

Child Support Program and Parenting Time Orders: Research, Practice, and Partnership Project



Site Visit Report

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Introduction and Project Scope

Introduction

Parenting time is typically not addressed for parents in the child support system. At the same time, parents who were not married to each other at the time of their children's birth do not have easy access to family court services, pro se resources and/or staff support available to divorcing parents arising out of their involvement with family court proceedings. (Parents in the child support system who want parenting time assistance are typically referred to family court, a process that may be time-consuming, complex, and expensive.)

Supporting and safeguarding families who have experienced family violence is essential to any parenting time program. This is in part because increased opportunities for noncustodial parental involvement can pose challenges and risks, including the potential for increased family violence. According to the National Intimate Partner and Sexual Violence Surveys of 2010 and 2011 (NISVS), more than one-third of women in the US have experienced rape, physical violence, or stalking by an intimate partner in their lifetimes. Men also experience violence, and NISVS data reveals that over one-quarter of U.S. men experience intimate partner violence in their lifetimes. Research shows that the birth of a child, the establishment of a child support order, and child support enforcement activities can all be triggers for violence. At the same time, the vast majority of custodial parents who have experienced domestic violence want to obtain child support if they can do so safely.

A handful of jurisdictions have child support program initiatives that incorporate parenting time agreements into initial child support orders. Domestic violence safeguards are an important part of these programs. Many of these programs are supported through partnership with courts or other agencies. Some funding sources include OCSE's Access and Visitation grant program while others partner with other organizations to utilize services funded through other sources.

States or local jurisdictions that currently address parenting time typically use one or more of the following approaches:

- ***Standard visitation schedules*** established by court rule or statute and used on a presumptive basis. In the absence of a visitation plan developed by the parents and presented to the court, the statute or court rule provides a pre-determined schedule that spells out how a child's time will be divided with each parent during regular, vacation, and holiday times. The state of Texas and some Michigan counties currently use standard visitation schedules.
- ***Self-help resources*** for parents, including optional online and telephonic resources. Oregon developed online parenting plan guides that parents can download and fill in to help them create their own parenting time calendar. Texas offers a statewide telephone hotline that provides information and guidance on visitation issues.
- ***Mediation or facilitation by a neutral third party***. Some states offer free or low-cost mediation/facilitation services to unmarried parents at the child support agency, court, and/or community-based organization. DuPage County, Illinois; Oakland County,

Michigan; and Cuyahoga County, Ohio, all offer a form of third-party assistance to parents who want a parenting plan.

- Parenting time services as a part of grant-funded, *comprehensive service initiative*. The Hennepin County (Minneapolis) Co-Parent Court helps parents develop a parenting time plan, while also providing case management, assistance with employment, parent education, and referrals for a variety of other service needs.

Various types of parenting arrangements exist, including co-parenting, parallel parenting, supervised exchanges, supervised access, and no access. Time-share plans also vary ranging from “flexible” arrangements by agreement of the parents to very detailed, specific arrangements. These parenting plans themselves can often incorporate various domestic violence safeguards. This may include supervised exchanges, exchanges where the parents do not have to interact with one another, supervised visitation, the gradual introduction of a parent through the use of “step orders,” and restrictions on overnight visits. The site visits were designed to observe a range of available programs and services.

Project Scope

To conduct the Child Support Program and Parenting Time Orders project, CPR used a variety of strategies to identify ways child support agencies incorporate parenting time agreements into initial child support orders: telephone conversations with administrators of State Access and Visitation Grant Programs; a review of child support websites for 20 states and jurisdictions for mention of parenting time or visitation; and solicitation of site examples and recommendations at a session that CPR organized on parenting time in child support cases at the Mid-Year Policy Forum for the National Child Support Enforcement Association on February 10, 2012.

CPR used several strategies to identify jurisdictions that were establishing parenting-time plans for parents in the child support system. One was to review State/Jurisdiction Profiles for the Child Access and Visitation Grants and identify those states that focused on addressing the unmet access needs of unmarried parents as well as those that delivered mediation and/or parenting plan services. CPR also conducted telephone conversations with state coordinators of the Access and Visitation Grant Program that appeared to focus on parenting plan development. CPR examined websites for 22 states and/or local jurisdictions: Alaska; Hartford, Connecticut; California; Illinois; Michigan; Hennepin County, Minnesota; Washington, D.C.; South Carolina; Hawaii; Franklin County, Ohio; North Dakota; Louisiana; Cuyahoga County, Ohio; Mississippi; Texas; Missouri; Indiana; Maryland; Colorado; Tennessee; Oregon; and Maricopa County, Arizona. CPR helped to organize and conduct a session on parenting time in child support cases at the Mid-Year Policy Forum for the National Child Support Enforcement Association (NCSEA).

CPR submitted to OCSE recommendations for 12 sites that might be considered for a more in-depth review and 5 were selected to visit. Following selection, CPR conducted site visits to five jurisdictions that address the establishment of parenting time using different approaches: the State of Texas; the State of Oregon; Cuyahoga County, Ohio; Oakland County, Michigan; and DuPage County, Illinois. Each two-day site visit involved interviews and focus groups with a wide range of child support, parenting time, and domestic violence professionals.

Site Visited	Dates of Visit
Cuyahoga County, Ohio	May 22-23, 2012
Portland, Oregon	June 14-15, 2012
Oakland County, Michigan	July 9-10, 2012
Austin, Texas	October 24-25, 2012
DuPage County, Illinois	December 3-4, 2012

At each site, CPR met with a wide range of child support, parenting time, and domestic violence professionals. They included the following groups: child support administrators, supervisors, and line staff who handle establishment of new support orders; child support magistrates and judges who issue child support orders; child support attorneys who develop child support orders; providers of parenting time services, including mediators and facilitators; providers of supervised visitation services; domestic violence professionals and advocates; and advocates for custodial and noncustodial parents.

Meetings were scheduled with individuals who fell into these professional categories. In sessions lasting one to three hours, they were asked questions designed to develop information on topics relevant to the Child Support Program and Parenting Time Orders Project, including: origin and development of the parenting time service available to the child support population; exact nature of the parenting time service being offered; program scale, scope, and cost; how parents are identified, referred, and/or served; staffing of parenting time service; method of addressing family safety including screening tools, protocols, referrals for survivors, partnerships, and collaborations; additional and “wrap-around” services on parenting time available for child support families; method of converting a parenting plan into a court order; and, role of child support workers in the parenting time process. In addition to the information gathered in one-on-one conversations and focus groups, CPR reviewed reports and documents about each program, including statutes, laws, and regulations; program brochures and informational fliers; annual reports; program websites; and third-party evaluation reports.

In November 2012, OCSE decided to exercise a contractual option that called for CPR to convene professionals in child support, parenting time, and domestic violence for a one-day meeting to identify methods and strategies for addressing domestic violence in child support cases where parenting time is also being established. In the ensuing months, CPR, its consultant, Anne Menard of the National Resource Center on Domestic Violence, and OCSE Program Officers generated a list of invitees, an agenda, and a package of background materials. The Roundtable was held on March 28, 2013, in Washington, D.C., and facilitated by Lonnie Weiss of Weiss Consulting, LLC. Roundtable attendees included 24 invited participants, six members of the organizing committee, and six federal observers. A Roundtable Synthesis is available at <http://www.acf.hhs.gov/programs/css/resource/roundtable-on-domestic-violence-center-for-policy-research>.

As part of the Child Support Program and Parenting Time Orders: Research, Practice and Partnership project, CPR generated this report which focuses on sharing information learned from the site visits. Each site profile includes a detailed discussion of the site’s approach to identifying and responding to domestic violence issues.

Site Visits and Site-Specific Approaches to Parenting Time

Cuyahoga County, Ohio

Background

The Cuyahoga County Fatherhood Initiative was created in 2004 by a county commissioner in response to the county's high rates of poverty, out-of-wedlock births, and father absenteeism. Operating under the umbrella of the county Department of Health and Human Services, the Fatherhood Initiative sought to engage fathers in the lives of their children. In 2005, the Cuyahoga County Fatherhood Initiative provided funds to the County Justice Programs Division, Office of Mediation (approximately \$41,000 per year) so that the office could outpost a mediator at the Child Support Enforcement Agency (or CSEA). The Fatherhood Initiative's partnership with the Office of Mediation and CSEA is one of 12 programs that the initiative funds. The other programs also provide services to low-income fathers and their families, including, but not limited to, a public awareness campaign, a 211 Fatherhood hotline, programs that help fathers obtain employment, a preventative program educating young males (aged 12 to 17) about premature fatherhood, life skills workshops, and supervised visitation services. The County Fatherhood Initiative has a budget of \$1 million per year to fund the 12 programs. It is funded by a combination of county funds and local foundation dollars (*e.g.*, Community Endeavors) and has also received grants from the federal government and federal foundations. From its inception in 2005 through 2011, the Cuyahoga County Fatherhood Initiative has served over 22,700 fathers and young men.

Statutory Framework

Under Ohio law Chapter 3109, when a child is born to an unmarried mother, that mother has sole physical and legal custody of that child. If the father wants visitation, he must file a petition with the appropriate court.

Cuyahoga County has a standard parenting time guideline, Court Rule 29 of the Cuyahoga County Court of Common Pleas, Rules of the Juvenile Division. The Rule spells out different schedules for the nonresidential parent and children over the age of two with three different types of relationships: little or no relationship, some relationship, and a substantial relationship. In cases with little or no relationship, visitation is implemented progressively, with contact granted during the first and third weekends on Saturday from noon until 7:00 p.m. In cases with some relationship, regular visitation consists of one weekend per month, with overnight visitation and one weekend a month, with Saturday visitation from noon to 7:00 p.m. In cases with an established substantial relationship, there is more extensive weekend and midweek parent-child contact. The schedule provides some variations for children of different ages and addresses holidays and vacations and includes provisions governing a variety of parenting situations, transportation of the children, and noncompliance.

Child Support Framework

The Ohio child support program is a state-supervised, county-administered system. At the time of the site visit, Cuyahoga County CSEA had 133,254 open, active child support cases. From May 2011 through April 2012, the office established support in an average of 829 cases per month or approximately 10,000 per year. In the same time period, paternity was established in 558 cases per month, or 7,000 per year. About 60 percent of paternities are established through a signed affidavit at the hospital, at CSEA, in front of a notary, or at City Hall. About one-third are established following genetic testing, and the remaining 5 percent are established at court.

Most child support orders are established through an administrative process conducted at the child support office. If a parent requests child support or is receiving benefits, CSEA will send the custodial parent an appointment letter instructing her to appear at CSEA for an interview. If paternity needs to be established, the father then is sent a letter to have a genetic test done or voluntarily acknowledge paternity. Once paternity is established—at CSEA, the hospital, or at court—Cuyahoga County tries to establish a child support order as quickly as possible. The parents appear before an administrative hearing officer at the CSEA office, during which time both parents present evidence on income, proof of insurance, child care expenses, and other information needed to calculate the order using the state’s Income Shares guideline. The administrative hearing officer orders a child support amount based on the guideline calculation. If either parent disagrees with the order, then either parent may file an objection and appear at Juvenile Court.

The child support guidelines do not factor timesharing or visitation into the child support award. However, a guidelines deviation can be made in shared custody situations if the parents file a motion and go to court.

Cuyahoga County CSEA workers report that they have seen a “huge increase in the number of fathers” coming in voluntarily to the CSEA office to establish child support and visitation. Since child support does not address parenting time, staff members report that the fathers (often the noncustodial parents in these cases) are told to go to the Juvenile Court to seek custody or visitation with their child. Fathers who go directly to the Juvenile Court may get referred back to CSEA to establish paternity and/or child support orders so that they can then file a motion for visitation. Some fathers also go straight to CSEA for a genetic test so that they can establish paternity of their child following the receipt of test results.

Parenting Time Interventions

Through the contract with the Fatherhood Initiative, the Juvenile Court’s Office of Mediation placed a staff person at the CSEA office to meet with interested parents and conduct mediation intakes. Originally, the staff person sat in the CSEA office lobby with a sign that said “Visitation” on the wall next to her. Although the lobby offered visibility, there was very little privacy and the noise level was high. This staff person would explain the mediation process, conduct an initial intake interview for a parenting time and/or custody mediation, and provide the parents with the forms he or she needed to file in order to obtain a mediation session at the court.

In 2010, after five years of doing lobby-based intake activities, the mediation staff person was moved into a private office in the CSEA enforcement division section of the building. When the site visit was conducted, there was an Office of Mediation staff member at CSEA Mondays, Tuesdays, and Wednesdays from 9 a.m. to 2 p.m. and Thursdays from 9 a.m. to 1 p.m. The Office of Mediation rotates the staff member that is posted in the CSEA enforcement division.

CSEA establishment and enforcement workers, front desk employees, administrative hearing officers, and the Fatherhood Initiative all refer clients to the Juvenile Court Office of Mediation staff person located at CSEA. Mediators who conduct intake processes at CSEA estimate that they see between four and twelve cases each day and that the number has risen slightly over time as staff and clients become more educated about mediation and the opportunity to address parenting time. The parents they serve include: fathers who are at CSEA because they have a paternity establishment hearing or enforcement actions; parents who think that CSEA is where they can file for custody of their children; walk-ins looking for help with visitation; mothers who are at CSEA to apply for child support; and, fathers and mothers who are at CSEA for their administrative hearing. In addition, the program serves families with less conventional arrangements including parents who have changed custody informally and/or custody changes that involve grandparents and other third parties.

When mediators meet with the parents at CSEA, they complete the Custody Intake Information Sheet. This one-page form collects the parents' names, addresses, and dates of birth; name, address, and dates of birth of the child(ren) on the case; whom the child(ren) is living with; and the parents' marital status. The mediators then will look up the parents and their case on the automated child support system to determine whether the needed action involves establishing or modifying parenting time. This process determines whether the case should go to Juvenile or Domestic Court, lets the mediators know whether the Office of Mediation has jurisdiction over the case, and ensures that paternity has been established.

At this point, the mediators also complete a mediation-specific domestic violence screening form in addition to CSEA's domestic violence screening that was conducted when the child support case was first initiated. Both screening forms are completed by individual parents separately and ask parents if there is a current or expired protection or no contact order between the filing parties. It also asks if there has ever been any physical altercation between the parties that resulted in police involvement but no order of protection from the court. Parents can still mediate if there is a history of domestic violence; however, the format may be adjusted to enhance safety.

After this brief screening, the mediators give the parents a mediation application packet, which includes a five-page form that the parents must complete with required notarizations. Parents also must provide copies of all of the children's birth certificates (which cost \$25 each and must be obtained from vital records), paternity paperwork, and Social Security cards, as well as a \$105 filing fee for new applications or a \$25 filing fee for a modification of an existing parenting time agreement. The mediators walk the parents through this packet and the requirements so that they know exactly what they need to file and what the mediation process looks like. There are no additional charges for mediation once the initial filing fee of \$25 or \$105 per case has been paid. The length of this initial meeting with one or both parents ranges from 15 minutes to an hour. The Office of Mediation estimates that 66 percent of the referrals from the CSEA office complete the application process.

Parents who find out about mediation from online, word of mouth, or Cuyahoga fatherhood program sources may bypass the CSEA intake process. They may download the forms to apply for mediation online or visit the Juvenile Court Pro Se office to get the forms and pursue mediation services. Parents are screened for DV by the mediator as part of the intake process.

Once a parent has all of the needed documents, he or she must go to the Juvenile Court Pro Se office to have the paperwork reviewed. The staff member who works at the Pro Se office estimated that approximately 30 percent of people have all of the proper documentation needed to get scheduled for mediation when they come into the Pro Se office the first time. Parents without completed paperwork need to go back and re-do their paperwork and/or continue to collect the needed documentation in order to file a motion for visitation.

Parents with properly completed paperwork are directed to the Juvenile Court Clerk's office to file a motion for visitation. The Clerk's office then schedules the case for mediation or, in some cases, it is sent to a judge or magistrate for a hearing. Cases that are sent directly to a judge or magistrate for a hearing may include those cases with domestic violence allegations, where there is a question of jurisdiction, and if there has been an emergency filing by one of the parties that needs to be addressed by a magistrate first. The Clerk's office generates an order and notice of mediation that is sent to all parties on the case that alerts them to the fact that mediation has been scheduled and includes a screening form dealing with domestic violence. Mediation sessions are typically scheduled approximately three and a half weeks after the paperwork is completed.

There are a number of reasons why a parent might never make it to mediation even after completing the intake at CSEA. Some parents do not file the correct paperwork. For others, the \$105 filing fee is a deterrent. Other parents become discouraged by the length and complexity of the intake process. If the person who files for the mediation does not appear on the day of the mediation, the case gets dismissed and the parent would have to pay a filing fee again to get back into mediation. If the respondent does not appear at mediation, the case gets scheduled for a hearing.

Mediators meet with each parent individually at the scheduled mediation and complete a demographics form that elicits information on parental age, marital status, race, employment status, source(s) of income, and annual household income. The mediators assess the couple for domestic violence and ask each parent what issues they want to address in mediation and how parenting time would ideally work. The parents then sign an agreement to mediate.

Another option that the mediators have is to create a temporary parenting plan that the parents can change at a later date and make permanent. Temporary parenting plans are usually used in cases where the parents do not know one another very well or the noncustodial parent does not know the child very well.

Mediators report that approximately 70 percent of parents generate a parenting plan in mediation. Of these, 90 percent generate an agreement in one session. The mediators estimated that some parents can agree upon a parenting plan in about 15 minutes, while it takes other parents hours to come up with an agreement. The Office of Mediation sends agreements to a Juvenile Court judge to sign, at which point it becomes a court order.

Neither the Office of Mediation, the police, nor CSEA will enforce the parenting time order that is promulgated by the court. Since parenting time does not affect the child support order amount,

the order is not filed with CSEA. Enforcement would fall to the Juvenile Court and the parent would need to file a relevant legal motion.

If the parents cannot develop a parenting time agreement in mediation or if the custodial parent fails to show up for mediation, they are scheduled to appear at the Juvenile Court. Because parents must pay filing fees to obtain a court hearing and retain a guardian *ad litem* (GAL), a fee of up to \$500 which the requesting party must pay by himself, some parents ask to return to mediation to work out a parenting plan so that they can avoid these fees. If the parents do appear in court, the magistrate frequently defers to the standard parenting time order in Court Rule 29.

From April through October 2012, the Office of Mediation conducted 499 mediations with CSEA clients. Prior to mediation, 89 percent of the clients were known to the child support system, which means they were named as a father in a case, had established paternity, had a child support case open, or had a case in enforcement. After working mediation, approximately 97 percent of the cases were known to the child support system.

Domestic Violence Practices

Cuyahoga County has several layers of screening to ensure that cases with a history of domestic violence are handled carefully. The first layer is at the child support office. CSEA screens for domestic violence in every case. Cases with a safety issue are coded and filed separately and handled by a dedicated staff person. This staff member may refer a parent to the mediators at CSEA if a parent brings up parenting time and visitation. Staff report that few parents with domestic violence indicators at the child support office ask about parenting time.

A second and much more intensive layer of domestic violence screening occurs if a parent seeks mediation. Cuyahoga County Rule 16 imposes in-depth requirements to safeguard parents participating in mediation from domestic violence. The Rule was crafted by the Office of Mediation manager as well as domestic violence experts in the community. Rule 16 states that the parties must disclose any history of domestic violence to the mediators prior to the session.

Parents are given several opportunities to disclose domestic violence. If a parent meets with the mediation staff member at the CSEA office, the mediation staff member will conduct a full mediation intake, which includes a screening for domestic violence. However, the mediators mentioned that they will only conduct this screening when meeting with one parent, as they do not want to screen for domestic violence when both parents are present. The next screening occurs when a parent submits the filings for mediation and the Clerk's office schedules the mediation. At this point, the Clerk sends out an Order and Notice of Mediation to all of the parties on the case. The Order and Notice alerts the parties that they have the right to mediate and also includes an additional screening for domestic violence ("Office of Mediation Domestic Violence Screening Form"). The form elicits information on protection and no contact orders as well as "physical altercation between parties" that resulted in police or law enforcement involvement. Once the parties are at court for mediation, the mediators complete a domestic screening form with the parties. The mediators may also provide the parties with referrals to and information about domestic violence community resources and other counseling services.

If there is a domestic violence indicator on the case, the mediators may proceed and mediate the case with attention to safety. All of the mediators have been trained on how to mediate cases where there is domestic violence. They will contact both parents prior to the mediation to

determine whether it is safe to mediate with the parents. According to the mediators, “as long as there is nothing legally preventing us from mediating, we will mediate the case.” They estimate that 20 to 25 percent of the cases scheduled for mediation have a domestic violence indicator and they can mediate about two-thirds of these cases. The mediators may also decide to schedule parents for a court hearing in lieu of mediation when there is a Family Violence Indicator on the case.

Cuyahoga County also has the Domestic Violence and Child Advocacy Center (“Center”) that provides supervised visitation services and supervised exchanges. The Center offers these services on a sliding fee scale, starting at \$90 per visit and going all the way down to \$7 per visit. The Center has worked closely with CSEA to provide training and ongoing guidance around the issues of family violence.

Oregon

Background

In 1983, Oregon adopted state-funded, unified state court system (Oregon Judicial Department, 2001). The OJD formed a Future of the Courts Committee in 1992 to develop a mission statement, guide, and plan for the future of the state courts. This committee recommended that the OJD explore how to handle domestic relations cases.

As a result of the work by the Future of the Courts Committee, the State Legislature created a Task Force on Family Law in 1993 with the goal of “creating ‘a non-adversarial system for families undergoing divorce that provides the families with an opportunity to access appropriate services for the transition period’” (Oregon Judicial Department, 2000). The Task Force recommended that the state create Local Family Law Advisory Committees (LFLAC) and a State Family Law Advisory Committee (SFLAC) and change the terms “custody” and “visitation” in statute to “parenting time.”

The legislature changed the statutory language to parenting time in 1997. At the same time, Oregon moved away from a uniform parenting plan—with some counties having a standard plan spelling out when the child would spend time with each parent and dropped “reasonable visitation” orders. Instead, the goal was to get families to develop a customized plan that reflects their unique situation and needs.

The legislature also created the LFLACs and SFLACs in response to the Task Force’s recommendations and, in 1998, the chief justice of the Oregon Supreme Court appointed 16 members to SFLAC. The 16 members include judges, court administrators, attorneys, mediators, an OJD representative, Local Family Court Services staff members, and domestic violence/family safety experts. The SFLAC has several subcommittees, including committees that focus on court and child support agency collaboration, parenting plan outreach, and domestic violence. The SFLAC developed fill-in-the-blank parenting plans to assist the *pro se* population in developing parenting plans on their own. The plans have been revised eight times since they were developed in 2000. The Safety Focused Parenting Plan was developed in 2002 and translated to Spanish.

These online, fill-in-the-blank parenting plans are available in PDF format on the Oregon Judicial Department website. In fall of 2013, these forms will be converted into interactive

online forms, though development of the online interactive parenting plan has been delayed due to funding constraints.

Statutory Framework

Family courts handle all divorce and custody/visitation matters. They also establish and modify non-public assistance child support cases. To create a legally enforceable parenting time plan through the family court, an unmarried parent must file a custody/visitation petition (40-45 pages) with court and pay a \$260 filing fee. Fee waivers are available for those who are at 100 percent of the Federal Poverty Level.

Under Oregon law, when a child is born to unmarried parents and the father establishes paternity, “either parent may initiate a civil proceeding to determine the custody or support of, or parenting time with, the child The parents have the same rights and responsibilities regarding the custody and support of, or parenting time with, their child that married or divorced parents would have.” This includes rights listed under ORS 107.105 that states:

If the parents have been unable to develop a parenting plan or if either of the parents requests the court to develop a detailed parenting plan, the court shall develop the parenting plan in the best interest of the child, ensuring the noncustodial parent sufficient access to the child to provide for appropriate quality parenting time and ensuring the safety of the parties, if implicated.

At a minimum, the parenting plan must say how much time the child(ren) will spend with the noncustodial parent.

The statute also explicitly states that there is a separation between child support and visitation:

The terms of child support and parenting time (visitation) are designed for the child’s benefit and not the parents’ benefit. You must pay support even if you are not receiving visitation. You must comply with visitation orders even if you are not receiving child support. Violation of child support orders and visitation orders is punishable by fine, imprisonment or other penalties.

Child Support Framework

Oregon has a complex organizational arrangement for processing child support matters. County district attorneys establish and enforce child support cases for unmarried parents that have never received public assistance. Statewide, these offices had 36,369 open child support cases at the time of these site visits, and established 555 new child support orders per year (*i.e.*, 21 percent of all open cases and 6 percent of new child support orders in the state). To have a case opened by the district attorney, a parent must pursue child support on his or her own and self-refer to the DA’s office. The DA also handles cases referred by the court and divorcing parties. According to the Multnomah County Deputy District Attorney, approximately 80 percent of the child support caseload involves divorce cases and 20 percent is never-married. DAs rarely have face-to-face contact with child support clients; most casework is done over the telephone.

The State Division of Child Support (DCS) handles child support establishment and enforcement for current and former TANF and Medicaid cases through 13 DCS offices statewide. DCS

offices handle 138,344 open child support cases and establish 8,490 new child support orders per year (*i.e.*, 79 percent of open cases and 94 percent of new cases in Oregon). DCS establishes orders in an agency setting, and orders are promulgated by administrative law judges. Keeping the majority of Oregon child support orders out of the court was viewed as a faster and simpler approach and a way to comply with federal time frames for order establishment.

Child support orders that are established administratively have the full force and effect of a judicial order when filed with the court, but written parenting plans do not. Although an agreed-upon parenting plan that is signed by both parties can be used in the calculation of the child support obligation (with a credit against the obligation amount for parenting time), they are not legally enforceable until or unless they are filed with a judicial legal action. This means that unmarried parents in the child support caseload (or married parents who do not pursue a divorce) must file a legal action with the court to obtain a court-enforced parenting plan.

At order establishment, most DCS staff effort focuses on locating noncustodial parents in cases referred by the TANF or Medicaid agency, with approximately 75 percent of new cases requiring location activities. Once located, workers attempt to telephone both parents to complete the guideline calculation, which in some offices involves asking about parenting time. Unless parents provide a written, signed parenting time agreement, the noncustodial parent is given zero overnights in the original guideline calculation. Both parties are then served with a 40- to 45-page proposed child support order, usually by mail, and given written instructions to call or visit the child support office if they object to the order.

DCS offices report that they would like to have more phone contact with parents but are hampered by average caseloads of 800 to 1,000 cases per worker, of which 300 to 350 involve establishment. In Oregon City, which is located about 25 minutes from downtown Portland, DCS workers have caseloads of about 1,100.

In general, DCS staff members do not proactively ask the parents about parenting time and it is up to one of the parents to bring up the issue. Although noncustodial parents can get a parenting time credit with any written plan as long as it is signed either by a judge or both parents, staff report that parents rarely have a parenting plan. If the parents not bring one to DCS when their order is being developed, the noncustodial parent does not get a parenting time credit in their child support order amount. As part of a Special Improvement Project that Oregon was awarded following these site visits known as PTOC-- the Parenting Time in Child Support Project-- DCS staff are experimenting with asking parents about parenting time and referring interested parents to mediators and/or on-line parenting time resources to develop plans.

At the time of this site visit, child support guidelines included a credit for parenting time that exceeded 25 percent and any amount below 25 percent did not result in a guidelines adjustment. The Portland and East Portland DCS workers estimated that “a very small number, less than 10 percent” of establishment cases had a parenting time credit in the order. A proposed revision to child support guidelines (which was subsequently adopted after this site visit was conducted) offers a graduated credit for all levels of parenting time, not just over 25 percent. Currently, child support orders established by child support personnel have the full force and effect of a judicial order when filed with the court but written parenting plans that are developed by parents, with or without the help of mediators, do not unless they are filed in court with a judicial legal action such as a motion for visitation. Parents also have to go to court to try to modify or enforce their visitation orders.

DCS does most of its work without face-to-face contact. And, because most child support orders are set by default, in-person participation for these families is the exception. There is almost no scheduled human touch in the Oregon child support establishment process.

Parenting Time Interventions

On page four of the child support application, there is a question about parenting time and in printed materials sent to parents, they are instructed to submit or bring a parenting plan that is signed by both parties to the order establishment process to receive a credit for parenting time that exceeds 25 percent per year (at the time of the site visit) or any amount currently. Child support personnel report that fewer than 10 percent of parents have a signed parenting plan and when submitted it is brief and informal. More commonly, parenting time for these parents is addressed after the proposed order has already been sent to them.

Parents can develop parenting time agreements on their own or use the hard copy parenting plans currently available on the state court's website. They can also work directly with facilitators and mediators at the family court in their county, subject to the availability of these personnel.

When a parent brings up parenting time to the DCS case workers, they can refer the parents to the online parenting plans on the Oregon Judicial Department website. There are two types of parenting plan guides on the website, the "Basic Parenting Plan Guide" and the "Safety-Focused Parenting Plan Guide." The plans are available at

<http://courts.oregon.gov/OJD/OSCA/cpsd/courtimprovement/familylaw/parentingplan.page>

The Basic Parenting Plan Guide includes sample schedules for children in various age ranges (*e.g.*, birth to one year, one to three years, six to 12 years, and 13 to 18 years) and for when children live more than 60 miles away from one parent. The guide has a detailed, 11-page section for parents to write in their plan. In addition to a parenting time schedule, the plan asks parents to decide on issues including, but not limited to, custody, exchanges, communication between parents and children, parent-to-parent communication, future moves by parent, and make-up parenting time.

The Safety Focused Parenting Time Guide is available for parents with any safety concerns about the other parent. When the parents click on the link "Safety Concerns (Questions to Help You Decide)," they are given a list of 13 questions to help parents decide whether to use a safety-focused parenting plan (Oregon Judicial Department, 2012). The questions ask if the other parent has:

- Ever acted like violent behavior toward you or a child is okay?
- Damaged or destroyed property during an argument?
- Harmed a pet when angry?
- Threatened or attempted to commit suicide?
- Pushed, slapped, kicked, punched or physically hurt you or a child?
- Had problems with alcohol or other drugs?
- Needed medication to be safe around others?
- Threatened not to return your child/ren? Or kept your child/ren from you?
- Used a weapon to threaten or hurt you, a child, or anyone else?
- Threatened to kill you, a child, or anyone else?

- Sexually abused you, a child, or anyone else?
- Been served with a protection order or no-contact order?
Been arrested for harming or threatening to harm you, a child, or anyone else?

The website tells the parent who answers “yes” to any of these questions to “continue to take your safety, and your children’s safety, seriously. In addition, you may choose to create a safety focused plan.”

The safety-focused plan (staff interviewed as part of the site visit estimate that it is selected by approximately 25% of plan users although the total number of plan users is unknown but estimated to be low) has three different options. The first is supervised parenting time or zero parenting time for a parent who does not want their children alone with the other parent; option two is for those who feel the child can spend limited, unsupervised time with the other parent, with no overnights; and the third is for those who think that the child is safe with the other parent, but that the other parent poses a danger to himself or herself, which offers overnight parenting time with public exchanges. All three of these options have their own fill-in-the-blank templates that parents can complete and file with the court. Similar to the basic parenting plan, the safety-focused guides are comprehensive and include issues such as transportation and communication.

Both the basic and safety-focused parenting plan guides provide lists of resources (including domestic violence referrals), definitions, and detailed instructions on how to file a plan with the court and make it enforceable. Currently, a parent can choose to print these plans and attach a personalized version to a custody order that they file with the court. Parents can also use these plans as a guide for DCS to calculate the parenting time adjustment in a child support calculation. Several interviewees expressed concern that the forms are too lengthy, complicated, and time-consuming, and that parents may not know about the availability of the online parenting plans which can only be found on the state court website. One veteran child support worker says he has never seen a parent come to the office with a downloadable parenting plan. Because the 15-page plans are complex, and parents may be overwhelmed by the many options within and across plans, DCS is interested in converting the plans into a “simple Turbo tax” format and hopes to accomplish this as part of its PTOC demonstration project during 2016.

Family court handles all divorce and custody/visitation matters so to become a legally enforceable order, parenting plans must be filed in family court along with a 40-page custody/visitation petition and a \$260 filing fee. Once a parent files a custody and parenting time petition with the court, which could include the online parenting plan if it was used by one parent, the other parent is sent a copy of the petition and is given the opportunity to respond. If the respondent does not agree with the petition, he or she can file a response within 30 days of being served the petition and pay a filing fee (fee waivers are available). If the parent files a response and the petition or response includes a parenting plan, the court requires both parents to attend a parenting education class before a judge will sign an order that includes a parenting plan. It is generally a single session that lasts three to four hours, with a fee of \$55 to \$75, depending on the timing in the case and the county. Those who attend the class early in the legal process pay the lower fee. Those who wait for the last moment before a scheduled hearing pay the higher fee.

Parents are then referred to mediation to try to work out the terms of their custody and parenting time agreement. Court-based mediation is available in some Oregon counties at no charge to parties. Some counties use court-based mediators and others have a panel of private-sector mediators who provide the service. Mediation is an older function in the Oregon court system with more institutional support and is required before a hearing is granted.

The Multnomah County mediation program serves approximately 1,000 couples per year (about 1,200 mediation sessions). There are four full-time mediators plus three support staff. On average, mediations take 1.5 sessions, with most cases handled in a single session. Mediations in Multnomah County are free to the parties and paid for by earmarked, court filing fees. Child support workers say they only occasionally refer parents to mediation to develop a parenting plan.

There is also a separate pilot project conducted in Multnomah County, entitled Parental Access and Visitation (PAV) Mediation Program, funded by the federal Access and Visitation grant program. PAV serves low-income parents with a child support order who do not have legal parenting plans. Clients are typically male, many have a history of domestic violence, and many were previously incarcerated. The PAV staff member helps noncustodial parents locate custodial parents and their children and reestablish relationships with willing families, often in supervised settings. The staff can also provide free mediation services to interested parents, assistance filing court documents, registration for the parent education class, and referrals to legal and social services. The PAV program receives about 120 referrals per year, most from the Division of Child Support, and generates only about 20 parenting time agreements per year. The low rate of agreement-making (16%) reflects the troubled nature of the population that is targeted in the PAV project and their attention to safety issues.

If parents work out an agreement during mediation and the parents have shown that they attended the parenting class, the judge signs the parenting time order. If the parents still do not agree, some courts will have a custody and parenting time evaluator investigate the case and make a recommendation. Judges then have the option to have a settlement conference and/or a final hearing. After these steps, the judge will sign a judgment on custody and parenting time that becomes a court order.

Oregon previously had court facilitators in all 36 counties to assist *pro se* litigants in completing and filing court forms and to conduct one-on-one meetings with parents to ensure that forms were completed correctly. Oregon has eliminated court facilitation in most of its 36 counties. Court facilitators remain in Multnomah and Clackamas counties, but their status is uncertain and service limited.

Domestic Violence Practices

The State Family Law Advisory Committee (SFLAC) incorporated screening and safety in the development of Oregon's hard-copy parenting plans with the adoption of different schedules for parents needing basic and safety-focused tools. Experts in domestic violence and family safety were involved with the design and revision of these optional plans. For all plans, there is a family safety questionnaire built into the up-front section that guides a party through a series of questions. As with all self-help tools, the safety questionnaire and the three safety-focused plans on the OJD website are self-directed and rely on self-disclosure and parental initiative. Having

parents self-screen for domestic violence and developing safety-focused parenting plans was widely supported.

Oregon mediators have received extensive family safety training and are experienced in handling domestic violence cases. The Oregon Department of Human Services offers an eight-hour course (Domestic violence 101) for mediators and public sector employees. It covers types of abuse, warning signs of abusive behaviors, ways to support survivors, and services available through community providers. Other Oregon-based groups offer e-trainings that follow-up on the teachings available in the Domestic violence 101 class. Other resources on domestic violence issues are available through the Department of Justice's Crime Victims' Services Division.

Because most of their contact with the general child support caseload is by mail, the DCS case workers do not actively screen for domestic violence. However, if they are able to reach the parents by phone, they will talk to the parents about safety issues. If a custodial parent has safety concerns about DCS pursuing a child support order against the other parent, then he or she may file for "Good Cause." Good Cause is granted upon request by the custodial parent and no documentation is required. The parent can call, ask for Good Cause in person, or fill out a brief four-page form. Once Good Cause has been granted, DCS no longer "works" a child support case and does not try to establish orders or collect child support.

Oakland County, Michigan

Background

In 1919, the Michigan legislature passed the Friend of the Court Act which created the Friend of the Court as an arm of the circuit court. The Friend of the Court's original mission was to ensure the emotional care and financial well-being of minor children in divorce cases, which was expanded in 1956 to cover proceedings related to children born to non-married parents. FOC responsibility broadened in 1975 with the passage of the Federal Social Security Act and the creation of the child support program. In Michigan, the child support program is administered by the Office of Child Support (OCS), a division of the state's Department of Human Services, in cooperation with Friend of the Court offices. The OCS is responsible for administering the federal child support program funds, coordinating location of absent parents, and managing the process for income tax intercepts. The FOC is responsible for child support enforcement.

In 1983, with the passage of the Support and Visitation Enforcement Act, FOC duties were codified and expanded to include the requirements to investigate and make written reports and recommendations regarding custody, parenting time, and child support issues; establish domestic relations mediation and specific educational requirements for mediators; enforce support orders; and establish a process to investigate and enforce visitation and custody orders. To enforce custody orders, the FOC can order make-up parenting time, commitment to the county jail, suspend licenses, or issue a fine. In 1996, this act and other Michigan statutes were amended to adopt the term "parenting time."

Located just outside of Detroit, Oakland County is a prosperous community with a median family income level of \$66,456, compared to \$48,669 in the rest of the state. Its workforce is also more educated than the rest of the state, with 42 percent of the county residents having a bachelor's degree or greater, compared to 25 percent of Michigan residents. The county poverty rate is 9.5 percent. The Oakland County FOC manages a caseload of 74,497 IV-D cases with

nearly 57,000 court orders. Each year, the Oakland County Circuit Court establishes approximately 5,000 new child support orders of which 1,000 involve the establishment of paternity. Its 4.8 percent rate of public assistance cases in the child support caseload is below the state average of 6.9 percent, while its average rate of current support collections at 74 percent is among the highest in the state, particularly when compared with other large, urban jurisdictions in the state. The statewide current support collection percentage is 67 percent.

Statutory Framework

Visitation is specifically addressed in Act 138 of 1966, or the Family Support Act. Today, the Family Support Act requires that the courts establish a parenting time order with every new child support order. Specifically, the Family Support Act states that:

If there is no dispute regarding a child's custody, the court shall include in an order for support issued under this act specific provisions governing custody of and parenting time for the child. Pending a hearing on or other resolution to the dispute, the court may refer the matter to the office of the friend of the court for a written report and recommendation.

In 1970, the Michigan Legislature specified the rights of minor children, including their rights to custody, child support, and parenting time in the Child Custody Act. The parenting time provision states that:

Parenting time shall be granted in accordance with the best interests of the child. It is presumed to be in the best interests of a child for the child to have a strong relationship with both of his or her parents. Except as otherwise provided in this section, parenting time shall be granted to a parent in a frequency, duration, and type reasonably calculated to promote a strong relationship between the child and the parent granted parenting time.

From 1995 to 2000, when the state of Michigan had a waiver that allowed it to use child support funds (Federal Financial Participation funds) for parenting time activities. Following the expiration of the waiver, some FOCs, including Oakland County, obtained county tax dollars to continue to address parenting time in child support cases.

Child Support Framework

The Office of Child Support of the Department of Human Services is centralized and receives referrals from the public assistance agency, locates noncustodial parents, and refers these cases on to a local office for order establishment. In Oakland County, order establishment is handled by the Prosecutor's Office. The first step in the order establishment process is for each parent to participate in an interview conducted by a paralegal specialist. The 30-minute interview with the custodial parents includes demographic questions, information about the children, information about the noncustodial parent, questions about domestic violence (*e.g.*, whether there are any personal protection orders against the noncustodial parent), and the number of overnights the child spends with each parent. A similar interview (including questions about parenting time) is conducted with the noncustodial parent who is told to bring his or her financial information so

that the paralegal specialist can calculate the child support order amount using the Michigan guideline.

Michigan uses an Income Share Child Support Guideline where the number of overnights with the noncustodial parent affects the child support order amount. Noncustodial parents begin to receive a parenting time deduction in their guidelines amount at 72 overnights. Prosecutors and referees say that they tend to default to 75 overnights if it is unclear how many overnights the noncustodial parent actually has or if the case is entered as a default.

Parenting time in Oakland child support orders is typically expressed as “reasonable parenting time as mutually agreed upon by the parties.” So, routine is the consideration of parenting time, this terminology is even used in orders that are established by default (i.e., orders entered without the participation of the other parent).

Once court-ordered parenting time is established, parents may contact their local FOC office for modification and enforcement. The specification of a “reasonable visitation” order is considered a modification. These modification actions are handled by a staff of 18 family counselors at the Oakland FOC who are social workers or have a related master’s degree. They meet with parents who disagree about what constitutes reasonable parenting time, help them to resolve their parenting time disputes, and create specific parenting time orders that are filed with the circuit court. Oakland County FOC family counselors also do custody investigations and make recommendations to the court in cases that are resolved in adversarial settings.

Some Michigan counties handle parenting time differently. For example, in Kalamazoo, Calhoun, and Washtenaw counties, the prosecutors work with parents to develop detailed parenting time agreement when the original order is developed. These prosecutors rely on a standard guideline that spells out when the child spends time with each parent. The standard is used if the parents do not agree about a parenting time plan.

Parenting Time Interventions

Some parents in Oakland County who establish child support orders agree on what their parenting time arrangement is at order establishment and the arrangement is written in the order by paralegal specialists as unspecified, reasonable visitation. Parents sign a consent order that is reviewed by an assistant prosecutor and sent to a judge for signature.

Parents who do not agree have their case scheduled for a court hearing. Before the hearing, they have a pre-trial meeting with one of the assistant prosecutors who will work with them to negotiate a parenting time agreement that is then incorporated in the court order. Like the paralegals, prosecutors strive to help parents identify how the child’s time is currently being divided and to preserve this status quo in a “reasonable” parenting time order. Although parents may request a more specific parenting time order, and the assistant prosecutor will assist them in preparing a detailed plan, interviewees reported that prosecutors are reluctant to be specific since changing it would require further court action.

A small percentage of new child support orders rely on the court to determine their parenting time schedule. Although the prosecutor’s office represents the state in these hearings at the circuit court, an attorney from the prosecutor’s office does not necessarily attend the hearing. For the judge and the prosecutor’s office, the most important part of this hearing is to obtain the total number of overnights the child spends with the noncustodial parent for use in the guidelines calculation.

There is no fee associated with the establishment of a child support and parenting time order. Nor is there a fee associated with enforcing the child support and parenting time terms of orders, a function that is performed by the FOC.

The Oakland County FOC sends a welcome packet to parents after their child support order is established that includes a letter explaining the FOC's responsibilities (*i.e.*, enforcing the child support order and assisting with parenting time or custody disputes), the way that it collects and disburses child support, the tools the FOC can use to enforce child support and parenting time, how to communicate with the FOC, and how to modify a child support or parenting time order. Reasonable visitation orders cannot be enforced by the FOC—they first must be specified through a modification action whereby a detailed parenting time schedule is established. The welcome packet sent to parents also includes their assignment to an FOC "team." Each team is overseen by a referee and is staffed by one of 18 family counselors who make recommendations about custody and parenting time to the court and are available to respond to parents who have questions or wish to change their parenting time. Other team members include a child support specialist to address problems with payment, a case assistant to process income withholdings, and staff members to help with interstate medical child support and accounting matters.

Parents can also file a motion to get a more specific parenting time order on their own. When this occurs, they typically meet with a family counselor prior to the parenting time hearing. Family counselors speak to both parents individually to determine what issues exist in their case, including domestic violence. . Based on their conversations and investigations, the family counselors make a recommendation about parenting time that is sent to both the parents and the referees. Counselors attend the parenting time hearing along with parents and answer questions that referees may have. At the end of this hearing, the referee prepares a recommended order with a parenting time schedule based on statements from the parents and from the family counselor.

At the hearings, referees explore mental health, substance abuse, and domestic violence issues and may deny parenting time or require supervision. Oakland County has many supervised parenting time providers—some that offer therapeutic supervised parenting time guided by counselors or trained psychologists to assist parents with mental or emotional challenges in appropriately interacting with their children.

In 2012, referees conducted 830 parenting time hearings and 452 custody hearings. Additionally, referees held 161 hearings to enforce parenting time.

Family counselors will also facilitate parenting plan development or modification with parents who contact the FOC directly or are ordered to the FOC by the judge. They conduct separate screenings with parents to identify domestic violence issues before attempting a joint meeting and will not facilitate cases with a personal protection order. In the absence of domestic violence, family counselors meet with both parents to explain parenting terminology and facilitate a discussion geared at developing a specific parenting time schedule.

Some parents also come up with an agreement on their own, without the assistance of the FOC. In these cases, the parents can sign the agreement, have it notarized, and mail it to the FOC. These also go directly to the judges for entry as an enforceable court order.

Family counselors and prosecutors may refer parents with visitation disagreements to the Oakland Mediation Center (OMC) for free mediation through Michigan's Access and Visitation

grant. Parents can either be court-ordered to go to the OMC for mediation or they can go on their own. Mediations at the OMC take an average of 1.5 hours, with approximately three-quarters (73%) ending in an agreement after one session. The Access and Visitation grant funding only allows for a single free mediation session. The OMC sends mediation agreements back to the FOC where it is written into a court order. Prior to any mediation sessions, OMC staff members conduct a domestic violence screening with parents over the phone. Mediators also conduct a screening on the day of the mediation.

The FOC enforces parenting time orders if they are specific. Parents may submit a written complaint to their family counselor about order violations, which are typically precipitated by late pick-ups or drop-offs or disputes about holidays and special occasions rather than outright denial of parenting time. The available enforcement remedies include make-up parenting time, suspension of driver's licenses, fines, and contempt of court actions. Make-up visitation is the most common enforcement tool used by the Oakland County FOC. Family counselors can also refer parents to the Oakland Mediation Center for third-party help with their disagreements.

In addition to its modification and enforcement activities, the Oakland FOC also offers a free seminar for parents entitled SMILE (Start Making It Livable for Everyone). The educational program includes information about how divorce or parental separation impacts children and how parents can help children have a healthy adjustment after divorce or separation. The SMILE program is mandatory for divorcing parents receiving FOC assistance, and optional for parents who were not married.

Domestic Violence Practices

Parents have multiple opportunities to bring up a history of domestic violence when parenting time is established and modified. The first screening occurs when child support and parenting time orders are established at the prosecutor's office. Before the parents even come in for their interviews, the prosecutors conduct a search of personal protection orders, domestic violence records in Oakland County, the local circuit court docket, and child welfare cases. At the interview, both parents are interviewed separately, and the paralegal specialist speaks to each parent about any history of domestic violence.

Once the order is established, if either parent wants to modify or specify a parenting time agreement, the family counselors also provide a layer of protection for survivors of domestic violence. The family counselors speak to each parent first and conduct separate screenings to identify domestic violence issues, before having both parents come in for a facilitation. If parents appear before the referee for a parenting time hearing, the referee also looks into the case history and has the family counselor perform an investigation of the case that looks for any history of domestic violence. If parenting time is denied, it is typically because there is a history of emotional or physical abuse.

The parents who receive free mediation services from the Oakland Mediation Center are also screened for domestic violence. The OMC speaks to each parent over the phone prior to the mediation and goes through a series of questions about domestic violence. On the day of the mediation, the mediators conduct an additional screening of both parents. At any point during the mediation, the mediators can stop the session if they feel there is a disparity in parental power or if any other issues of domestic violence arise.

Oakland County funds an Access and Visitation grant to Impact Consulting, an organization that provides supervised parenting time and reintroduction services. They serve about 70 families per year through the Access and Visitation grant, about half of which involve parents who were not married. The FOC and referees regularly refer parents over to Impact counseling for supervised visitation and reintroduction services.

The State of Michigan has a Domestic violence and Sexual Assault Prevention and Treatment Board within the Department of Human Services. The board is charged with administering domestic violence grant funding, spearheading and providing technical assistance and training to those who respond to domestic violence, and advising the governor and legislature about domestic violence issues. Specifically, the board trains certain FOC staff members, including the referees and the family counselors. All new FOC staff members also have to go through a training program that includes a domestic violence module as a statutory requirement.

Texas

Background and Legal Framework

In 1969, the Texas legislature adopted the first Title of the Texas Family Code. Texas child support guidelines were adopted in 1989. At that same time, the legislature adopted statutorily presumptive visitation guidelines in the form of a Standard Possession Order (SPO).

Texas has a state-supervised and state-administered child support program administered by the Child Support Division of the Texas Office of the Attorney General (OAG). Its nine regional child support offices handle more than 1.4 million open child support cases and establish approximately 60,000 new child support orders per year. The overwhelming majority of cases are established through a quasi-administrative process known as the Child Support Review Process (CSRP), which allows custodial and noncustodial parents to meet with child support workers at an OAG office to negotiate a child support order. If they agree on the terms of the order, it is submitted to the court for judicial approval without a parental appearance. If they fail to agree, the case is scheduled for a court hearing. Cases that involve domestic violence, minor-aged parents, or parties who failed to appear for CSRP are scheduled directly for a court hearing. Texas uses a percentage of net income guideline to determine child support order amounts, and there is no reduction in the order level for visitation. However, judges may deviate from the guidelines in cases of full joint custody or other limited reasons.

Texas is unique among state Title IV-D agencies in that its state law requires that specific provision for possession of and access to a child be included in every child support order (with limited exceptions). (In Texas, “conservatorship” refers to custody, while “possession” is the term used to describe visitation.) The fundamentals of visitation arrangements are laid out in the Code’s Standard Possession Order (SPO), which establishes set periods of visitation for the noncustodial parent based on the “best interest of the child”. The SPO is meant to act as a back-up plan for parents and it goes into effect if the parents cannot mutually agree on a visitation arrangement. Parents can go to court when the issues are contested to obtain a deviation from the standard visitation schedule. The statute establishes that visitation and the payment of child support are not conditioned on one another and both are enforced separately, with the OAG responsible for the enforcement of child support orders and the enforcement of visitation orders falling to the non-IV-D district court.

Although the Standard Possession Order is a default order that takes care of issues not agreed upon by the parties, the Texas Family Code specifically identifies domestic violence as a factor that must be considered by the court when establishing a visitation order and requires specific findings that visitation in cases with domestic violence is in the child's best interest. It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation if credible evidence is presented of a history of past or present family violence. The court's order is required to protect both the child and any adult. Cases that have been identified as domestic violence cases are referred to court for the development of more customized visitation arrangements including, but not limited to, supervised visitation, safe exchanges, abstention from alcohol and controlled substances by the visiting parent, and participation in a battering intervention and prevention program.

Parenting Time Framework and Interventions

The Standard Possession Order calls for the children to spend the first, third, and fifth weekend of the month with the noncustodial parent, along with a midweek overnight visit. The order divides holidays between the parents and includes extended visitation of 30 days during the summer. Adjustments are provided for parents who reside over 100 miles apart. The order also addresses the exchange of children and the requirement to notify the other parent when he or she will be unable to exercise scheduled visitation. With the exception of a legislative change in 2003 that moved midweek visitation from Wednesday to Thursday evening, thereby allowing an extended weekend visitation from Thursday evening to Monday morning, the standard order has remained substantively unchanged since its enactment in 1989. One of the key features of the SPO is that the parents are free to adopt any mutually agreed-upon visitation schedule with the standard order taking effect only when the parents cannot agree on a schedule. According to Section 153.311 of the Code:

The court shall specify in a standard possession order that the parties may have possession of the child at times mutually agreed to in advance by the parties and, in the absence of mutual agreement, shall have possession of the child under the specified terms set out in the standard possession order.

In 2011, the legislature enacted SB 820, which identified 17 specific factors that the court should consider in adjusting the standard possession order for a child under the age of three, such as pre-existing care arrangements, the developmental needs of the child, and the conditions of the parents. "Progressive visitation orders" gradually increase visitation over time. This typically involves some combination of shorter visits (two to four hours) on a regular schedule that increase as the child ages and relationship with the noncustodial parent develops. Some of these progressive visitation orders may initially include supervision of the visit by the custodial parent or another family member.

A range of alternative possession orders can be adopted by the court in situations where the parents agree to something different than the SPO or when a parent has a nonstandard work schedule.

Parents are notified about Standard Possession Orders in routine mailings by the OAG before they begin to negotiate a child support order either in a CSRP or IV-D court. Information about SPO appears in the "Know Before You Go" flier that is mailed to parents prior to a scheduled

order establishment event. “Know Before You Go” highlights what the SPO says about visitation, the circumstances in which it is usually used, and the situations that lend themselves to alternate possession and access orders.

At the CSRP and/or court, child support attorneys briefly explain the SPO along with the terms of the child support and medical support order to parents prior to their negotiation sessions and court hearings. The order is presented to the court during proscribed sessions dedicated to cases involving the establishment of child support orders. Staff report that most people (75%) agree to standard possession or have their own agreement that usually involves more contact. An estimated 10 to 15 percent of cases have safety considerations that require the case be presented in court and include supervised visitation or step orders, another 10 percent have different arrangements due to non-safety considerations, and fewer than 5 percent will order no visitation schedule.

OAG staff members do not write up private agreements for parents, but they will, in most circumstances, present the private agreements that parents provide to the court. Each CSRP takes about 30 to 45 minutes. Field offices around Texas handle cases with disagreement about visitation differently. Some offices will stop the CSRP and send the case to court, which may be scheduled six to eight weeks out. Other offices will complete the CSRP but reserve parenting time for court, which will also be scheduled at a later date.

Parents have the opportunity to object to the SPO at the court hearing and request a deviation or to present an alternative arrangement.

With funding from the Federal Access and Visitation Grants, the OAG has developed an extensive array of tools and services to help parents understand their Standard Possession Orders and assist them with their visitation problems and questions. One is the “My Sticker Calendar,” with stickers created by children to help parents and children track and plan time the children spend in each parent’s home. The bilingual calendar that explains standard possession basics was distributed to 60,000 parents in one year. It presents the basic terms of the Standard Possession Order including weekday, weekend, spring break, holiday, and summer visitation terms; dates to remember including required notification dates regarding extended summer visitation; and a list of resources and parenting time services.

Another resource for parents is the Texas Access and Visitation Telephone Hotline, which is staffed by legal aid attorneys who provide information and guidance on visitation issues in an anonymous fashion to approximately 35,000 callers per year. Established in March 2003 and operated by Legal Aid of NorthWest Texas, the Hotline serves both custodial and noncustodial parents throughout the state and across multiple ethnic and income groups, 40 percent of whom phone before they attend CSRP or court to establish an order. Evaluations of the Hotline conducted in 2004 and 2008 reveal that more than half of callers find the Hotline to be helpful, especially those with recent problems and those who receive advice and information as opposed to only getting referrals. Parents are directed in pre-court and pre-CSRP mailings to contact the Texas Access and Visitation Hotline prior to their appointment or hearing if they have questions or concerns about conservatorship or possession, especially in cases that involve safety concerns/family violence (Pearson et al., 2008).

A third service funded by the Access and Visitation Grant is the TXAccess.org website, which offers legal information, frequently asked questions, information on how to find a lawyer, and legal forms and documents. Among the downloadable legal and non-legal forms available in

Spanish and English are a Motion for Mediation, a Motion for Social Study, a Demand Letter for Visitation, and a Visitation Journal. Individuals can use these materials for *pro se* filings and for additional information on a broad range of family law topics.

Still another resource is the For Our Children Co-Parenting Guide and DVD that was produced by the OAG in partnership with the Family Law Council/State Bar of Texas. The Guide and DVD highlight the impact parental conflict has on children and provides practical approaches parents can take to reduce that conflict and develop a positive co-parenting relationship. The DVD and guides are designed for use with and distribution to parents in child support offices, courts, and community programs. The OAG website also offers the *Understanding the Court Process* video designed to help parents understand the child support process.

In courts in El Paso and San Antonio, the OAG uses access and visitation funds to contract with county domestic relationship offices to provide brief educational sessions prior to and immediately following court hearings to help parents better understand the SPO and other aspects of their child support orders. The OAG has contracted with four counties that have a Domestic Relations Office to help parents with modification and/or enforcement of their visitation orders using a variety of services ranging from attorney consultations and facilitated conferences to litigation support.

Finally, the OAG funds a Parenting Order Legal Line that is staffed by attorneys who provide limited representation services by telephone to low-income noncustodial parents with incomes below 200 percent FPL who are unable to exercise their visitation rights either because they do not know the whereabouts of their children or the other parent will not allow them to visit. Following an interview with the custodial parent that elicits information about safety and domestic violence issues and a search for protective orders and a review of other restrictions on contact, attorneys on the Legal Line will attempt to look for the children; facilitate communication with the other parent; and, failing to achieve visitation, help the noncustodial parent prepare a case to present to the district court. The “Visitation Demand Kit” that the Legal Line has developed includes a demand letter, a customized parenting calendar based on the court order, and a visitation journal to record episodes of attempted visitation. After three documented denials, the Legal Line attorneys will help callers prepare a court filing so that they can pursue a self-represented action to obtain modification or enforcement of their order. During the first year of operation, the Legal Line served 2,500 callers.

Domestic Violence Practices

Since 2008, the OAG has had a technical assistance contract in place with the Texas Council on Family Violence (TCFV) to help the OAG provide family violence training to all child support staff, review agency policies and procedures dealing with family violence, develop online and printed materials for parents, create multiple opportunities for disclosure of domestic violence, and expand safety measures and responses for survivors. The OAG has a dedicated staff member responsible for managing the collaboration, training child support staff and domestic violence advocates, and addressing other matters pertaining to safety in the child support program. Throughout the life of the collaboration, both organizations have placed heavy emphasis on ensuring survivors are informed about what to expect in the child support process, particularly as it relates to the establishment of custody and visitation. They have partnered in creating the following materials

- A collaborative website, www.getchildsupportsafely.org;
- Family violence brochures and outreach cards for survivors and advocates;
- Posters for child support offices, family violence programs, legal aid, and TANF offices;
- Video series on child support and domestic violence;
- Judicial bench card; and
- An advocate toolkit with materials to help them safety plan with domestic violence survivors around the child support process and prepare for child support court.

Currently, 10 percent of Texas child support cases have been flagged as having domestic violence issues. To obtain a domestic violence designation, a caller may make a verbal or written disclosure of violence at any point in the child support process. In addition, the OAG has a monthly interface with a Texas Department of Public Safety (DPS) database to identify child support cases in which a parent involved is subject to a protective order.

The OAG and TCFV have developed a blended approach to supporting disclosure of family violence that includes specific questions about family violence histories as well as universal provision of information about family violence and the child support process to all parents in the child support system so that survivors are able to make informed choices about whether and how to pursue child support services and whether to disclose their safety concerns. As one advocate said:

Screening for lethality is complicated and not feasible in our system. We would rather create spaces for people to disclose. Create a place where it is safe and relevant to disclose. We don't want child support staff to focus on doing a risk assessment or to label people. We are not about labeling. We have been pushing for universal information in all systems. There is no foolproof screening tool.

Parents are invited to disclose violence on the OAG's website and posters, and training for child support workers and advocates about the intersection of child support and domestic violence supports the development of safe spaces for disclosure and helps communicate the importance and relevance of disclosure. The prevailing view is that "when our system works well, our victims have choices. They can go through the child support system using CSRP to get an order or opt out and go to court."

In recognition of the fact that family violence issues can arise at any point in the child support process (and that risk may change over time), the OAG asks parents questions and provides parents information about family violence at multiple points in the child support process. The child support application for services and many of the OAG information gathering forms include questions about family violence. Staff members are instructed to ask parents about domestic violence during reminder calls that the staff place regarding prior to CSRP or court and again upon arrival at some child support offices.

Safety is addressed in the "Know Before You Go" flier on the child support process that OAG sends to parents prior to their CSRP and/or court appearance. Under the heading **THINK SAFETY FIRST IF THERE IS FAMILY VIOLENCE**, the fliers urge parents to notify OAG about any safety concern so that appropriate steps can be taken to ensure safety, including addressing visitation at court so that the judge can consider making deviations to the Standard Possession Order.

Parents with domestic violence disclosures bypass the CSRP process and are sent to court, where both the hearing process and the SPO are adjusted to enhance safety. At court, OAG staff meet with parents separately to negotiate the terms of the court order in an effort to minimize any opportunity for an abusive parent to manipulate or coerce a domestic violence survivor into agreeing to an unsafe or unworkable order.

TCFV recently collaborated with OAG in developing and delivering a mandatory, four-hour, interactive training curriculum on family violence for all child support workers across the agency. The training balances information and activities designed to speak to staff “hearts and minds” with practical, scenario-based “nuts and bolts” components designed to build technical skills that are relevant to the worker’s specific role. The involvement of the domestic violence community breaks down stereotypes and creates a “we can work with them” mentality on both sides. Child support workers who may worry that they are being expected to become domestic violence advocates are often reassured through the training because it connects them with community resources that are able to support parents in the child support system in ways that OAG staff cannot.

Cases being established through CSRP generally take between 30 and 45 minutes of negotiations, and OAG personnel confirm that possession does not add significant time to the negotiations, as most parents come in knowing what they want to do or with an expectation of having a standard order that is selected an estimated 75 percent of the time. If parents have private agreements (which usually involve more contact), OAG staff will present them to the court but not write up the agreements for the parties. Standard guidelines for possession with clearly defined situations (including domestic violence) warranting variance from those guidelines are widely endorsed by child support personnel, judges, domestic violence advocates, and other stakeholders in Texas.

DuPage County, Illinois

Background

In 1998, as a result of the newly created State Child Access and Visitation Grant Program, DuPage County Psychological Services applied for and received a \$200,000 grant from the Illinois Department of Public Aid. The county used the funds to create a pilot program offering access and visitation services to never-married parents for whom child support orders are established and enforced in the County’s parentage court (*e.g.*, Courtroom 2003). Although Illinois had long offered court-ordered mediation and evaluation services to divorcing parents, no comparable services was available for unmarried parents served in Courtroom 2003, who typically lack the financial resources for mediation, are self-represented in court, and receive no assistance from the State’s Attorney for access and visitation matters. As part of the pilot program, DuPage County offered free educational seminars (for never-married parents, the program is called “Parents and Kids Program,” or PAK); free, court-based mediation services; and supervised visitation services. In 2002, with the development of additional services, all programs for families in Domestic Relations Court were incorporated under a new division called the DuPage County Family Center, a county division under the umbrella of the Department of Community Services. The county also established a leadership council with representatives from the court, law enforcement, and social services to assist with the administration of the grant.

Funding for the Family Center was augmented with the passage of 55 ILCS 82/1 in 2000, which allowed county boards to create neutral drop-off and exchange sites and to fund these sites through a filing fee assessed on civil cases. In January 2001, the circuit clerk in DuPage began collecting \$8 per civil case filing. In June 2002, the DuPage County Family Center opened a physical location in downtown Wheaton, Illinois. At this location, the DuPage County Family Center offers mediations for never-married and indigent divorcing parents, neutral exchanges, supervised visitation, court-mandated educational seminars for never-married and divorcing families, and psycho-educational groups for high-conflict families who make multiple court filings (PEACE). In addition, Family Center mediators attend daily sessions of the Parentage Court where child support matters are heard to provide on-the-spot assistance to parents who lack parenting plans. By focusing on never-married and indigent parents who divorce, the Family Center avoids competing with local attorneys, supports the court, and has become “part of the woodwork.”

The DuPage County Family Center currently has a staff of 12 and a budget of approximately \$600,000. From October 2011 through September 2012, it assisted over 800 never-married parents with the development of parenting plans, conducted over 500 supervised visits, facilitated over 5,000 visitation exchanges, and provided educational seminars for nearly 300 unmarried parents and 2,300 divorcing parents. Mediation services are provided both at the parentage court and at the Family Center, which is currently located three miles from the courthouse.

DuPage County is an affluent community just outside of Chicago with a median family income level of \$77,598. Its minority population stands at 30 percent. Nearly half of the county residents (46%) have a bachelor’s degree or higher, compared to 31 percent of the state’s residents. It has 13,000 open child support cases and establishes 25 new orders per week. Its 5 percent rate of public assistance cases in the child support caseload is well below the state average of 13 percent. The region generates 680 unwed births per month, 78 percent of which establish parentage on a voluntary basis using the state’s Voluntary Affidavit of Paternity.

Statutory Framework

DuPage County has a framework supporting visitation rights for both parents. Illinois legislation passed in 2010 grants the noncustodial parent “reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger seriously the child's physical, mental, moral or emotional health” (750 ILCS 5/607). The visitation can occur either through in-person visitation or electronic methods (*i.e.*, telephone, videoconferencing, etc.). There is also a presumption in legislation (750 ILCS 5/602) that:

Unless the court finds the occurrence of ongoing abuse as defined in Section 103 of the Illinois Domestic violence Act of 1986, the court shall presume that the maximum involvement and cooperation of both parents regarding the physical, mental, moral, and emotional well-being of their child is in the best interest of the child.

In practice, interviewees report that the noncustodial parent’s visitation is “reserved until it is spelled out.”

Child Support Framework

Although child support cases are initiated by the Department of Healthcare and Family Services (HFS), virtually all order establishment activities after case initiation are handled judicially. Following the receipt of referrals from TANF, Medicaid, or the custodial parent, HFS schedules a 30-minute, in-person interview with the custodial parent to obtain location and financial information about the noncustodial parent. HFS workers verify the noncustodial parent's address and compile a packet based on the eight intake forms that the custodial parent completes that is sent to the State's Attorney so that the parents can be served and scheduled to appear in court four to six weeks later.

Once the HFS packet is complete, the State's Attorney determines whether to schedule the case for the expedited courtroom or Courtroom 2003. Most establishment cases are sent to the expedited court where the noncustodial parent is required to appear, and the custodial parent is permitted, but not required, to attend. The purpose of the expedited hearing is to collect income information from the noncustodial parent, add it to the information collected by HFS, and quickly calculate the amount of the child support order. Using an informal format, the expedited court serves approximately 50 parents per week.

Cases where parentage was not established voluntarily or administratively, or when there are parents with more complicated situations (*e.g.*, parents with an attorney, self-employed parents, problems with the child support order, parents who contest financial matters, etc.) bypass the expedited court and are sent to the more formal parentage court in Courtroom 2003. Parents may also file a petition for custody and visitation, pay a filing fee, and end up in Courtroom 2003.

Illinois currently uses a percentage of income calculation to determine child support order levels that takes into account the noncustodial parent's income, the number of children to be supported, and previous child support orders. The state is moving towards adopting an Income Shares Model.

Parenting Time Interventions

The issue of parenting time is first mentioned in child support cases in a letter sent to parents offering an opportunity to mediate and providing information on the PAK seminar, a mandatory four-hour educational session for unmarried parents offered in a classroom setting and online that explains the court system and legal terminology and encourages parents to treat their relationship in a business-like fashion and avoid conflict to provide the healthiest environment possible for their children. The letter is sent to parents by the State's Attorney along with the notice about their court date to establish a child support order. Although PAK attendance is required, and parents are instructed to bring proof of PAK attendance to their hearing, there is no practical consequence for failure to comply and interviewees report that less than 50 percent of parents attend.

Using mediation in child support cases in the parentage court (Courtroom 2003) began as a pilot project in 1998. During Courtroom 2003 sessions, there are typically two mediators from the Family Center seated at one of the attorney tables. The parentage court judge asks parents in every case if they have thought about parenting time and if they have some sort of a parenting

time schedule. If the parents do not have a parenting time schedule or if they would like to formalize their schedule, the judge refers parents to the Family Center mediators. If both parents are in parentage court, the judge calls one of the mediators up to the bench and refers parents for on-the-spot mediation. If only one parent is in court, the judge will set a temporary support order, reset the hearing for six to eight weeks later, and order the parents go to mediation at the Family Center before the next hearing. It is then up to the mediator to contact the parents to schedule a session.

When both parents are in court and willing to mediate with the mediators in the parentage court, the mediators typically meet with the parents separately to explain the mediation process and determine if it is appropriate. Each of these meetings lasts approximately 20 to 30 minutes and includes the completion of an intake form that collects contact information, their legal representation status, any current visitation arrangement, information on the parental relationship, involvement in any court-referred program, and the existence of a court-ordered visitation plan. Mediators also conduct domestic violence screening, discussed below.

Each mediation session is individualized for each family's case. The mediators do not direct the process with a fill-in-the blank parenting plan form. Mediators report that most families are interested in working out a weekday and weekend schedule at a minimum. For many families, the mediators work through the holiday and vacation schedules as well. Typically, each mediation lasts about two and a half to three hours and is free to the family. Parenting plan orders usually address regular, weekend, and holiday visitation arrangements; transportation and the exchange of children; and communication between the parents. Some parents can produce an agreement in court in a single session; other families require additional mediation sessions. If the parents are self-represented, the mediators will write the specifics of the parenting time agreement by hand and give it to the parentage court judge, who signs it and makes it an order. If either parent has an attorney, the mediator sends a copy of the parenting plan to the attorney to review and the agreement gets entered at the next status court date. If parents do not come up with an agreement in the session at the court or there is no time or place for the mediation to occur, the mediator will appear before the judge and let him or her know that they will need additional time to produce an agreement. The judge schedules the case to be heard four to six weeks later after they have completed additional mediation sessions at the Family Center.

Parents may also access the free mediation services if they mention that they would like a parenting plan during the PAK seminar or if they simply contact the DuPage County Family Center.

Mediation remains a voluntary process and either parent may choose not to mediate at any time. When the parents do not mediate, the judge may rule and assign the parents a visitation schedule based on what he or she feels is in the best interest of the child. The judge may also appoint a GAL and/or a custody evaluator to assess the family situation and make a recommendation regarding custody and visitation. Typical costs for GALs and custody evaluators are \$2,000 and \$7,000, respectively, with no fee waivers available for indigents (although *pro bono* appointments can be made).

Domestic Violence Practices

The mediation intake form includes 13 questions that help the mediators determine whether there is a history of domestic violence. These include, but are not limited to, whether there are any concerns about drug or alcohol use, if there has ever been a physical confrontation between the parents, if there is an order of protection on the case, and whether the parent is willing to work with the other parent to develop a parenting time agreement. When meeting individually with each parent, the mediators review the written responses and explore the issues more fully face to face. Based on the intake questions and also on the mediator's observations of the parents, the mediator decides whether it is an appropriate case for mediation and if the parents can mediate together or if they should be in separate rooms. If a parent indicates they do not feel safe or prefer not to be in the same room, the mediation is shuttled or does not occur at all. Mediators report a number of parents who disclose a history of domestic violence still want to be in the same room and work together. Mediators report that they prefer to mediate with both parents in the same room when safe and appropriate. Mediators estimate that shuttle techniques are used in approximately 10 percent of their mediations.

The Family Center has several ways to address parenting time safely even when there has been domestic violence. The neutral exchange service allows parents to come at different times and drop off and pick up their child without having to see the other parent. Each parent uses a separate entrance and parking lot to get into the Family Center, minimizing the chances that they will encounter one another. Other families utilize supervised visitation services if the court is concerned for the children's safety. Supervised visitation services are available for those who agree or are court-ordered to use them. They provide a noncustodial parent with the opportunity to visit with a child in a secured setting while being supervised by a trained professional. The supervised visitation services are also used to re-establish or establish a parent-child relationship in appropriate cases. Supervised visitation orders typically taper off over time. According to one interviewee, the judges usually order six visits at the Family Center. After the initial six, they may extend to another six visits if it is in the best interest of the child. Or, the family may transition to unsupervised visits and/or neutral exchanges. If the noncustodial parent skips the visits, then most judges will give the parent one more chance to complete the six visits before ordering no visitation. The Family Center may administer breathalyzer tests before and after parenting time, per court order. If a parent registers any level of alcohol in his or her system, the parent is not permitted to spend time with the children.

The county has a multi-professional Family Violence Coordinating Council that includes representatives of domestic violence advocacy groups, the Family Center, court personnel, attorneys, and members of the medical and faith communities. Meeting quarterly, the Coordinating Council has developed a domestic violence protocol for the county. It also conducts trainings on domestic violence for various professional and public groups. Mediators at the Family Center are knowledgeable about domestic violence and obtain continuing education on this issue.

Other Approaches to Parenting Time

Other states and local jurisdictions are also addressing parenting time using third-party assistance (e.g., mediation or facilitation), self-help resources, and standard parenting plans similar to Oakland County, DuPage County, Cuyahoga County, Oregon, and Texas. In addition to these methods, some California counties, Arizona, and Hennepin County, Minnesota are also addressing parenting time for never-married parents. California does so through their county-operated Family Law Facilitator program, in which facilitators are available at the family courts to help parents prepare paperwork to file petitions for visitation or mediation. Arizona mandates parent education classes for parents that pursue a paternity, divorce, or separation filing. Pima County, Arizona offers a separate class for parents who weren't married that uses language tailored to the needs of this population. A grant-funded Co-Parent Court in Hennepin County, Minnesota offers comprehensive services to unmarried parents. Services include a 12-hour co-parenting class, development of a joint parenting plan, and other wraparound services (e.g., employment, education, housing, and domestic violence service provider referrals).

California Family Law Facilitator Program

In most California counties, parenting time is not addressed when child support orders are established. When a parent mentions that he or she would like visitation, the parent is referred to the Office of the Family Law Facilitator (OFLF) in their county. The California Office of the Family Law Facilitator (OFLF) Program offers free legal assistance to self-represented litigants in family court to help with the large number of *pro se* litigants and to reduce the rate of default (Harrison et al., 2000). The program began as a pilot in Santa Clara and San Mateo counties. The San Mateo facilitator provided assistance to the courts by reviewing paperwork for litigants

The Family Law Facilitator Act that passed in 1996 mandated that all counties create a family law facilitator office similar to the two pilot offices. The offices provide services “only for establishing parentage and establishing, modifying, and enforcing child and spousal support” (Harrison et al., 2000). Most family law facilitators will help parents who want visitation to file a petition to the Circuit Court where they can then access mediation through Family Court Services. In some counties, including the County of Orange, the family law facilitator may help parents develop a parenting plan. In San Diego County, child support, the OFLF, and courts for child support and family law matters are all in the same building.

Family Court Services in every county identifies concerns about safety through in-person questions, a review of documents, and a written intake sheet by the parents. There are certain statewide laws, policies, and procedures in these areas including mandatory mediation of contested custody and visitation matters and requirements for Family Court Services to screen for domestic violence prior to mediation interventions.

Initial data gathered by the OFLF in 2000 from 21 California counties over a two-month period on approximately 30,000 clients found that many of those assisted by family law facilitators are fairly young, have a low income, and are not well educated. The areas of assistance covered most by facilitators include child support, custody and visitation, spousal support, and support arrears (Harrison et al., 2000). As part of a PTOC demonstration project in San Diego County, family

law facilitators are helping interested parents in the child support caseload establish parenting plans with great attention to domestic violence issues on a more routine basis.

Hennepin County, Minnesota Co-Parent Court

The Hennepin County (Minneapolis) Co-Parent Court was funded by the U.S. Department of Human Services and several local foundations. A three-year demonstration project that started in June 2010 and ended on December 30, 2013, the Co-Parent Court used a quasi-experimental design to test the impact of offering never-married parents with paternity and child support cases an extensive array of services in a court setting including parent education classes, intensive case management, referrals to wraparound services, and the opportunity to mediate a parenting plan (Marczak et al, 2015).

Before they were scheduled for paternity court, never-married parents in low-income zip codes of Minneapolis were randomly assigned into either the treatment or comparison group. Parents with restraining orders were excluded from the project. Parents in the treatment group were assigned to one particular judge and attended paternity court during dedicated project court days. At paternity court, parents in the treatment group met with Court Navigators, the County Attorney and a child support staff member. They also met with advocates from two local domestic abuse organizations to ensure that domestic violence was addressed appropriately and that parents were aware of domestic violence resources in the community. Parents then watched a video that gave an overview of the Co-Parent Court, after which the judge heard each case individually to assign paternity. By this point, all fathers had either voluntarily acknowledged paternity or had had a genetic test administered. The judge also ordered the parents to attend the Co-Parent Court education classes and set a court date when final orders on child support and parenting time would be determined.

The co-parent education component sought to develop co-parenting skills; improve parental relationships and communication and encourage paternal participation in the lives of the children. It consisted of six sessions lasting two-hours or four sessions lasting three hours. One session covered domestic violence and was attended by advocates from community-based domestic abuse organizations who discussed safety issues and made sure that parents were aware of community-based resources.

Another program component was identifying service needs that mothers and fathers had and providing responsive referrals. This was performed by male and female navigators who established relationships with the parents, did intensive screening, and made relevant service referrals. Throughout parents' participation in the project, the navigators established an ongoing relationship with the parents to determine if they need intensive case management or any other referrals. The mothers that needed intensive case management were referred to Northpoint Gateway, while the fathers are referred to the FATHER project. Through these referrals, parents received help with employment, substance abuse, mental health issues, domestic violence issues and other service needs. The navigators also helped parents enroll in GED classes and assistance programs (*e.g.*, food, housing, medical, etc.). Parents could receive individual or group services dealing with domestic violence to address any safety concerns they were experiencing. A third program component was developing a parenting plan to address custody, parenting time and

decision making. This was done following the co-parenting education classes and with the assistance of mediators and family group conference facilitators.

One project finding was that it was difficult to recruit parents to participate in the Co-Parent Court. Ultimately, the Co-Parent Court enrolled 709 participants representing both mothers and fathers across three groups: control (n = 208), intervention (n = 454) and referee referral (n = 47). Retention was also a challenge. A total of 167 (78%) mothers completed the education sessions and 47 did not, and 140 (69%) of fathers completed classes and 62 did not.

Another finding was that virtually all parents were ultimately able to develop a parenting plan although nearly half were still working on them by the time the final report for the project was prepared. Developing plans was a lengthy process for many parents.

Still another finding was that out of 400 referrals made for mothers and fathers in the treatment group, only 14 mothers and 3 fathers (4.25%) requested referrals for domestic violence services. Most mothers were referred for intensive case management, parenting plan completion and housing services while fathers were primarily referred for intensive case management, parenting plan completion and employment services. This suggests that co-parenting services can be used with child support populations and that domestic violence is not an overwhelming barrier.

Finally, with respect to child support payment, the evaluation revealed that income was the best predictor of child support payment and that there were no statistically significant differences in payment for members of the treatment and control groups. Nevertheless, there were differences for program completers with parents who attended the co-parenting classes and developed parenting plan paying 20 percent more child support than their counterparts who did not complete the program or were in the control group.

Following the end of the demonstration project, the Co-Parent Court was funded for an additional year by Hennepin County. However, when the court made attendance in co-parent education classes and other project components voluntary, attendance dropped, and the program was subsequently terminated.

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