

Common Cents

Judicial Collaboration in the Child Support System

Judge Rita Jencks

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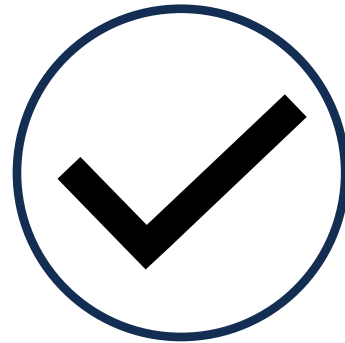


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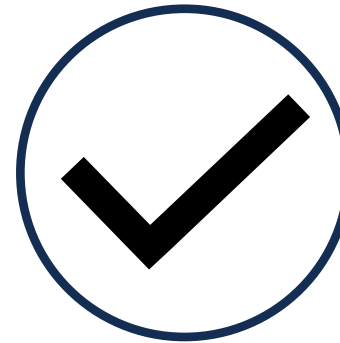
Learning Objectives



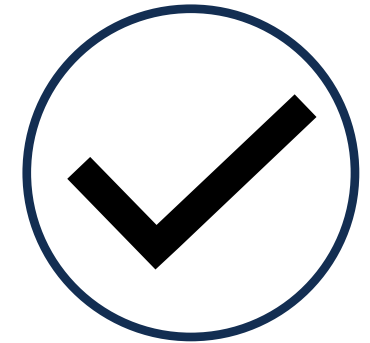
Identify the purpose and key functions of the SAVES Center



Understand how safe access to child support increases economic stability for survivors of IPV



Demonstrate practical strategies for engaging with the judiciary



Identify opportunities for collaboration to improve survivor-centered child support processes

Agenda

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Overview of the SAVES Center

2

Importance of Child Support Services for Survivors

3

Role of the Judiciary on Financial Safety and Independence

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Spotlight on Oklahoma: SAVES Demonstration Site

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Judicial Engagement Workshop

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Question & Answer

Overview of SAVES Center



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SAVES Center Overview

- National resource center, funded by the federal Office of Child Support Services (OCSS)
- Works to increase safe access to child support, parenting time, and establishment of paternity services for survivors of domestic violence
- Works with the 13 SAVES demonstration sites (12 state and one tribal child support programs) and the national child support program



COLORADO
Child Support Services
Department of Human Services

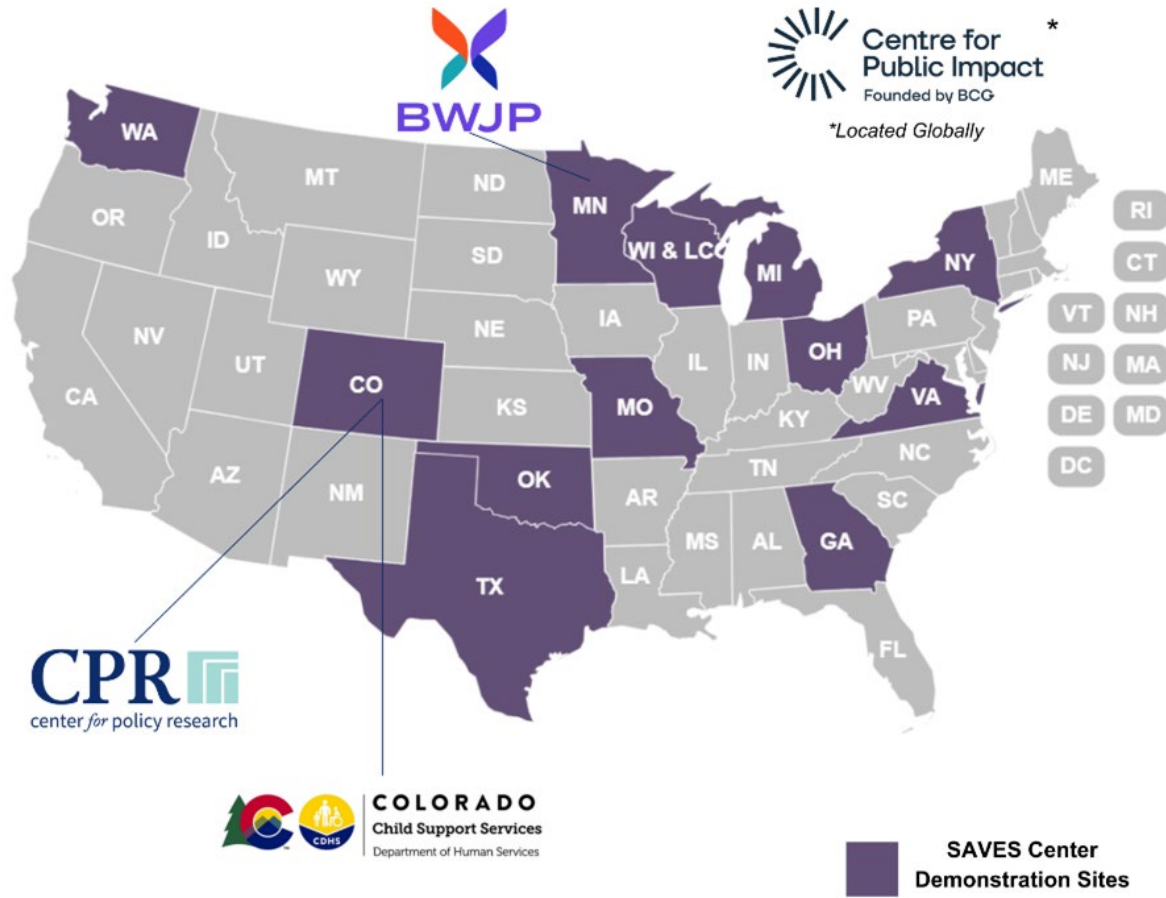


**Centre for
Public Impact**
Founded by BCG

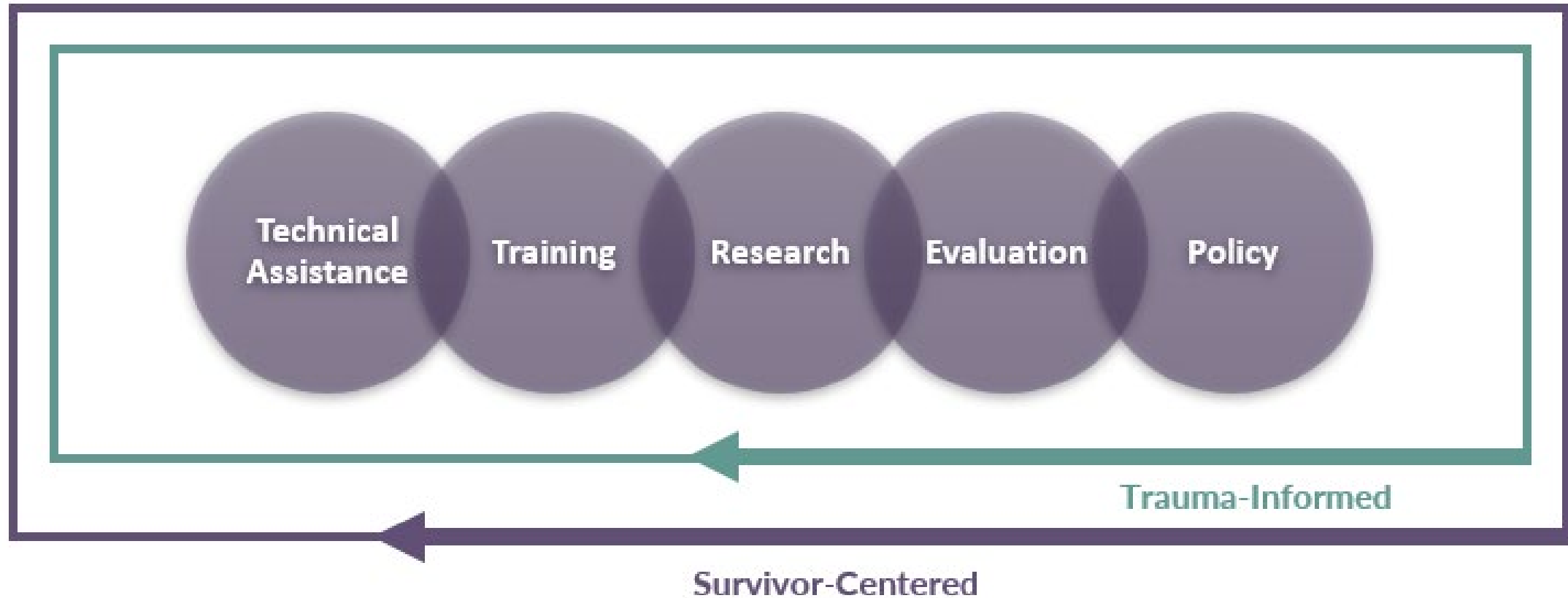
CPR 
center *for* policy research



SAVES Demonstration Project



SAVES Center Supports



Importance of Child Support Services for Survivors



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Survivor Voice

- Video

Intersection of Domestic Violence and Child Support



40% of custodial parents have experienced domestic violence with the other parent on their child support case

Up to 93% of survivors who disclose having experienced domestic violence report wanting to receive child support payments

Sources:

[Policies to Promote Safety and Economic Stability for Survivors of Domestic Violence in the Child Support Program | The Administration for Children and Families](#)

[Balancing Safety and Self-Sufficiency - JESSICA PEARSON, ESTHER ANN GRISWOLD, NANCY THOENNES, 2001](#)

Intersection of Domestic Violence and Child Support

- Domestic violence is associated with employment instability
- Two-thirds (67%) of survivors report they stayed longer than they wanted or returned to an abusive relationship because of financial concerns
- Child support is an important source of income for low-income families and increases the economic independence of custodial parents

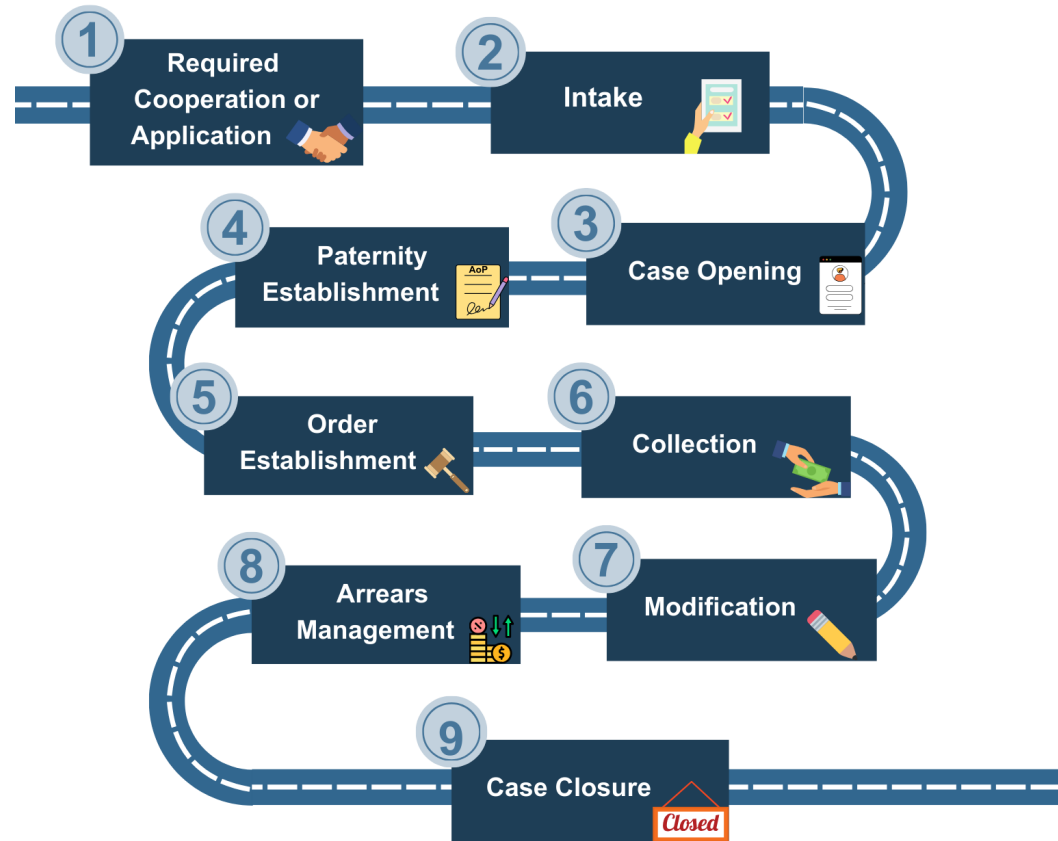
Sources:

[The Employment Trajectories of Survivors of Intimate Partner Violence - Kathryn Showalter, Susan Yoon, TK Logan, 2023](#)

[NRCDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf](#)

[Child Support is a Good Investment](#)

The Child Support Process



Role of the Judiciary on Financial Safety and Independence



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Ethical Considerations

Oklahoma Administrative Code (OAC) 340:2-28-11.1

- Ex parte Communications: Child Support Services (CSS) and Office of Administrative Hearings (OAH) are permitted to communicate regarding the creation/existence of a CSS family violence indicator (FVI) in a particular case.
- Other than for this disclosure, a judge cannot communicate with any party or attorney in a case without all parties being present. Ex parte communication between a judge and a party is strictly forbidden under the Judicial Code of Proper Conduct Rule 2.9.

“Neutrality helps the oppressor,
never the victim”

-Elie Wiesel

Balancing Neutrality

- Adopting or modifying hearing practices to ensure a survivor's right to give testimony, provide evidence, and freely participate doesn't equal bias – It's essential for neutrality.



Spotlight on Oklahoma: SAVES Demonstration Site



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Overview of Oklahoma's PATHS

The goals of the PATHS program is to:

- Increase confidence and understanding of child support services for survivors, providing referrals and resources and case triage
- Engage communities and build partnerships to assist connecting survivors with community services & supports
- Enhance domestic violence training and tools for provide trauma-informed & culturally-responsive services to survivors
- Improve Child Support Services policies and procedures



Protecting Information

- Inadvertent release of information is common if the presence of domestic violence (DV) is not identified.
- Exhibits must be redacted before requesting a hearing before the Judge.
- Child Support Services (CSS) Attorney also emails copies of all exhibits to the parties before the hearing.
- If the information is not redacted at that point, there is no way to prevent all parties from having the full information.

New Administrative Court Process

- Redact sensitive information to protect party information and confidentiality.
- Both parties' information should be redacted to avoid suspicion in DV situations.
- Do not force an Address of Record (AOR) if a party does not have a SAFE AOR to provide.
- Child Support Services must educate the customer on what AOR is and does before the hearing.
- Safely requesting AOR information while ensuring privacy and without triggering domestic violence concerns.

Address of Record

Title 43 O.S. §112A

- Requires all parties and custodians to notify the Centralized Case Registry of a current address of record (AOR) and keep it updated.
- An address for each party in the records of the Central Case Registry of Oklahoma Child Support Services (CSS) that is used for service of process in support and custody actions by CSS. An Address of Record may be different from the parties' physical addresses.

Courtroom Precautions

- For every case going to hearing before the judge, the CSS Attorney sends an email to the assigned judge that the case has been reviewed for Family Violence Indicator (FVI).
 - No FVI
 - Level one (FVI)
 - Level Two- Higher lethality identified
- Hearings are held through Microsoft Teams, and no video is required. Judges do not ask why a party is not on video but only calling in.

Courtroom Precautions (Cont.)

- Redact medical, employment, and any location info from the pleadings
- CSS encourages the party to appear from a safe location:
 - Legal Aid or a CSS office
 - Advocate Office
 - Homes, work, car, etc.
- Judges do not ask for Addresses of Record in FVI cases.

Experience from the Bench

Control of the virtual courtroom:

- Mute the microphone if a party is being disruptive
- Remove a disruptive party from the hearing after multiple warnings
- Allow each person to give testimony without interruption
- Limit harassing cross-examination attempts
- Virtual hearings allow increased safety for judges, staff, and parties

FVI Form Example

Reviewed for Domestic Violence Form

FGN: _____

OHA#: _____

In every contested case, CSS attorney shall notify the ALJ of the presence or absence of family violence status on the case.

Is there family violence?

Yes, there is family violence

No, there is no reported family violence at this time

If there is family violence present, please indicate the level:

Level One: This case has a Family Violence Indicator. |

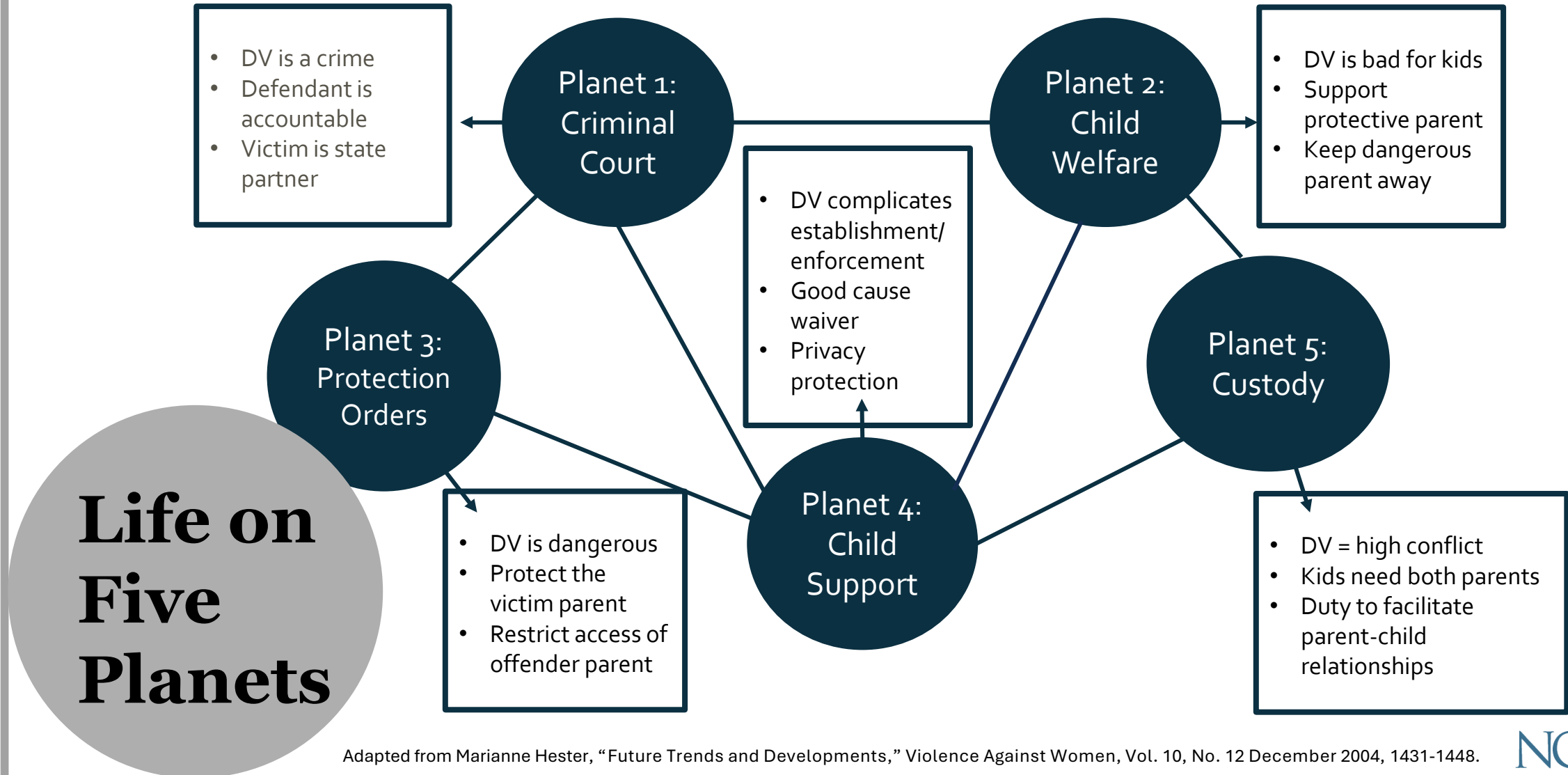
Level Two: Information has been reported to CSS that indicates a higher risk of lethality.

Judicial Engagement Workshop



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The Importance of Coordination



Adapted from Marianne Hester, "Future Trends and Developments," Violence Against Women, Vol. 10, No. 12 December 2004, 1431-1448.

Importance of Coordination

- There is a fundamental difference between the priorities of “systems” and people’s lived realities.
- When responses to domestic violence are not coordinated, survivors and their children/families fall through the gaps and experience more harm.



What Challenges or Barriers Have You Experienced?

Survivor Voice

- Video

Question & Answer



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Thank You

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