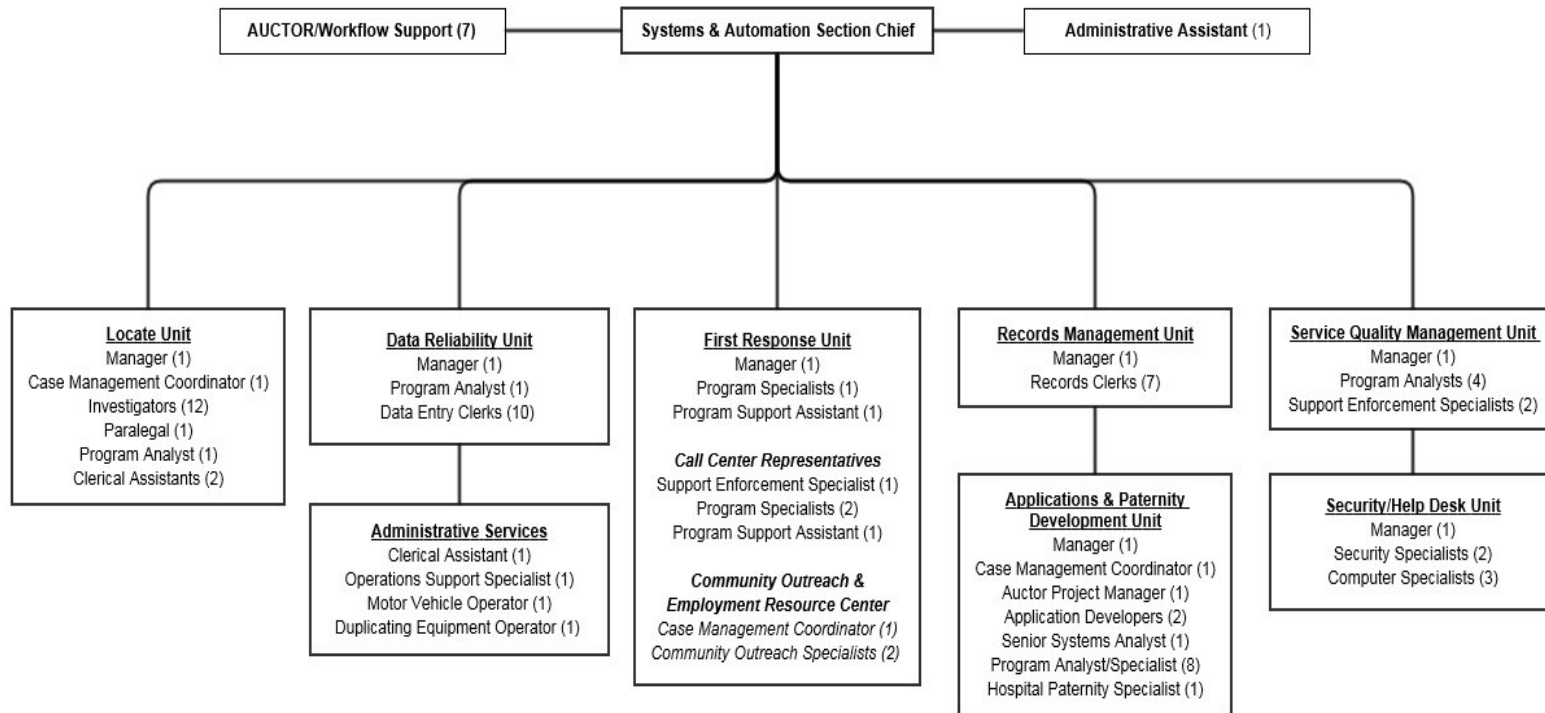


Source: Organization Chart provided by CSSD on October 27, 2014

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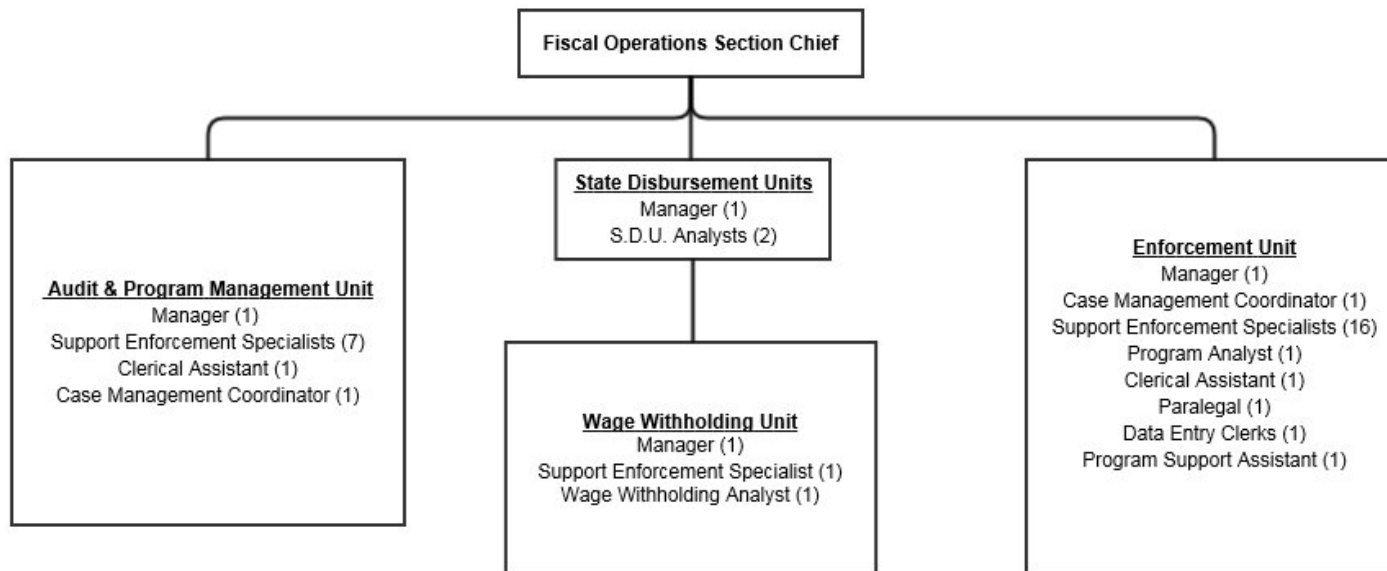
Office of the Attorney General
 Child Support Services Division
 Systems and Automation Section



Source: Organization Chart provided by CSSD on October 27, 2014



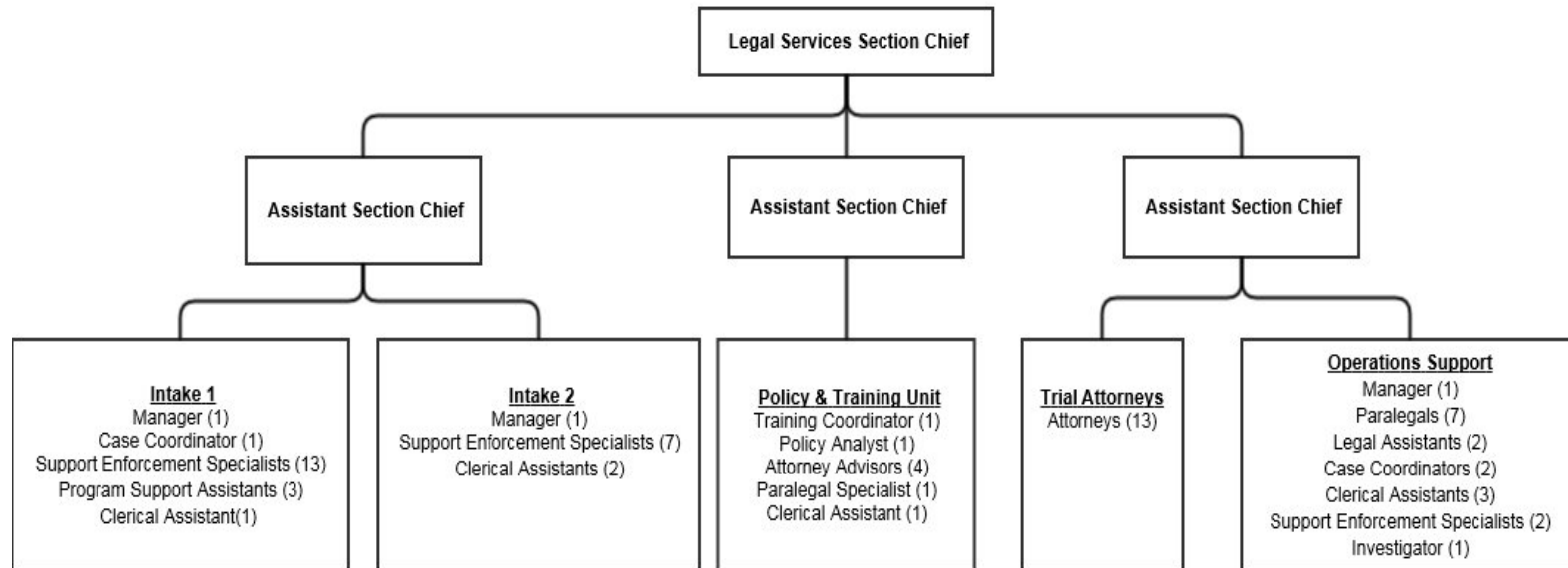
**Office of the Attorney General
Child Support Services Division
Fiscal Operations Section**



Source: Organization Chart provided by CSSD on October 27, 2014



Office of the Attorney General
 Child Support Services Division
 Legal Services Section



Source: Organization Chart provided by CSSD on October 27, 2014