

Streamlining the Child Support Modification Process Bristol County, Massachusetts

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Executive Summary

Responding to the Great Recession's negative impact on the financial security of non-custodial parents, the Massachusetts Department of Revenue (DOR) and the Massachusetts Probate and Family Court (the Court) set out to streamline the child support modification process. "Developing and Testing a Streamlined Modification Process for Newly Unemployed Obligor", Grant #90FD0157, supported efforts to accomplish this goal, and offered a valuable opportunity to design a pilot project and test a new approach to modification of child support orders. The adopted approach introduced three innovative features: (1) a simplified one-page complaint combined with a motion for temporary orders, i.e., the complaint/motion; (2) an expedited scheduling process; and, (3) notice by first-class mail instead of service by constable.

To assess the impact of these innovative features, information was extracted on a sample of modification cases filed in Bristol County before and after the introduction of the new approaches. Ultimately, case processing and outcome patterns were compared for 199 modification cases filed in 2009 ("pre-pilot sample") and 737 filed in May to December 2011 ("pilot cases"). The pilot procedures were limited to cases with medical and child support issues and excluded cases with custody, visitation and other issues that can be more complex and time consuming. To gather feedback on the new approaches, surveys were administered to stakeholders in DOR, the Court, the private bar, and litigants.

The analysis of data extracted on modification cases processed before and after the introduction of the pilot's innovative forms and procedures shows that the new approaches tested in the pilot project succeeded in streamlining the modification process and that they were well received by parties and interested stakeholders. Key project findings are as follows:

- The pilot succeeded in serving obligors affected by the Great Recession seeking to modify their child and/or medical support orders, but was also used by obligees.
- Surveys revealed that the innovative complaint and motion forms were perceived to have simplified the filing process for pro se parties and saved time for court staff.
- The complaint/motion and its expedited scheduling process was extremely popular among parties and widely endorsed by stakeholders.
- Assignment of a hearing date at the time of filing dramatically reduced the timeframe to the first scheduled court hearing. On average, cases filed with the pilot complaint/motion had a first scheduled hearing in 30.2 days as compared with 140 days for pre-pilot complaint filings.
- Service by first-class mail for all pilot cases markedly reduced the timeframes for serving complaints. It took an average of 2.7 days for pilot cases to achieve service from the date of filing as compared with an average of 78.3 days for pre-pilot complaints.
- Pilot participants realized significant savings with service by first-class mail. Sixty-two percent of pre-pilot complaints were served by constable. The DOR cost of serving a single modification complaint ranged from \$40 to \$55 prior to the pilot. The cost to an individual may have been higher.

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- The rates at which first scheduled court hearings were held and the rate of appearance by both parties were unaffected by the pilot and remained high and comparable in both the pre-pilot sample and pilot cases.
- The combined incidence of judgments or temporary orders being issued at first scheduled hearings was more than 85 percent of cases with hearings in both the pre-pilot sample and pilot cases.
- Modification activity was comparable in the two sets of cases with 70 and 76 percent of the pre-pilot sample and pilot cases, respectively being modified either up or down. Most obligor filers in pilot cases (77.3%) obtained downward modifications and most obligee filers (60.9%) experienced increases. This was the case for 69.4 percent of obligor filings and 41.9 percent of obligee filings in the pre-pilot sample.
- The high rate of cases being set for a subsequent hearing in both data sets (42.6% in the pre-pilot sample and 29.2% in pilot cases) is evidence the modification process can extend over a period of time to accommodate the parties' changing circumstances until the matter is appropriate for judgment.

A number of implementation challenges were encountered and should be considered if the pilot is expanded beyond Bristol County. They are as follows:

- Court and DOR websites had to be updated and new links established to introduce the pilot to customers and the private bar.
- Court staff at three different locations needed initial training and follow up guidance.
- DOR needed to develop new scheduling packages and procedures for its court sessions, coordinate and conduct trainings for nearly 50 local staff members and work with the centralized customer service center and DOR personnel in other regional offices to make appropriate revisions for those who assisted customers with Bristol-based cases.
- Standing Order 3-11 needs to be revised to address certain questions and issues identified in the pilot. They pertain to service and notice requirements and clarification of judicial discretion and/or constraint in certain circumstances.

The results of this project suggest that the extension of the pilot forms and procedures to all court divisions throughout Massachusetts could benefit participants statewide. Project staff recommendations are as follows:

- Revise and re-enact Standing Order 3-11 to address questions and issues that arose following the pilot's implementation including those dealing with a certificate of service and clarifying actions the Court may take when parties fail to appear for hearings.
- Pending the issuance of a revised standing order, keep the pilot procedures in place in the Bristol Division.
- Expand the scope of the streamlining project statewide, implement the expansion in increments, and revisit the Standing Order 3-11 for further revisions, as needed.

Introduction

In 2009, the Massachusetts Department of Revenue, Division of Child Support Enforcement (DOR) applied for and received a Section 1115 demonstration and evaluation grant from the Federal Office of Child Support Enforcement (OCSE). The application was submitted in response to an OCSE initiative aimed at improving the ability of state child support enforcement programs to proactively address the effect of the economic downturn on non-custodial parents who have lost their jobs and/or experienced a reduction in pay. The purpose of the Massachusetts grant was to explore possible ways of streamlining its modification process. The resulting “Developing and Testing a Streamlined Modification Process for Newly Unemployed Obligor” (90FD0157) (the Project) had the goal of developing and testing a streamlined modification process in the Bristol Division of the Massachusetts Probate and Family Court (the Court or Probate and Family Court), with possible expansion to all divisions of the Court.

Under the Project, the DOR and the Court convened a task force to explore and formulate innovative ways to expedite the modification process in Massachusetts and to issue recommendations. With the approval of the Chief Justice for Administration and Management of the Massachusetts Trial Court and the Chief Justice of the Probate and Family Court, some of the recommendations were subsequently tested in the Bristol Division with individuals seeking child support modifications.

This report describes the streamlined modification procedures adopted for implementation in the Bristol Division, the method used to assess the effectiveness of the new procedures, and the results of an analysis of pre-pilot and pilot modification practices and outcomes. The report begins with background information on the rationale for the project, the Massachusetts modification process, and the experiences of other states with streamlining modification processes.

Chapter 1. The Massachusetts Modification Process and the Experience of Other States

Impact of the Great Recession

The Great Recession of 2007-2009 led to unprecedented rates of job loss and long-term unemployment (U.S. Bureau of Labor Statistics, 2011). In February 2009, the number of unemployed persons increased by 851,000 to 12.5 million, the unemployment rate rose to 8.1 percent in the United States, and the number of long-term unemployed (those jobless for 27 weeks or more) increased by 270,000 to 2.9 million. In 2010 and 2011, these patterns continued, with unemployment reaching as high as 9.9% in April 2010 in the United States and the number of long-term unemployed rising to 6.7 million (U.S. Bureau of Labor Statistics, 2009; 2010).

Rising rates of unemployment have depressed child support collections. In 2009, for the first time in the history of the program, child support collections failed to increase nationally.¹ The United States Department of Health and Human Services (HHS) reported that child support collections decreased by 1.8 percent in 2009. In addition, the amount of collections intercepted from unemployment insurance benefits nearly tripled, while collections automatically withheld from wages—the major source of collections—decreased for the first time (U.S. Government Accountability Office, 2011).

Not surprisingly, there has been a corresponding increase nationally in the number of parents seeking to lower support obligations. One survey conducted in March 2009 estimated as much as a 39 percent increase (Kahn, 2009). In 2008 in Massachusetts, the unemployment rate rose from 5.1 to 8.6 percent (Massachusetts Department of Revenue, 2009).² According to an article in the Boston Globe, Massachusetts saw a surge in requests for reduced alimony and child support due to the economic stresses of the recession between 2008 and 2009 (Schworm, 2009). Challenged by the caseload increase and the downturn in the economy, Massachusetts became interested in exploring innovative approaches to streamline its modification process.

Modification of Child Support Orders

The modification of child support orders is an integral part of state child support programs. Since 1975, federal law requires every state to have a child support enforcement (CSE) program to establish and enforce child support orders, particularly in public assistance cases. Congress amended the Social Security Act, adding child support as Title IV, Part D (Title IV-D). (Hence, the name “IV-D agencies” when referring to state child support programs.) The Family Support Act of 1988 further required states to implement a process for periodic review and adjustment of child support orders. Unless it would not be in the best interests of the child in Aid to Families with Dependent Children (AFDC) cases, reviews would be conducted at least every 36 months

¹ Massachusetts was an exception to this trend, seeing modest increases in collections for each year of the recession.

² For a more recent, and more detailed, snapshot of the economic conditions in Bristol County, Massachusetts and the United States, see the spreadsheet attached under Appendix A.

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absent a parent requesting a review. In non-AFDC cases a review would be conducted should either parent request a review (Bishop, 1992).

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) abolished AFDC and related programs and replaced them with a block grant program entitled Temporary Assistance for Needy Families (TANF). Under PRWORA, to be eligible for TANF, a state must operate a CSE program meeting federal requirements (Almanac of Policy Issues, 2010). In Massachusetts, the program is conducted through the Child Support Enforcement Division of the Massachusetts Department of Revenue.

At least once every three years, states must notify parties in IV-D cases of their right to request a review. States are also required to create procedures that allow a party (custodial or non-custodial parent alike) to request a review outside this three-year cycle, if the requesting party can demonstrate a substantial change in circumstances (e.g., an inconsistency between the current order and the guideline amount, a change in availability of health insurance). These procedures require that a modification be completed within a 180-day timeframe. (45 CFR § 303.8)

States are allowed to establish a quantitative standard for determining whether there are adequate grounds to seek an adjustment of a child support award. States typically establish guidelines, using a threshold dollar amount or percentage, as a standard against which current child support orders can be analyzed or compared. When the amount of a current order is inconsistent with the amount resulting from an application of the guidelines, adequate grounds exist to seek an adjustment of the order. In addition to this threshold or guidelines-based approach, federal law allows states to apply a cost of living adjustment (COLA) or use automated methods including information from automated sources to identify those orders eligible for review (45 CFR § 303.8).

Modification Process in Massachusetts

Child support obligations in Massachusetts are determined in judicial rather than administrative proceedings. Child support rulings or determinations are incorporated into judgments³ and orders⁴. Any request for modification, therefore, has to be filed with the Court.

The filing required by the Court depends upon how the child support ruling was issued, i.e., by judgment or order. Related service and notice requirements also turn on this distinction. A party seeking to modify a judgment must file a complaint for modification. The Court issues a summons upon the filing of the complaint. Both documents have to be served by constable upon the other party. A hearing date is not set upon the filing of a modification complaint; a party can file a separate request for a hearing or await the Court's scheduling of a case management conference under its time standards.

A party seeking to modify an order can file a motion for further temporary orders, rather than a complaint. A hearing date typically issues upon the filing of a motion for temporary orders, and the motion along with notice of the hearing can be served upon the other party by first-class mail.

³ A judgment is a written decision of a court disposing of the case. A judgment is appealable.

⁴ An order is a command or directive from the court that does not dispose of the case.

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Conventional complaints for modification and motion forms are available at the Probate and Family Court Registries and on the Court's website. The forms are standard in design, contain generic language, and are used in a variety of matters in the Court.

Like most states, the Massachusetts process for modifying a child support determination can be lengthy and complex, presenting barriers to recently unemployed noncustodial parents who often proceed without attorney representation, i.e., pro se. A pro se parent may not understand how to complete generic forms correctly, secure a hearing date, retain the services of a constable, or fulfill service requirements. Difficulties in navigating the process and corresponding delays can result in financial hardship, skyrocketing arrearages, and increasing the prospect of being charged with contempt. These negative consequences, in turn, often cause further problems and strain family relationships. Since "right-sized" orders that reflect an ability to pay is key to generating payments and avoiding the build up of arrears (Legler, 2003), it has long been recognized that streamlining the modification process is in the best interest of children (Smith, 1994).

Developing a Streamlining Project in Massachusetts

DOR and the Court engaged in a multi-step process to determine how to streamline the modification process in Massachusetts. Initially, an inter-agency task force (Task Force) comprised of judges, court administrators, the private bar, and DOR attorneys was created. The Task Force first reviewed the existing modification process and timelines. Next, it considered a variety of innovative approaches that had been examined and/or used successfully across the United States to expedite the modification process. The Task Force then developed a set of recommendations on how to increase outreach, simplify the filing process, speed up the scheduling of hearings, and notify parties about modification actions. Finally, the Task Force identified the specific streamlining elements that it wished to be tested in a pilot project to be conducted in Bristol County. A fuller description of this multi-step process is provided below:

1. Creation of Inter-agency Task Force: On February 8, 2010, the Task Force, comprised of 22 members, met for the first time to consider ways to streamline the modification process in Massachusetts. Meetings were held periodically over the next two years. The Task Force first focused on identifying precise innovations that might be implemented statewide, then narrowed their focus and developed a sub-set of recommendations to implement and evaluate in Bristol County.

2. Review of the DOR Modification Process in Massachusetts: DOR created a map of the steps in its modification process. From the point of initial customer contact to the hearing date, the process ranged from 145 to 171 days. During this timeframe, a DOR enforcement worker mailed the complaint to the customer requesting a modification, awaited its return, verified the other party's location, obtained income confirmation, requested a docket check, and then referred the case to the legal unit. There the complaint was filed with the Court, service of process arranged, the case reviewed by an attorney and a hearing date scheduled after the expiration of the 20 day answer period.

3. Review of Innovative Approaches in Other Settings: The Center for Policy Research (CPR) conducted interviews and document reviews with other states to identify promising approaches to streamlining the modification process. The investigation examined innovations at four broad

checkpoints: 1) processing the complaint and determining eligibility for review; 2) service of process; 3) post-service of process and pre-hearing procedures; and 4) hearings. The investigation revealed that a number of states had simplified the pleadings required throughout the modification process (e.g., Iowa and West Virginia), reduced the number of steps in the process by requiring that supporting financial documentation be submitted along with a request for modification (e.g., Arkansas, Georgia, South Dakota), developed on-line modification forms, self-help videos and e-filing procedures for pro se filers (Kentucky), and implemented business process reengineering initiatives to eliminate redundancy and waste in the modification process and reduce the time lag between a customer's request for service and the time of legal filing (e.g., Georgia, Arizona). With respect to service of process, the investigation identified many states that permit service by mail and/or multiple means of service. For example, Hennepin County, MN and Washington State, Maine, and Alaska allow for service of process by certified mail for administrative child support orders. Virginia serves both by first class mail and by sheriff (Legler, 2003).

During the time between service of process and the hearing, some jurisdictions try to expedite the modification process and improve the appearance rate by sending automated reminders for parties to appear for hearing (e.g., Arizona and North Dakota). Another approach involved expanded use of case conferences and other agency-based meetings to generate inter-party agreements that may subsequently be submitted to a court (e.g., Colorado, Ohio) and/or stipulations or consent forms to encourage settlement prior to modification hearings (e.g., North Dakota, South Dakota, Delaware, Montana, Arizona). State innovations include allowing teleconference appearance at modification hearings (e.g., Arizona, Maine, Nebraska, New York and Pennsylvania) and alternative dispute resolution procedures (e.g., New Mexico and California).

4. Recommendations of the Task Force: The Task Force recommendations are divided into five categories: (I) Outreach; (II) Filing Process and Pleadings; (III) Notice of Hearing and Service of Process; (IV) Scheduling Hearings; and, (V) Conducting Hearings/Case Conferencing/Post-Hearing Reviews. The recommendations were as follows:

I. Outreach

- Expand DOR's programs with the Department of Correction and the houses of correction;
- Provide information about DOR's existing programs for incarcerated litigants to court staff.
- Establish a connection with fatherhood groups (both those affiliated with Probation and private groups).
- Develop a simple brochure that includes the name and number of a person to contact at DOR and the Probate and Family Court for more information.

II. Filing Process and Pleadings

- Create simplified forms for parties seeking to modify a child support or medical support order.
- In paternity cases where there are multiple children born to the same parents, consolidate requests for modification into one complaint.

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- Train Court employees to help litigants complete forms correctly.
- Identify one Court employee who “specializes” in modifications.

III. Notice of Hearing and Service of Process

- Develop a modification summons that contains a return date (similar to a contempt summons).
- Ensure that litigants are informed that they are required to notify the Court or DOR of changes in address and employment, and that subsequent notices of hearings in child support matters will be sent to the address on file with DOR.
- Serve the complaint for modification by first-class mail, with the condition that if the parties fail to appear, the Court can require service under the existing provisions of the Rules of Domestic Relations Procedure.

IV. Scheduling Hearings

- Schedule modifications for an afternoon case conferencing session.

V. Conducting Hearings/Case Conferencing/Post-Hearing Reviews

- Increase use of telephonic and video hearings, particularly for the custodial parent/recipient, in appropriate cases.

5. Task Force Identification of Streamlining Elements to be Tested in Bristol County: Having reviewed and considered a variety of approaches by other states to streamline the modification process, in addition to reviewing their own recommendations, the Task Force determined that the elements listed below would be implemented on a pilot basis as part of the demonstration and evaluation project funded by OCSE. The elements to be incorporated include: 1) the use of a single form that combines a complaint for modification with a motion for temporary order, as well as additional simplified forms; 2) the scheduling of a motion hearing date at the time of filing by using a new Summons/Notice form developed for the pilot; and, 3) the use of first-class mail rather than service by constable to notify the other party about the modification.

The major components of the pilot project are more fully described in the next chapter. Short summaries of its introduction in Bristol County and implementation at DOR are provided, along with an overview of project staff responsibilities.

Chapter 2. The Bristol Modification Pilot Project

On May 16, 2011, the Chief Justice for Administration and Management for the Trial Court issued Massachusetts Probate and Family Court Standing Order 3-11, officially launching the Bristol Modification Pilot Project (the Pilot). Standing Order 3-11 authorized and defined the new modification procedures and forms for IV-D child support cases in the Bristol Division.

The Pilot was developed by the Task Force and implemented by staff of DOR and the Probate and Family Court that met regularly from the start of the grant through its conclusion. The Pilot targeted IV-D cases in the Bristol Probate and Family Court that involved requests for modification of child and/or medical support, exclusively. Requests for modification involving other issues (e.g., custody or visitation), were not included in the Pilot; in such instances, parties were instructed to use standard modification forms, and conventional filing and notice procedures.

The Pilot was designed for parties seeking to modify child support and/or medical support obligations with complaints for modification or motions for further temporary orders, whether the filing is done pro se, with attorney representation, and/or by DOR. The simplified forms and innovative processes developed by the Task Force are described more fully below.

Streamlined Forms and Scheduling Innovations

Sets of simplified forms and innovative scheduling procedures were developed for the Pilot and approved by the Chief Justice of the Probate and Family Court. (Copies appear in Appendix B)

The Pilot Complaint/Motion: A ground-breaking form for Massachusetts, developed for the party seeking to modify a judgment, is the one-page, combined “Complaint for Modification of Child Support and/or Medical Support with Motion for Temporary Order” (“Pilot Complaint/Motion”). Easy to complete and instructional, the form features a checklist of the most commonly cited reasons for requesting a change in child support and/or medical support. A party need only check off the reason(s) that apply to his or her circumstance, with additional space provided for further explanation, if needed. A user-friendly form, the Pilot Complaint/Motion replaced the generic complaint for modification form that was not specific to any issue.

A novel feature of the Pilot Complaint/Motion is the incorporation of a motion for temporary orders into the body of the complaint. As a combination pleading, its filing automatically prompts the Court to schedule a hearing on the motion for temporary orders. The date is recorded on the summons developed for the Pilot Complaint/Motion, and the hearing occurs within 4 – 6 weeks from the date of filing, most often on the next available motion session of the judge assigned to the case.

The Pilot Complaint/Motion eliminates the need to file a separate request for a subsequent court event or hearing.

The Pilot Motion for Further Temporary Orders: Designed for use by a party seeking to modify a previous order that has not gone to judgment, a simplified motion for further temporary orders was created. This form, like the Pilot Complaint/Motion, provides a checklist of the most

commonly cited reasons for requesting a change in child support and/or medical support. As is typical with all motions, a hearing date is provided upon its filing with the Court, and recorded on the face of the motion.

The Pilot Complaint Only: A pilot “Complaint for Modification of Child or Medical Support Only” was created for those choosing not to use the unified Pilot Complaint/Motion. Referred to as the “Pilot Complaint Only,” it too is user-friendly and features a checklist of the most commonly cited reasons for modifying child or medical support orders. The summons for this complaint establishes a date for a case management conference no earlier than 45 days from the date of filing. The case management conference date is set by the Court when issuing the summons.

Innovative Service of Process and Notice Requirements

Service of process by first-class mail: Standing Order 3-11 provides that service by first-class mail will be used on a routine basis for all pilot cases. The Pilot fundamentally changes traditional Massachusetts practice by altering the procedures in Mass. Dom. Rel. P. 4 (“Rule 4”) that requires service by constable either in hand, or by leaving one copy at a party’s last and usual address and sending a copy to the same address by first-class mail.

Proof of notice: Standing Order 3-11 includes a non-exhaustive list of factors for evaluating proof of notice when a defendant does not appear for a hearing or case management conference in response to service by first-class mail. A judge has the option of proceeding if there is proof of actual notice. Proof of actual notice includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming procedure; or (c) the filing party testified that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred. If proof of notice is not established, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases and a new summons shall issue.

Project Staff Responsibilities

Grant funds were used to hire project staff to supplement both DOR and court staff participating in the project. Project staff responsibilities included coordinating grant activities and serving as site managers at the DOR office and Probate and Family Court locations in the Bristol Division.

The Department of Revenue site manager worked under the direction of senior DOR Southern Region Project staff. The primary responsibility was to work cooperatively with the Probate and Family Court site manager and DOR staff directly involved with modification cases managed by DOR. This involved helping DOR staff to identify suitable modification cases for the Pilot, training DOR staff on the new forms and procedures, and collecting data for evaluation on pre-pilot and pilot cases. Information collected on cases processed prior to the Pilot and following the introduction of forms and procedures developed for the Pilot was extracted from COMETS, the automated database for the child support system. In addition, the DOR site manager got a first-hand view of the process by participating in negotiating and presenting modification cases to the Court at DOR block time days (i.e., full day court sessions for DOR to establish paternity, obtain child and medical support orders, and to enforce and modify orders).

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The Probate and Family Court Site Manager worked under the direction of an Administrative Attorney in the Administrative Office of the Probate and Family Court. The primary responsibility of the Court site manager was to work cooperatively with the DOR site manager and Bristol Division court staff directly involved with modification cases. This involved identifying cases for the baseline data sample, training court personnel on the new forms and procedures developed for the Pilot, collecting data for evaluation on pre-pilot and pilot cases, and assisting the public in the use of the new procedures and in completing the forms. Court data for the Pilot was extracted from MASSCOURTS, the automated database for the Massachusetts court system.

In addition, the site managers for DOR and the Court were actively involved with designing the Pilot and the evaluation of its impact.

Implementing Streamlined Procedures in Bristol County

The May 16, 2011 enactment of Standing Order 3-11 marked the formal commencement of the Pilot in the Bristol Division of the Probate and Family Court. Litigants interested in pursuing modifications of child support and/or medical support began using the Pilot's forms and procedures. Immediately prior to the May 16th start date, project staff held brief training sessions with relevant court personnel. The first hearings scheduled on matters using the Pilot's forms took place June 8, 2011.

Use of the Pilot forms and procedures by DOR personnel required more time for implementation. DOR had to create several new forms packages to schedule new modifications. DOR also had to train various units of its staff on the pilot procedures and use of forms. Consequently, DOR's use of the pilot forms and procedures commenced in August 2011.

Chapter 3. Research Methods

In order to determine whether the approaches developed by the Task Force and implemented in the Bristol Division of the Probate and Family Court were effective, it was necessary to examine case processing under conventional modification procedures and compare it to case processing under the streamlined approaches. This chapter describes the methods used to generate portraits of the modification process both prior and subsequent to the adoption of the Pilot forms and procedures.

Designing a Study to Assess the Streamlined Modification Procedures

The most reliable way to verify the effectiveness of a change to the modification procedures would be to conduct a test using the classic experimental design. This design would randomly assign modification requests to either the “experimental group” that gets the innovative case handling or the “control group” that does not. Measures of the relevant criterion variable would be computed, and the program is deemed a success if the experimental group has improved more than the control group (Weiss, 1972).

As is frequently the case in the real world, it proved to be impossible to use an experimental design to determine how well the streamlined modification procedures achieved the goal of speeding case processing. The essential requirement for the true experiment is the randomized assignment of people to programs or cases to treatments. Random assignment was impractical in the Pilot because of the short length of the OCSE-funded project, the lengthy nature of the Task Force’s explorations of ways to streamline the existing modification process, and the difficulty in identifying modification cases for data gathering in Bristol County. Instead, CPR developed a quasi-experimental design. The design entailed comparing modification cases processed using the new, streamlined approach with those processed at an earlier point in time. Since it was originally expected that the new procedures would be in place by 2010 and that the sample of pilot cases would be drawn in 2010, modification cases processed in 2009 were selected to serve as a comparison group. Due to challenges noted above, the procedures being tested were not implemented until May of 2011. Data collection for cases processed using streamlined procedures occurred from December 2011 to March 2012.

Quasi-experimental designs are viewed as practical and legitimate. The basic criterion for how satisfactory they are is the extent to which they protect against the effects of extraneous variables on the outcome measures. If one is able to control relevant outside effects, it is possible to make valid inferences about the effects of a new program and procedure.

The primary threats to internal validity in the proposed design for the Pilot are differences in the pool of cases exposed to conventional and streamlined treatments and/or other differences in court and agency treatments. Since the cases are being drawn from two different points in time (2009 versus 2011 filings), it is possible that there will be staffing changes at the Court or DOR that may explain differences in case processing patterns quite apart from the adoption of streamlined procedures. Differences in the economy and the unemployment rate in Bristol County may also affect the volume of modification cases and their consequent treatment by court personnel. Finally, the two groups of cases may have a different mix of DOR versus non-DOR cases and/or a different proportion of cases that involve complaints for modification versus motions for temporary orders.

To ensure that we do not misinterpret the data results, the analysis begins with a careful examination of the characteristics of cases in the pre- and post-streamlining groups. To determine the comparability of the two groups, we assess the proportion of cases in each group that have the following two characteristics:

- A complaint for modification versus a motion for temporary order; and
- A filing by obligor/obligee versus a filing by DOR.

Generating a Pre-Pilot Sample of Modification Cases

Our sampling objective was to identify cases filed in 2009 in the Bristol Division that involved modification complaints and/or motions seeking a change in child support and/or medical support. It proved to be cumbersome to generate this group of cases which would serve as a baseline against which cases processed using streamlined procedures would be compared.

It was impossible to generate a comprehensive list of child support modification cases from 2009, since neither DOR's automated child support system, COMETS, nor the Court's system, MASSCOURTS, had a field that readily permitted identification of child support modification filings. Therefore, a manual process to review hard copies of daily court lists for all cases scheduled in 2009 each day was attempted; however, it proved to be too time consuming to identify relevant cases. For example, on September 19, 2010, site managers reported that during two days of effort, they had reviewed 25 pages of court lists to identify 8 relevant cases. On September 27, 2010, they reported reviewing 80 cases to identify 8 relevant cases.

The situation was remedied once project staff, after consultation with the Court's IT personnel, determined that a list of all filings in the Bristol Division could be generated by MASSCOURTS. However, the list generated included all pleadings, not just those associated with child support or medical support. Thus, it was necessary for site managers to generate a complete list of filings in 2009 within proscribed time frames, and then review computerized records for each case to determine whether the filing involved a complaint and/or motion for child support or medical support. If so, the court file was pulled and data was collected. Complaints and motions pertaining to only custody, visitation and other topics extraneous to the Pilot were disregarded.

Due to the lengthy process required to identify modification filings via the manual court list and the MASSCOURTS generated list, the baseline sample was ultimately drawn from relevant filings made only during the first week in the months of January, March, May, August and November 2009.

It is estimated that site managers ultimately pulled and reviewed more than 1,000 complaints and/or motions to obtain its baseline sample of 199 cases. Each case selected for the baseline sample included a filing that fit into one of three categories:

1. A Complaint for Modification;
2. A Complaint for Modification accompanied by a separate Motion for Temporary Orders; and

3. A Motion for (further) Temporary Orders.

The categories are distinguishable under conventional filing and notice procedures. Briefly, a complaint must be filed to seek modification of a judgment. However, a complaint may be accompanied by a motion for temporary orders to expedite the scheduling of a court hearing. A motion for (further) temporary orders, on the other hand, is the only filing required for seeking modification of a “temporary order,” i.e., an order that has not gone to judgment. A standard complaint for modification must be served by constable; notice of a motion for temporary orders can be given by first-class mail.

Generating Modification Cases Processed Using Streamlined Approaches

The Pilot was launched on May 16, 2011. As of that date, IV-D modification filings of child support and/or medical support only were processed using the new forms and procedures. As previously noted, the key features of the Pilot were the use of a combined complaint for modification and a motion for temporary orders in a single form, the use of first-class mail rather than service by a constable to notify the other party about a modification filing, and the use of the new Summons/Notice to issue a motion hearing date.

It was decided to use the streamlined forms and procedures developed for the Pilot among all IV-D cases filed in the Bristol Probate and Family Court by parties on a pro se basis, by private counsel, or by DOR that involved an exclusive request for modification of child support and/or medical support. This approach led to the use of streamlined procedures in a relatively large number of cases.

To identify IV-D cases for eligibility in the pilot, court staff were encouraged to obtain this information from the customer or their court file. If a determination could not be made with certainty that a case was currently “IV-D,” the party was given a “ticket” created by project staff that listed the names of the parties and the docket number of the case. Court staff then directed the customer to the DOR office within the courthouse. DOR staff would stamp the ticket with “IV-D”, if appropriate. The Court would accept the ticket as evidence of eligibility in the pilot. If necessary, the Court could also call Bristol Legal staff at the DOR Regional office to confirm “IV-D” identification. These procedures insured that only IV-D cases were part of the pilot. As a side benefit of this process, the Court was provided a way to identify IV-D cases for their required exemption from filing fees.

All eligible pilot cases filed in Bristol County were assigned a special MASSCOURTS identifier to facilitate their later identification and retrieval for data collection purposes. A computerized list of all pilot modifications filed from May through December 2011 was generated. During December 2011 through March 2012, project staff pulled the court files and collected data on the pilot cases. As with the sample of pre-pilot cases, the data collection process involved the extraction of information from both MASSCOURTS and COMETS.

Data Collection Instrument

The data collection instrument was developed in stages with project staff testing various iterations with actual modification cases. The data collection instrument captured information

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on the modification process following all the steps in the process and recording the date and nature of various case actions.

The instrument includes the components listed below.

Information on the Obligor: This section provides a picture of the child support history of obligors who file modification requests. For these obligors, information was collected on the number of child support orders in place, the total amount of support due across all orders, the total number of children covered by these orders and the total arrears balance when the modification was filed.

Information on the Order: This section gives a picture of the parties to the modification action and the order for which a modification is sought. It notes whether the parties are Bristol County residents, the party who filed the motion, the underlying complaint, and the number of children covered by the order, the date of the order, the dollar amount of the order, and whether the order was established by default or other means.

Information on the Modification Filing and Service of Process: This section captures when the filing party initiated the modification, the reason for filing and the method of service. It includes the earliest recorded date when the filing party contacted DOR or the Court to initiate the modification process. It also captures whether other issues pertaining to custody or visitation were raised in conjunction with the modification request, and whether any of the parties were represented by an attorney. It also includes data on the level of participation/assistance that DOR may have provided. For pre-pilot cases, the form elicits information on service of process including the method of service, and the date of effective service. As Standing Order 3-11 did not require the filing of a return/certificate of service to indicate the date and place of first-class mailing, it was expected that a minimum of information on service would be captured in pilot cases.

Information on Court Events and Outcomes: The section on court events records information for all scheduled court hearings. For each court event, the form details the parties in attendance, the outcome of the hearing, and any changes to the child support order. The date of the scheduled court hearing, whether it was held and any and all outcomes including judgments, temporary orders, stipulations and defaults, were recorded. Also noted was whether a scheduled court hearing failed to go forward, including those that were continued, taken off the list, dismissed or denied.

Slightly different versions of the instrument were used for the collection of information on cases in the pre-pilot sample and the pilot. (See Appendix C for a copy of the pre-pilot instrument and Appendix D for a copy of the pilot instrument.)

Data Collection Process for Pre-Pilot Sample

As previously noted, a computerized list was generated that showed each complaint and/or motion that was filed during the first week in the months of January, March, May, August and November 2009. Site managers then reviewed each case on the list to determine if the complaint and/or motion pertained to child support and/or medical support. If so, the court file was pulled and data was collected on the case. The pre-pilot sample consists of cases in

judgment status for which a complaint for modification was filed and cases in temporary status for which a motion for a further temporary order was filed.

The site managers completed the sections of the data collection form that involved court data. The DOR site manager further reviewed each case and completed the section of the data collection form that involved DOR information.

Data Collection Process for Streamlined Cases

Data on pilot cases was collected using a slightly modified version of the data extraction form used for the analysis of cases in the pre-pilot sample. As with the pre-pilot sample, the data on pilot cases was collected by project staff. Since the pilot cases were flagged in MASSCOURTS, their identification was straight forward and occurred relatively quickly. The site managers completed the sections of the data collection form that involved court data. The DOR site manager further reviewed each case and completed the section of the data collection form that involved DOR information.

Because of the ease of identity, data was gathered on the 737 pilot cases filed between May 2011 and December 2011. In addition, an on-line survey was administered to court and DOR staff as well as private attorneys to gauge how they viewed the pilot project and the new forms and features it entailed. Finally, paper and pencil questionnaires were distributed to litigants who filed for child support modification and to litigants following the child support modification hearing. Copies of these instruments appear in Appendix E.

Data Entry and Analysis for Pre-Pilot Sample and Pilot Cases

Data collection on the pre-pilot sample was completed by the end of January 2011 and sent to CPR for data entry and analysis. In April 2011, CPR prepared a draft report documenting modification patterns prior to the adoption of the streamlined procedures of the Pilot. In the beginning of March 2012, data collection on pilot cases was completed and the information was sent to CPR for data entry and analysis. In the ensuing analysis, CPR compared the pre-pilot sample and pilot cases with respect to key case characteristics and outcomes. Among the items of key interest were changes in the speed with which litigants obtained a scheduled court hearing, the incidence of scheduled court hearings that were actually held, the proportion of modification filings that result in judgments versus temporary orders, the amount of time between filing and the scheduled hearing, and whether the filing eventually resulted in a modification of the order.

Differences in the Pre-Pilot Sample and Pilot Cases

One difference between the pre-pilot sample and pilot cases was the incidence of cases with DOR activity. Although DOR was involved with the collection and enforcement of most child support orders at both time points, staff did not find many cases in which DOR originated the filing, or filed the modification on behalf of pro se parties when they generated the pre-pilot sample. The difference reflects the way the two sets of cases were generated. DOR cases tend to be filed in court in a batch fashion at various times during the month. By restricting the pre-pilot sample to cases filed during the first week in the months of January, March, May, August

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and November 2009, project staff could not include many DOR filings (both pro se and DOR originated) made during those months. Since pilot cases consisted of all filings made during the months of May through December 2011, project staff easily included DOR filings, pro se filings, and filings by an attorney.

Another major difference between the cases selected for analysis of the pre-pilot sample and pilot cases was the difference in the time period for collecting historical data. As previously noted, the pre-pilot sample was drawn from modifications filed in January, March, May, August and November 2009, and data collection was completed during January 2011. Therefore, the time that elapsed between the dates of filing a pre-pilot modification to the date the data was collected ranged from 420 to 746 days with the average being 496 days or 16.5 months.

To contrast, the pilot cases were comprised of all modifications filed from May to December 2011 and data collection occurred during December 2011 through the beginning of March 2012. This meant that the amount of time between filing the modification and the collection of information on case processing patterns ranged from 8 to 267 days with an average of 121 days, or approximately 4 months.

The time frames between modification filings and the collection of data in the pre-pilot sample and pilot cases appear in Table 3.1.

Table 3.1: Days from Filing to Data Collection		
	Pre-Pilot	Pilot
Range	420-746	8-267
Mean	496	121
Median	574	112
	(196)	(727)

The radical difference in the time frames from the date of filing to the date of data collection between the pre-pilot sample and pilot cases is a limitation to the study. Although we can compare the characteristics of the pre-pilot sample and pilot cases, it is difficult to compare all outcomes beyond the first scheduled court event. Therefore, the bulk of the outcome analysis was restricted to the first scheduled court event.

A final difference that may affect patterns observed for the pre-pilot sample and pilot cases is a change in the economic climate in Bristol County over the life of the study. In 2009, when the pre-pilot sample was selected, monthly unemployment rates in Bristol County averaged 10.7 percent with the rate exceeding 11 percent in February, March and December. During May through December 2011, when the pilot cases were generated, the average monthly unemployment rate in Bristol County was 9.4 percent with the rate falling below 9 percent during October, November and December. Unemployment in Massachusetts during these two time periods dropped in a similar fashion with the rate averaging 8.2 percent during 2009 and 7.0 percent during May through December 2011. Thus, we cannot rule out the possibility that court actions regarding modification requests were influenced by macro-economic factors

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including the rate of unemployment in Bristol County and the Commonwealth as a whole (Massachusetts Department of Labor and Workforce Development, 2012).

Chapter 4. Findings

All of the data collected and analyzed was gathered from cases filed in the Bristol Division of the Probate and Family Court. The pre-pilot sample was drawn from child support modifications filed during the first week in the months of January, March, May, August, and November 2009. Pilot cases, i.e., DOR full service cases using streamlined forms and procedures, consisted of all filings for modification of child support and/or medical support from May through December 2011.

The case selection procedures used for pre-pilot cases gave rise to a certain amount of skew in the sample for three reasons. First, the manual search for pre-pilot filings led to the identification of complaints more readily than motions for temporary orders. This resulted in a greater percentage of judgments as the underlying order in the sample. All pilot filings, on the other hand, could be easily identified and compiled on computer-generated lists due to special docketing codes. Second, the focus on filings during the first week of targeted months in the pre-pilot sample led to an underrepresentation of DOR modification cases, as DOR files its complaints and other pleadings in batch fashion throughout the month. Lastly, the pre-pilot sample included 33 cases (16.5%) where the parties were not receiving full DOR child support services (i.e., non-IV-D cases) which further diminished the number of cases involving DOR in the pre-pilot sample.

	Pre-Pilot	Pilot
Obligor	69.8%	67.8%
Obligee	27.1%	30.9%
Joint filing	1.5%	0.8%
Grantee/Guardian	1.5%	0.4%
	(199)	(737)

Table 4.1 shows that in both sets of cases, nearly 70 percent of the complaints for modification or motions for temporary orders were filed on behalf of the party ordered to pay child support. More than a quarter of the pre-pilot sample and almost a third of pilot cases were filed on behalf of

the party receiving child support. A small fraction of cases in both sets involved joint filings by the parents or filings on behalf of a grantee/guardian to modify the order.

	Pre-Pilot	Pilot
Obligor or obligee/pro se or with attorney	88.8%	75.4%
DOR filed for pro se party	10.2%	13.2%
DOR originated	1.0%	11.5%
	(199)	(737)

Although DOR is involved with the collection and enforcement of most child support orders, project staff did not find a high volume of cases in the pre-pilot sample where DOR either filed on behalf of a pro se party, or originated the filing. Table 4.2 shows that almost

90 percent of pre-pilot modifications were filed by obligors and obligees. DOR filed the remainder, primarily on behalf of pro se parties (10.2%). In the pilot cases, DOR filed almost 25% of the modifications overall; more than double the percentage in the pre-pilot sample, while filings by obligors and obligees decreased to 75.4 percent.

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Table 4.3. Party Who is Obligee		
	Pre-Pilot	Pilot
Mother	88.9%	91.4%
Father	10.6%	6.2%
Grantee/Guardian	0.5%	2.4%
	(198)	(737)

Approximately 89 percent of the obligees in the pre-pilot sample were mothers, compared to 91.4 percent of the obligees in pilot cases. In most of the remaining cases, the obligee was the father (10.6% and 6.2%).

Data pertaining to both parties' residency is contained in Table 4.4. In 56.5 percent of the pre-pilot sample and 70.0 percent of pilot cases, both parties resided in Bristol County. In 19.4 percent of pre-pilot sample and 13.5 percent of pilot cases, only the party seeking modification lived in Bristol County. Similar percentages applied when the party seeking modification lived outside of Bristol County. A small percentage of both pre-pilot and pilot cases (6.3% and 3.7%) involved both parties who lived outside of Bristol County.

Table 4.4. Where Parties Live		
	Pre-Pilot	Pilot
Both in Bristol County	56.5%	70.0%
Only Party Seeking Modification in Bristol County	19.4%	13.5%
Party Seeking Modification not in Bristol County, other is	17.8%	12.8%
Neither party in Bristol	6.3%	3.7%
	(191)	(733)

Information on Obligor Filings

Table 4.5 pertains to modification requests filed by obligors, or filed by DOR on behalf of pro se obligors. Most of the cases involved an obligor with only one order in Massachusetts requiring child support payments. In a small number of pre-pilot sample and pilot cases (0.7% and 0.2%), the obligor sought modification where no child support order was in place. Pilot cases had a substantially higher proportion of obligors with two orders (18.7% versus 5.8%).

Table 4.5. Number of Orders Obligor Has in Massachusetts		
	Pre-Pilot	Pilot
None/No money order	0.7%	0.2%
One	91.4%	77.9%
Two	5.8%	18.7%
Three or more	2.1%	3.2%
	(139)	(498)

Only cases where the complaint/request for modification was filed by obligor

Table 4.6 shows the amount of current support due across all of the obligor's child support orders being collected by DOR. Half of obligor filers in the pre-pilot sample owed current monthly support of \$485 or less for one order, while half owed more than this amount. Among pilot cases, the median amount due per month for obligors with one order was \$422. Obligor

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with multiple orders had substantially higher monthly amounts due in the pre-pilot sample than in pilot cases with medians standing at \$918 and \$567, respectively.

Table 4.6. Current Support Due Per Month at Time of Filing by An Obligor in DOR Cases

	Pre-Pilot			Pilot		
	One Order	Multiple Orders	Total	One Order	Multiple Orders	Total
Range	\$0-\$1,402	\$0-\$1,645	\$0-\$1,645	\$0-\$2,383	\$0-\$2,674	\$0-\$2,674
Average	\$564	\$815	\$586	\$486	\$651	\$524
Median	\$485	\$918	\$498	\$422	\$567	\$440
	(107)	(13)	(120)	(371)	(111)	(482)

Table 4.7 shows the amount of arrears owed across all of the obligor’s child support orders being collected by DOR. In the pre-pilot sample, arrears average \$3,890, with a median of \$751. In 54.5 percent of the pre-pilot sample, obligors owed \$1,000 or less. A small percentage of obligors (13.2%) owed more than \$10,000. In the pilot cases, arrears balances were considerably higher with a total arrears average of \$7,595, with a median of \$1,708. In the pilot cases, 42.1 percent of the obligors owed \$1,000 or less, while 21.0 percent owed more than \$10,000.

Table 4.7. Arrears Owed Across All of an Obligor’s Cases at Time of Filing in DOR Collected Cases

	Pre-Pilot			Pilot		
	One Order	Multiple Orders	Total	One Order	Multiple Orders	Total
None	17.9%	23.1%	19.0%	12.4%	2.7%	10.1%
Range	\$0-\$34,426	\$0-\$44,027	\$0-\$44,027	\$0-\$47,080	\$0-\$177,622	\$0-\$177,622
Average	\$3,728	\$5,629	\$3,890	\$4,185	\$9,255	\$7,595
Median	\$775	\$587	\$751	\$1,055	\$8,209	\$1,708
Percent owing \$0-\$1,000	52.8%	69.2%	54.5%	49.0%	19.5%	42.1%
Percent owing \$1,001 to \$5,000	25.5%	15.4%	24.8%	30.6%	18.6%	27.7%
Percent owing \$5,001 to \$10,000	8.5%	0.0%	7.5%	7.2%	15.9%	9.2%
More than \$10,000	13.2%	15.4%	13.2%	13.2%	46.0%	21.0%
	(106)	(13)	(119)	(363)	(113)	(476)

Table 4.8 shows that both groups of cases had approximately the same average number of children (1.6 in the pre-pilot sample and 1.7 in the pilot cases). The pilot cases had a higher incidence of cases with three or more children (15.2 versus 10.6 percent).

Table 4.8. Number of Children on Orders Across All Obligor Cases

Number of children on all obligor’s cases	Pre-Pilot	Pilot
Average	1.6	1.7
One	55.6%	49.1%
Two	33.8%	35.7%
Three or more	10.6%	15.2%
	(142)	(493)

Information on the Original Filing, Underlying Order and Modification Filing

A divorce complaint was the original filing in about half of the pre-pilot sample. Paternity and support complaints for unmarried parents were less numerous (43.7%). In pilot cases, paternity and support complaints for unmarried parents combined constituted 61.5 percent (29.0% and 32.5%) of the filings; while the incidence of divorce complaints was substantially lower (34.7%). In both sets of cases, complaints for married parents and complaints filed on behalf of another IV-D agency (UIFSA) were less common.

	Pre-Pilot	Pilot
Divorce	49.7%	34.7%
Support for married parties	2.0%	2.9%
Custody/Visitation	0.0%	0.1%
Support for unmarried parties	16.1%	29.0%
Paternity	27.6%	32.5%
UIFSA	2.5%	0.8%
No information/none	2.0%	0.0%
	(199)	(735)

	Pre-Pilot	Pilot
Judgment	84.9%	64.9%
Temporary Order	14.1%	35.1%
	(197)	(729)

As shown in Table 4.10, in most cases, parties sought to modify prior judgments rather than temporary orders. However, the incidence of the underlying order being temporary was considerably higher in pilot cases.

	Pre-Pilot	Pilot
Stipulation	80.2%	69.7%
Contested	14.2%	13.1%
Default	5.6%	17.2%
	(197)	(726)

Table 4.11 shows in the pre-pilot sample, the majority of underlying orders for which a modification was sought were set by stipulation (a mutual agreement

between the parties approved by a judge). Only 14.2 percent of the underlying orders were the result of contested proceedings (parties did not agree), and 5.6 percent of the underlying orders were set by default (the non-filer did not appear for the hearing). In both contested and default proceedings, the order is set by a judge, often after hearing. In pilot cases, a greater percentage (17.2%) of underlying orders was set by default. The incidence of contested cases in both samples was virtually identical (14.2% versus 13.1%).

Table 4.12 shows cases contained orders of all ages, ranging from those entered less than a year ago to those approaching 16 years in age. However, the average and median years (3.2 and 2.1, respectively in the pre-pilot sample; and 4.4 and 3.0 in pilot cases) indicate that most of the orders were issued relatively recently.

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Table 4.12. Age of Order on Which Modification is Sought		
	Pre-Pilot	Pilot
Average years	3.2	4.4
Median years	2.1	3.0
Range	Less than 1 year to 15.67 years	Less than 1 year to 20 years
	(198)	(730)

Table 4.13 shows that the age of the child support order was fairly comparable across cases that were filed by DOR in the pre-pilot sample and pilot cases. DOR-assisted cases were somewhat older than cases filed by obligors and obligees in the pre-pilot sample. The same was true of pilot cases.

Table 4.13. Age of Order on Which Modification is Sought for Obligor and Obligee Filings				
	Pre-Pilot		Pilot	
	Obligor/Obligee Filed	DOR filed/DOR filed o/b/o Pro Se	Obligor/Obligee Filed	DOR filed/DOR filed o/b/o Pro Se
Average years	3.1	4.0	4.2	5.1
Median years	2.0	2.5	3.0	4.0
	(176)	(22)	(545)	(178)

Table 4.14 illustrates the monthly obligation amount of the order for which a modification was sought. In the pre-pilot sample, the average order amount was \$594 per month. Nearly 22 percent had average orders less than or equal to \$300, with 12.1 percent having monthly orders that exceeded \$1,000, and 6.6 percent having zero dollar orders. In contrast, the average monthly order in pilot cases was \$454, approximately 23 percent lower than in the pre-pilot sample. Nearly one-third (30.6%) involved orders less than or equal to \$300, only 6.6 percent had monthly orders that exceeded \$1,000, and 3.1 percent had zero dollar orders.

Table 4.14. Monthly Amount of Order for Which Modification is Sought		
	Pre-Pilot	Pilot
Range	\$0 - \$2,600	\$0-\$2,383
Average	\$594	\$454
Median	\$488	\$377
\$0	6.6%	3.1%
Less than or equal to \$300	21.7%	30.6%
Equal to or more than \$1,000	12.1%	6.6%
	(198)	(669)

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Table 4.15. Number of Children Covered by the Order

	Pre-Pilot	Pilot
One child	63.5%	70.4%
Two children	28.6%	23.3%
Three children	5.7%	4.9%
Four children	1.6%	1.1%
Five children	0.5%	0.3%
	(192)	(733)

Table 4.15 shows that in both sets of data, most of the orders for which a modification was sought covered only a single child (63.5% and 70.4%). Approximately 5 percent of each data set had orders covering three or more children.

Information on the Modification Filing

Table 4.16 shows that most modification requests were filed by an obligor or obligee. There were 21 modifications filed by DOR in the pre-pilot sample, 95 percent of these filings sought to modify a prior judgment. In pilot cases, DOR filed 179 modifications, with only 55.9 percent seeking to modify a judgment. The incidence of DOR filings to modify temporary orders increased dramatically (4.5% to 44.1%).

Table 4.16. Party Filing for the Modification and its Judgment or Temporary Order Status

	Pre-Pilot		Pilot	
	Obligor/Obligee Filed	DOR filed/DOR filed o/b/o Pro Se	Obligor/Obligee Filed	DOR filed/DOR filed o/b/o Pro Se
Judgment	84.6%	95.2%	68.3%	55.9%
Temporary Order	15.4%	4.5%	31.7%	44.1%
	(175)	(21)	(543)	(179)

Table 4.17. Contempt Actions Preceding Modification Filings

Was a contempt action served or a contempt hearing set within 90 days of a complaint/request for modification	Pre-Pilot	Pilot
Yes	13.2%	11.1%
No	86.8%	88.9%
	(197)	(732)

It was expected that many modifications were being filed by obligors in response to a contempt action for non-payment of their child support. However, Table 4.17 shows relatively few modifications were filed by obligors in response to a recent contempt action in either the pre-pilot sample (13%) or pilot cases (11%).

Table 4.18 shows the reasons why a modification was filed. In both sets of data, job loss was offered more than any other reason. When each of the reasons that pertains to an obligor's declining economic situation is considered (i.e., job loss, decrease in pay, affordability, and injury/disability), the incidence of modification requests for economic reasons was 50 percent in the pre-pilot sample and 83.1 percent in the pilot cases. Changes in custody and emancipation of children were the next most frequently cited reasons for a modification request.

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Table 4.18. Reasons the Request for Modification Was Filed★		
	Pre-Pilot	Pilot
Obligor lost job	29.1%	32.6%
Change in custody	16.1%	5.7%
Emancipation	12.1%	9.4%
Obligor decrease in pay	11.1%	31.9%
Obligor increase in pay	10.1%	11.9%
Cannot afford	5.0%	4.6%
Injured/disabled	5.0%	14.0%
Child older, costs have increased, cost of living up	4.0%	0.5%
Incarcerated	3.0%	1.4%
Obligee lost job	2.5%	1.0%
Parents reconciled	2.0%	0.0%
Obligee decrease in pay	1.5%	1.1%
3+ years since last review	1.5%	2.2%
Change in health insurance	1.5%	9.5%
Change in parenting time	1.5%	1.6%
No money order	1.5%	1.9%
Obligee increase in pay	1.0%	3.4%
Second family to support	0.5%	1.0%
	(199)	(736)
★ More than a single reason could be given, so totals in the table may exceed 100 percent.		

Table 4.19 shows that issues other than child support were raised in the modification filing in approximately a quarter (24.6%) of pre-pilot sample cases. The most common of these was custody (63.6%) or visitation (31.8%). In pilot cases, about one tenth (10.3%) of filings raised other issues, most commonly for an adjustment of arrearages. The decrease in pilot cases which addressed custody and visitation was because pilot forms were designed to be used exclusively to modify child support and/or health insurance.

Table 4.19. Other Issues Raised in Conjunction with Modification		
Were other issues raised in Conjunction with Modification	Pre-Pilot	Pilot
No	75.4%	89.7%
Yes	24.6%	10.3%
	(199)	(737)
If yes, nature of other issues		
Custody	63.6%	14.5%
Visitation	31.8%	10.5%
Other (arrearages, DOR administrative remedies or other issues)	13.6%	80.3%
	(44)	(76)

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DOR routinely assists pro se parties seeking to modify child support obligations, obligors and obligees alike. In addition to providing general information about the modification process, DOR may also supply court forms, locate the non-filer, arrange and pay for service of process, schedule a court date, notice the parties, and/or assist the parties at the hearing. Table 4.20 shows that about a third of the parties seeking modification in each set of cases contacted DOR. Most often, the contact was to gain information about how to obtain a modification. DOR provided assistance at about the same rate in each category.

Table 4.20. Percentage of Parties Seeking Modification Who Contacted DOR and the Assistance DOR Provided		
	Pre-Pilot	Pilot
Percent making contact	32.2%	34.2%
Assistance provided by DOR	(199)	(725)
Information about modification	54.9%	53.4%
Pro se Modification Package	33.3%	30.0%
Service of Process	11.8%	14.8%
	(51)	(223)

Table 4.21. Representation by Attorneys at Modification Proceedings		
	Pre-Pilot	Pilot
Obligor only	8.5%	2.3%
Obligee only	7.4%	1.9%
Both	9.0%	0.4%
Neither	75.1%	95.3%
	(189)	(725)

Table 4.21 shows that in about a quarter of the pre-pilot sample, either or both of the parties were represented by attorneys at the court hearing. Attorney representation was minimal for parties in the pilot cases with only 2.3 percent of obligors having an attorney and 1.9 percent of obligees. The incidence of cases with both parties having attorneys was negligible.

Information on Court Filings

Table 4.22 shows in the pre-pilot sample, approximately two-thirds of the time where a complaint for modification was filed, it was accompanied by a separate motion for temporary orders. Filing a complaint along with a separate motion for temporary orders is often used to expedite the scheduling of a court hearing. In general, parties may request and obtain a hearing date from the Court within four to six weeks of filing a motion for temporary orders. On the other hand, filing a complaint for modification without a motion for temporary orders does not expedite obtaining a hearing, as the parties must wait for the Court to assign either a case conference or pre-trial hearing date. The hearing may be scheduled several months or more from the date of filing the complaint for modification.

Table 4.22 Forms Used by Parties to Modify Judgments in the Pre-Pilot Sample	
	Pre-Pilot
Standard complaint with a separate motion for temporary orders	67.8%
Complaint only	32.2%
	(171)

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As previously explained in Chapter 2, the project established new forms for requesting a modification, each having a user-friendly checklist to identify the reason for the modification. Where the parties' previous order was a judgment, litigants had two options to file their modification requests. When given the options, Table 4.23 shows that virtually all parties (99.8%) chose the combined one-page complaint with motion for temporary orders (pilot complaint/motion) to obtain their hearing. The inclusion of the motion on the one-page form allowed the Court to provide the parties a hearing date approximately four to six weeks from the date of filing.

Table 4.23. Forms Used by Parties to Modify Judgments in Pilot Cases	
	Pilot
Pilot Complaint/Motion	99.8%
Pilot Complaint Only	0.2%
	(486)
When either of the above complaints was filed, the court issued a modification summons/notice containing a return date for either a motion hearing or a case conference, respectively, to be served with the complaint.	

One third (33.9%) of the pilot modification filings were motions for further temporary orders as shown in Table 4.24. Parties were required to use this form to obtain a motion hearing if their previous order was in temporary status.

Table 4.24. Forms Used by Parties to Modify Judgments and Temporary Orders in Pilot Cases	
	Pilot
Pilot Complaint/Motion	66.0%
Pilot Complaint Only	0.1%
Pilot motion for further temporary orders	33.9%
	(735)

Information on Service of Process

In approximately 16 percent of the cases in the pre-pilot sample, whether filer was an obligor or obligee, the party also filed an Affidavit of Indigency (the cost of serving the complaint may be paid by the Court). Table 4.25 shows that there was only a slight increase in indigency filings after July 1, 2009 when the Court instituted a filing fee.

Table 4.25. Parties Filing Affidavit of Indigency in Conjunction with the Modification Complaint in the Pre-Pilot Sample			
	Prior to July 1, 2009	After July 1, 2009	Total
Obligor only	11.7%	19.6%	14.1%
Obligee only	1.9%	2.2%	2.0%
Neither	86.4%	78.3%	83.9%
	(103)	(46)	(149)

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Table 4.26 shows that a sheriff or constable served approximately 62 percent of complaints for modification in the pre-pilot sample, typically by leaving a copy at the last known address and mailing a copy to the same address by first-class mail. In about 18 percent of the cases, the parties accepted service of process without the use of a constable. Accepting service means the defendant personally accepts the complaint and summons, indicating acceptance by written endorsement (his/her notarized signature) on the summons, thereby eliminating the need to employ a sheriff or constable.

Standing Order 3-11 established service by first-class mail for all pilot cases. There was no requirement that a return of service or certificate of service be filed with the Court indicating the date and address where the complaint was mailed. Therefore, there was no comparable data on method of service for pilot cases.

Table 4.26. Method of Service of Complaints in Pre-Pilot Cases	
Constable served	61.6%
Parties Accepted Service without Use of a Constable	18.2%
No information	20.1%
	(159)
Details of Sheriff/Constable Service Pre-Pilot Cases	
In hand	27.8%
Last address followed by first class mail	72.2%
	(97)

Information on Hearings/Court Events

Table 4.27. Number of Scheduled Court Hearings Associated with the Modification Filing		
	Pre-Pilot	Pilot
None	3.5%	0.0%
One	52.3%	85.5%
Two	23.6%	12.1%
Three	13.1%	1.9%
Four	5.5%	0.4%
Five	1.5%	0.0%
Six	0.5%	0.0%
	(199)	(719)

There are a variety of reasons why a modification may require more than one scheduled court date. For example, a return to court may be scheduled to follow up on the obligor’s attempts to find employment, or to allow time to obtain medical documentation proving a disability. Table 4.27 shows about half of

the cases (52.3%) in the pre-pilot sample had only one scheduled court hearing, 23.6 percent had two, 13.1 percent had three, and less than 10 percent involved more than three scheduled hearings.

Since there was a 14-25 month timeframe from the date of filing to the date that data was actually collected in the pre-pilot sample, project staff could follow-up on the number of scheduled court hearings that occurred in a single case. In pilot cases, there was only an 8 day

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to 10 month time frame from the date of filing to the date data was actually collected. Consequently in 85.5 percent of pilot cases, project staff could gather data on only the first scheduled court hearing. Undoubtedly, in many of these cases, subsequent scheduled hearings had yet to occur.

Given the shorter timeframe available to gather data on pilot cases, the comparative analysis of the two groups of cases with respect to hearing activity is restricted to the first scheduled court hearing.

Table 4.28 focuses on the percentage of cases where the obligor or obligee who filed the modification appeared or failed to appear at the first scheduled court hearing. Where both parties appear, the Court can address the modification. Where only the filer appears, and service/notice is proper, the Court upon request of the filing party may issue a default order that addresses the modification. Where the filer does not appear, the Court may dismiss or deny the modification. Where the filer or the non-filer does not appear, but requests a continuance, the Court may continue the matter to a new date. Additionally, in the pilot cases, Standing Order 3-11 provided that the Court may require the party who did not appear to pay the cost and or lost wages of the party that appeared.

Table 4.28 shows that appearance rates were fairly comparable in the two groups of cases. Among pre-pilot and pilot cases filed by obligors, both parties appeared 79 and 68.9 percent of the time, respectively. Where obligees filed, appearance rates by both parties were higher among pre-pilot (87.5%) versus pilot (68.1%) cases, despite the provision in Standing Order 3-11 regarding the possible award of costs and lost wages to the appearing party.

Table 4.28. Appearance Rate and Who Appeared at the First Held Scheduled Hearing by Filer			
	Pre-Pilot	Pilot	
Obligor Filed	Both parties appeared	79.0%	68.9%
	Obligor appeared, obligee did not appear	14.0%	24.9%
	Obligee appeared, obligor did not appear	7.0%	6.2%
		(100)	(386)
Obligee Filed	Both parties appeared	87.5%	68.1%
	Obligee appeared, obligor did not appear	2.5%	20.9%
	Obligor appeared, obligee did not appear	10.5%	11.0%
		(40)	(163)

Table 4.29 shows that modification activity was comparable in the pre-pilot sample and pilot cases. During the first court hearing, more than half of the cases in both samples (56% versus 57.2%) were modified downward, 14.5 and 18.8 percent were modified upward, and approximately one-quarter (29.6% versus 24%) were not changed.

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Table 4.29. Changes in Child Support Order Levels Where the First Hearing Was Held

	Pre-Pilot	Pilot
Modification downward*	56.0%	57.2%
Modification upward	14.5%	18.8%
No change in order level	29.6%	24.0%
	(159)	(549)

*Cases that were suspended, terminated, or vacated were treated as downward modifications

Table 4.30 shows that modification activity in the pre-pilot sample and pilot cases differed somewhat for cases filed by obligors versus obligees. While obligor filings were slightly more apt to result in a downward modification in the pilot sample (77.3% versus 69.4%), obligee filings in the pilot sample were substantially more likely to result in an upward modification (60.9% versus 41.9%).

Table 4.30. Changes in Child Support Order Levels Where the First Hearing Was Held by Filing Party

	Obligor Filed		Obligee Filed	
	Pre-Pilot	Pilot	Pre-Pilot	Pilot
Modification downward	69.4%	77.3%	20.9%	16.7%
Modification upward	3.6%	1.8%	41.9%	60.9%
No change in order level	27.0%	24.9%	37.2%	22.4%
	(111)	(389)	(43)	(156)

Includes cases filed by DOR on behalf of obligor and obligee
Cases that were suspended, terminated, or vacated were treated as downward modifications

Table 4.31 details the decisions issued by the Court (“outcomes”) at the first scheduled hearing. A hearing was considered ‘held’ whenever a decision was issued, although a formal courtroom proceeding may not have occurred. In both sets of cases, over 75 percent of the cases at the first scheduled court hearing had definable outcomes, with more than 85 percent resulting in judgments or temporary orders. Pilot cases had a higher rate of contested outcomes and defaults as compared with the pre-pilot sample. The difference may be due to the higher level of DOR activity in pilot cases which typically involved assisting a pro se litigant with location and service, or filing original pleadings on behalf of the Commonwealth. The higher default rate may be due to DOR’s representations to the Court that service was successful and a default order is appropriate. Parties who are pro se and/or do not seek DOR’s assistance may not know how to obtain a default order through the Court.

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Table 4.31. Outcomes from the First Scheduled Court Event/Hearing		
	Pre-Pilot	Pilot
Percent of All Cases Where Court Event/Hearing was Held	78.4%	76.8%
	(199)	(737)
Outcomes in Cases Where Court Event/Hearing was Held		
Case Continued	42.6%	29.2%
Rescheduled	1.9%	0.4%
Temporary orders	46.8%	51.1%
Judgment	40.4%	34.6%
Dismissed	0.6%	5.5%
Stipulated	57.1%	51.6%
Default order	0.0%	15.2%
Contested	4.5%	15.0%
Denied	0.0%	7.4%
	(156)	(566)
Totals exceed 100% due to multiple responses		

Table 4.32 shows that in pilot cases where the court issued a temporary order, the majority were continued for further review (e.g., employment or disability status) or a pretrial conference.

Table 4.32. Reasons for Continuances in Pilot Cases with a Temporary Order	
	Pilot
Further Review	55.7%
Pre-Trial	44.7%
Continued at Party/Parties Request	10.4%
	(192)

In approximately 20 percent of pre-pilot and pilot cases, the first scheduled court hearing was not held and no decision was issued. Table 4.33 shows the reasons why the first scheduled court hearing was not held. In both sets of cases, this was usually because one or both parties failed to appear.

Table 4.33 Reasons First Scheduled Court Hearing Not Held		
	Pre-Pilot	Pilot
Percent of All Cases Where First Scheduled Court Hearings Not Held	21.6%	23.2%
	(199)	(737)
Reasons the First Scheduled Court Hearing Not Held		
Obligor failed to appear	56.8%	53.5%
Obligee failed to appear	47.7%	48.1%
Ineffective SOP	18.2%	10.1%
Ineffective notice	2.3%	7.0%
Incomplete paperwork	0.0%	1.6%
	(43)	(171)
Totals exceed 100% due to multiple responses		

Table 4.34 shows that almost 60 percent of pre-pilot modification cases eventually resulted in a judgment. The data includes judgments issued where there were one or more hearings.

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	Pre-Pilot
Judgment	59.8%
No Judgment	40.2%
	(199)

Table 4.35 examines monthly order amounts following modification activity in the pre-pilot and pilot cases. It shows that downward modification activity was steeper in the pre-pilot sample of cases with orders dropping an average of 58 percent from \$638 to \$265. Downwardly modified orders in the pilot cases dropped an average of 56 percent from \$599 to \$262. When orders were modified upward in the pre-pilot sample, they rose by nearly 100 percent, increasing from an average of \$446 to \$879. Orders that were upwardly modified in the pilot sample increased an average of 37 percent, from \$361 to \$495.

	Pre-Pilot		Pilot	
	Original order	New amount	Original order	New amount
Modification downward				
Average	\$638	\$265	\$599	\$262
Median	\$600	\$288	\$494	\$200
	(89)	(89)	(303)	(263)
	Original order	New amount	Original order	New amount
Modification upward				
Average	\$446	\$879	\$361	\$495
Median	\$398	\$800	\$321	\$414
	(22)	(23)	(97)	(95)

Information on Time Frames

Tables 4.36 – 4.38 show selected time frames between the dates of filing, the first scheduled court hearing and effective service. Table 4.36 shows that in the pre-pilot sample where a complaint only was filed, the average time between filing and the first court hearing was 140.1 days. In the pre-pilot sample where a complaint for modification with a separate motion for temporary orders was filed, the average time was 53.8 days. In the pilot cases, the timeframes from date of filing to the first scheduled court hearing were dramatically shorter. When the streamlined one-page complaint incorporating a motion for temporary orders (pilot complaint/motion) was filed, the average time was 30.2 days. Using the streamlined, one-page modification on average reduced the time to the first scheduled court hearing by 78% as compared to the timeframe using the complaint only, and by 57 percent using the complaint with a separate motion. This is because the parties were assigned a hearing date by the Court at the time of filing the complaint and service was achieved by first-class mail.

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Table 4.36. Selected Time Frames from Filing to First Scheduled Court Hearing		
Complaint Only (Pre-Pilot)	Complaint with Separate Motion (Pre-Pilot)	Complaint/Motion (Pilot)
Average = 140.1 days Median = 95 days Range = 0 - 449 days	Average = 53.8 days Median = 38 days Range = 0 - 478 days	Average = 30.2 days Median = 28 days Range = 0 - 154 days
(46)	(119)	(464)
Note: Since a single Complaint (only) was filed in pilot cases, Table 4.36 excludes timeframe comparisons for these forms.		

Table 4.37 shows that average time frames between filing to effective service were dramatically shorter for pilot cases when it was possible to determine the date of service from court files or DOR records. In pre-pilot cases that involved a complaint only and a complaint with a separate motion for temporary orders, it took an average of 78.3 and 25.8 days, respectively, to serve the complaints. In comparison, the one-page pilot complaint with incorporated motion averaged 2.7 days to achieve service by first-class mail.

Table 4.37. Selected Time Frames from Filing to Effective Service		
Complaint Only (Pre-Pilot)	Complaint with Separate Motion (Pre-Pilot)	Complaint/Motion (Pilot)
Average = 78.3days Median = 42.0 days Range = 0 - 478 days	Average = 25.8 days Median = 17 days Range = 0 - 295days	Average = 2.7 days Median = 1.0 days Range = 0 - 12days
(164)	(90)	(55)
Note: Since a single Complaint (only) was filed in pilot cases, Table 4.37 excludes timeframe comparisons for these forms. Where a complaint/motion was filed in pilot cases, only 55 cases had evidence of first-class mailing as there was no requirement to file a certificate of service with the Court.		

As Table 4.38 shows, time frames for cases processed exclusively using a motion for further temporary orders were similar in both the pre-pilot sample and the pilot cases. Where a motion for temporary orders only was filed, the average time to the first scheduled court hearing was 39.8 days and 24.6 days, respectively. It was not expected that the time frames from motion filing to the first scheduled court hearing would be greatly affected by the pilot project. This is because motion practice allows the use of first-class mail when parties are able to file a motion for temporary orders instead of a complaint. Further, hearing dates are often assigned by the Court on or near the date of filing the motion. Yet even in these motion filings, the timeframe between filing and hearing dates was surprisingly shorter. Parties obtained a hearing date, on average, two weeks sooner in pilot cases than in the pre-pilot sample.

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Table 4.38. Selected Time Frames for Motions for (further) Temporary Orders Only		
	Pre-Pilot	Pilot
Time from motion for (further) temporary order filing to first scheduled court hearing	Average = 39.8 days Median = 31 days Range = 14-210 days	Average = 24.6 days Median = 22 days Range = 0-92 day
	(26)	(204)
Date of effective service relative to date motion for (further) temporary order filed	Average = 2.8 days Median = 0 days Range = 0-13 days	Average = 4.2 days Median = 4.2days Range = 0-9 days
	(6)	(12)

As Tables 4.36-4.38 indicate, there is no doubt that obligors and obligees who filed pilot cases obtained quicker hearing dates to address their modification requests than did their counterparts in the pre-pilot sample. The shorter time frames were due to the routine assignment of a hearing date upon filing the one-page pilot complaint/motion and the effectuation of service by first-class mail.

Chapter 5. Reactions of Stakeholders and Litigants

Stakeholders

An on-line survey was administered to Court⁵ and DOR⁶ staff, as well as private attorneys⁷ to gauge how they viewed the pilot project and the new forms and features it entailed. A total of 69 individuals responded. More than half were DOR personnel (55.1%) and the rest were almost equally divided between court personnel (21.7%) and private attorneys (23.2%). To assess respondents' knowledge of the pilot project and its features, all were asked to indicate how familiar they were with the Bristol Pilot Project and Standing Order 3-11 of the Probate and Family Court. Table 5.1 shows that nearly all court and child support personnel were familiar with the pilot project. This was the case for only about half of the private attorneys who completed the survey. With respect to Standing Order 3-11, three quarters of court respondents were familiar with the order while only about half of private attorney respondents were familiar. Of the DOR respondents many more DOR attorneys (85.7%) were familiar with the standing order than DOR staff (38.7%).

Table 5.1. Respondent's Familiarity with the Bristol Pilot Project and Standing Order 3-11				
	Court Staff	DOR/Child Support Staff	DOR/Child Support Attorney	Private Attorneys
Familiar with the Bristol Pilot Project	93.3%	90.3%	100%	56.3%
Familiar with the Standing Order	73.3%	38.7%	85.7%	50%
	(15)	(31)	(7)	(16)

To determine the reactions of stakeholders to new forms and procedures developed for the pilot project, respondents were asked to assess the helpfulness of various pilot components. Table 5.2 presents their responses. It shows that substantial proportions of surveyed court and DOR staff and private attorneys view all major features of the pilot project as "very helpful." The item that garnered the most support was "getting a hearing at the time of filing". This was endorsed by all private attorneys and nearly all court and DOR personnel. The combined complaint and motion form was viewed as very helpful by nearly 87 percent of court respondents and 75 percent of private attorney respondents. One hundred percent of DOR attorney respondents found the combined form very helpful while only 57.7 % of DOR staff found it very helpful. Check boxes explaining reasons for seeking relief were characterized as "very helpful" by nearly all court personnel and most other respondents. And the use of first-class mail to achieve service of process received strong endorsement by 80 percent of court respondents and 75 percent of private attorneys. One hundred percent of DOR attorneys found

⁵54 Probate and Family Court staff received the emailed survey. This included 33 registry staff, 8 probation staff members, 10 judicial staff and 3 judges.

⁶ 55 DOR staff members received the emailed survey. This included 11 attorneys, and 44 staff members.

⁷ 320 private attorneys received the emailed survey. The Bristol Bar Association emailed the survey to all of its members. In addition, project staff identified 30 attorneys that had filed an appearance or a pleading under the pilot project and emailed the survey to them.

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the use of first-class mail to be very helpful and 61.5 percent of DOR staff also found this very helpful.

Court personnel were most likely to indicate the pilot project components had decreased their workload with at least two-thirds to three-quarters reporting that this was the case for the combined form, the checkboxes and the first-class mail features. On the other hand, nearly two-thirds of both DOR staff (65.4%) and private attorneys familiar with the project (62.5%) reported that using the combined form did not change their workload. Forty percent of DOR attorneys reported that the combined form did not change their workload. One hundred percent of private attorneys familiar with the project reported that getting a hearing date at the time of filing had cut their workload. DOR attorneys reported that many of the project features decreased their workload. On the other hand, while DOR staff were supportive of various features, they did not view any particular feature as having a major impact on their workload.

Table 5.2. Respondents Saying Various Features of Pilot Project were Very Helpful and Decreased Workload				
	Court Staff	DOR/Child Support Staff	DOR/Child Support Attorney	Private Attorneys Familiar with Project
Percentage saying the following was "Very helpful:"				
Combining the complaint and the motion for temporary orders in a single form	86.7%	57.7%	100%	75%
Check boxes to specify reasons for seeking relief	93.3%	76.9%	100%	62.5%
Getting a hearing date at the time of filing	93.3%	80.8%	100%	100%
Using first-class mail for service of process	80%	61.5%	100%	75%
Percentage saying the following "decreased workload:"				
Combining the complaint and the motion for temporary orders in a single form	73.3%	26.9%	60%	37.5%
Check boxes to specify reasons for seeking relief	73.3%	19.2%	80%	25%
Getting a hearing date at the time of filing	46.7%	26.9%	60%	50%
Using first-class mail for service of process	66.7%	19.2%	40%	62.5%
	(15)	(31*)	(7**)	(9***)
* Questions were only answered by 26 of the 31 DOR Staff respondents. ** Questions were only answered 5 of the 7 of the DOR Attorney respondents. *** Questions were only answered by 8 of the 9 Private Attorney respondents who were familiar with the project.				

Table 5.3 presents the reactions of court staff, DOR staff, DOR attorneys, and private attorneys familiar with the project, to various statements about the pilot project and its impact. Presented are the proportions of respondents in each category who find the various statements to be "very true" or "somewhat true". There is clear unanimity across all groups that combining

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the complaint and motion simplifies the process of requesting a child support modification. This is the one item that nearly all respondents found to be “very true” or “somewhat true.” Several other features were viewed in similar ways by court and DOR personnel with private attorneys taking a somewhat different view. This was the case with respect to whether the pilot forms are being used routinely and whether they would like to continue to use the pilot project forms. Nearly 87 percent of court personnel, 76 percent of DOR staff, and 100 percent of DOR attorneys were strongly interested in continuing to use the pilot forms. This was the case for 57.1 percent of private attorney respondents who were familiar with the pilot project.

More than two thirds of all groups of respondents are emphatic about wanting to continue to use first-class mail for service in child support modifications. Fifty percent or more of all respondents believe first-class mail is just as effective as service by constable. There is strong support from all groups to use a certificate of service to document the date and place where the complaint and summons were mailed. Most groups answered that service by first-class mail has resulted in financial savings for their court, agency and/or firm.

The majority of all groups indicated parties get a hearing faster since the pilot project began; 53.3 percent of court staff, 79.2 percent of DOR staff and 100 percent of DOR attorneys, and 83.3 percent of private attorneys familiar with the project reporting that this is the case. More than fifty percent of all groups of respondents would like the Court to clarify what happens when both parties fail to appear.

Table 5.3. Respondents Rating Various Statements about the Pilot Project as “Very True” and “Somewhat True”

	Court Staff	DOR/Child Support Staff	DOR/Child Support Attorney	Private Attorneys Familiar with Project
Pilot forms are being used routinely	93.4%	76%	100%	57.2%
Combining the complaint and motion simplifies the process of requesting a child support modification	93.4%	83.4%	100%	100%
Pilot forms are easy to understand and use	86.7%	84%	100%	85.7%
Pilot forms are more user friendly to pro se parties than standard forms	86.7%	84%	100%	71.4%
I would like to continue to use the pilot project forms	86.7%	76%	100%	57.1%
Distributing informational and educational materials to pro se parties about the project and forms is helpful	93.4%	76%	100%	85.7%
I would like to continue to use first-class mail for service for child support modifications	73.3%	66.7%	100%	66.7%
A certificate of service would be helpful to show proof of service	86.7%	66.7%	80%	83.3%

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Table 5.3. Respondents Rating Various Statements about the Pilot Project as “Very True” and “Somewhat True”				
	Court Staff	DOR/Child Support Staff	DOR/Child Support Attorney	Private Attorneys Familiar with Project
Proof of service of the pilot complaint and summons by first-class mail appears to be as effective as service by constable	60%	50%	80%	66.7%
Service of the pilot complaint and summons by first-class mail has resulted in financial savings for my court/agency/firm	53.3%	37.5%	80%	66.7%
It is clear when a second summons should issue in a case	73.3%	16.7%	60%	33.3%
Parties get a hearing faster since the pilot project began	53.3%	79.2%	100%	83.3%
It would be helpful if the court would clarify what happens next when both parties fail to appear	60%	54.2%	100%	66.7%
	(15)	(31*)	(7**)	(9***)
* Questions were only answered by 18 to 25 of the 31 DOR Staff respondents. ** Questions were only answered by 5 of the 7 DOR Attorney respondents. *** Questions were only answered by 6 to 7 of the 9 Private Attorney respondents who were familiar with the project.				

Table 5.4 presents responses to some specific questions targeted at distinct groups. While about two-thirds of private attorneys familiar with the project agreed with the statement “I draft my own complaints and don’t use the court’s forms”, the same percentage of private attorneys has used the pilot forms. At the same time, most of the private attorneys familiar with the project reported that they liked using the pilot forms (88.9%).

Table 5.4 also shows that court staff members were nearly unanimous in reporting that it was easy to instruct parties on how to complete the pilot forms, that pilot forms are faster to process than non-pilot forms and that the pilot forms save time for registry staff. The pilot procedures, however, do not eliminate litigant questions. About fifty percent of court staff report that they are frequently approached by pro se litigants about problems with first-class mail for service.

Table 5.4. Percent of Private Attorneys and Court Personnel Saying that Various Statements About the Pilot Project are “Very True” and “Somewhat True”		
	Court Staff	Private Attorneys Familiar with Project
Questions for Private Attorneys		
Have used the pilot forms		66.7%
Like using the pilot forms		88.9%
Draft own complaints and don’t use court forms		66.7%
Easier to deal with pro se adverse parties in pilot cases		22.2%
		(9)

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Table 5.4. Percent of Private Attorneys and Court Personnel Saying that Various Statements About the Pilot Project are “Very True” and “Somewhat True”		
	Court Staff	Private Attorneys Familiar with Project
Questions for Court Staff		
It has been easy to instruct parties on how to complete pilot forms	92.3%	
Pilot forms are faster to process than non-pilot forms	92.3%	
Registry staff get frequent questions about problems with first-class mail for service	53.9%	
The pilot forms save time for registry staff	92.3%	
	(15)	

Table 5.5 shows that the pilot forms developed for the project were rated as “excellent” or “good” by 86.7 percent of court staff, 75 percent of DOR staff, 100 percent of DOR attorneys, and 83.3 percent of private attorneys familiar with the project. Twenty-five percent of DOR staff and 16.7 percent of private attorneys familiar with the project had no opinion. Assigning hearing dates and the time of filing was rated as “excellent” or “good” by court (86.6%), DOR staff (62.5%), DOR attorneys (100%), and private attorney respondents (100%), respectively. Using first-class mail for service was highly endorsed by court staff (80%) and DOR attorneys (100%), with two-thirds of private attorneys rated it as “excellent” or “good”. Nearly 60 percent of DOR staff supported the use of first-class mail for service. Overall, the pilot project received positive ratings from 86.6 percent of court staff, 75 percent of DOR staff, 100 percent of DOR attorneys and 83.3 percent of private attorneys.

Table 5.5. Percent of Respondents Rating Various Aspects of the Pilot Project as “Excellent” or “Good”				
	Court Staff	DOR/Child Support Staff	DOR/Child Support Attorney	Private Attorneys Familiar with Project
Pilot forms developed for the project	86.7%	75%	100%	83.3%
Assigning a hearing date at the time of filing	86.6%	62.5%	100%	100%
Using first-class mail for service	80%	58.3%	100%	66.6%
The overall pilot project	86.6%	75%	100%	83.3%
	(15)	(31*)	(7**)	(9***)
* Questions were only answered by 24 of the 31 DOR Staff respondents.				
** Questions were only answered by 4 of the 7 DOR Attorney respondents.				
*** Questions were only answered by 6 of the 9 Private Attorney respondents who were familiar with the project.				

Comments and Suggestions from Respondents

Only a few respondents volunteered comments and suggestions about the pilot program. Several recommended that a certificate of service should be added to the pilot forms. Another respondent would like to get guidance on “what to do when either one or both parties do not appear so that cases do not linger in open status.” Court staff requested that the pilot continue.

Few private attorneys offered any comments on the pilot, although at least one acknowledged the benefits for pro se litigants. As this attorney put it, “I believe the system caters to the pro se litigants.”

Litigants Who Filed For Modification

Paper and pencil questionnaires were distributed to litigants who filed for child support modifications using the forms developed for the pilot project. Another questionnaire was distributed to litigants following their child support modification hearing. Ultimately, we obtained 32 questionnaires from filers and 11 from those who attended a court hearing.

Two-thirds of the filer respondents were paying support and a quarter were obligees who received support. Nearly all were at court to obtain paperwork for a child support modification of which a majority (53%) involved a request for a downward modification. Half of the litigants who responded to the survey had no prior experience trying to change their child support order while 40.6 percent had been involved with a previous modification. About a third (34.6%) had previously used a constable to serve the other party. Asked whether they had concerns about serving the other party by first-class mail, 80.6 percent of respondents indicated that they did not and 81.3 percent said that they knew where the other party lived.

Users were asked to rate the understandability of the new form and 77.8 percent strongly agreed with the statement, “This new form is easy to understand and complete.” A similar proportion strongly agreed with the statement, “I am satisfied with the hearing date I received when I filed the form.” And almost three-quarters (73.9%) strongly agreed that “It was easier to get a hearing date this time than it was the last time I filed for a child support modification.”

Asked what else DOR and the Court could do to simplify and/or improve the modification process, litigants offered the following suggestions:

- Cases should be reviewed and modified yearly due to the poor economy and lack of available work;
- Help get the court date faster; and
- Clarify plaintiff/defendant roles in modification.

Litigants Who Attended Court Hearings

Feedback was elicited from 11 litigants who had attended a hearing at the Probate and Family Court in Bristol County following the introduction of streamlining procedures. Half (54%) reported that they were paying support and nearly all (90.9%) were at court to attend a modification hearing that they had requested, often to decrease their child support order (42.9%). Most respondents were using the modification process for the first time (88.9%) and had limited experience with the use of constables to serve the other party. All responding litigants indicated that they knew the other party’s address when they requested the hearing and nearly all (83.3%) said they had no concerns about serving the other party by first-class mail.

**Streamlining the Child Support Modification Process
Bristol County, Massachusetts**

Nearly half of the responding litigants (42.9%) indicated that the other party had failed to attend the hearing but that the hearing had been held and that the request for temporary orders had been granted or denied. When the other party did not appear, it seems as though the judge usually asked the filing party about notice or service. The three responding litigants who were served were divided about how it had occurred with one reporting notice by first-class mail, one being told by an ex-husband about the hearing, and one receiving a hand-delivered notice by the plaintiff.

Asked what else DOR and the Court could do to simplify the modification process, six of the responding litigants recommended changes aimed at reducing the wait time at the courthouse. A few of their suggestions follow:

“Everything should happen on one floor in the same area. I had to wait in line in the courtroom to check in, then on the second floor at family services/probation, then at DOR again, then back to the courtroom. Too much waiting. If I knew DOR could have helped me more, I would have let them file the paperwork for me.”

“If an agreement is met and signed [you] should not have to wait several hours for a judge.”

“Have financial paper work ahead of time to reduce wait time.”

Chapter 6. Key Findings, Challenges and Recommendations

Responding to the Great Recession's negative impact on the financial security of non-custodial parents, DOR and the Court set out to streamline the child support modification process in Massachusetts. "Developing and Testing a Streamlined Modification Process for Newly Unemployed Obligor", Grant #90FD0157, supported efforts to accomplish this goal, and offered a valuable opportunity to design a pilot project and test a new approach. The adopted approach introduced three innovative features: (1) a simplified one-page complaint combined with a motion for temporary orders, i.e., the complaint/motion; (2) an expedited scheduling process; and, (3) notice by first-class mail instead of service by constable.

To assess the impact of these innovative features, information was extracted on a sample of modification cases filed in Bristol County before and after the introduction of the new approaches. Ultimately, case processing and outcome patterns were compared for 199 modification cases filed in 2009 ("pre-pilot sample") and 737 filed in May to December 2011 ("pilot cases"). The pilot procedures were limited to cases with medical and child support issues and excluded cases with custody, visitation and other issues that can be time-consuming. To gather feedback on the new approaches, surveys were administered to stakeholders and litigants.

The following summarizes key findings from the analysis of data extracted on modification cases processed before and after the introduction of the pilot's innovative forms and procedures. It shows that the new approaches tested in the pilot project succeeded in streamlining the modification process and that they were well-received by parties and interested stakeholders. The results of this project suggest that the extension of the pilot forms and procedures to all court divisions throughout Massachusetts could benefit participants statewide.

Key Findings

The pilot succeeded in serving the target population, i.e., obligors affected by the Great Recession, seeking to modify their child and/or medical support orders, but was also used by obligees.

- Nearly three-quarters of modification requests in both sets of cases were filed on behalf of obligors, with job loss being the most cited reason for the request.
- The incidence of filings due to the obligors' declining economic situation rose from 50 percent in the pre-pilot sample to 83 percent in pilot cases.
- The pilot's instructional forms, the accelerated scheduling of hearings, and the use of first-class mail for notice extended to all IV-D customers seeking only to modify a child and/or medical support order in the Bristol Division and was used by obligors and obligees.

The innovative complaint and motion forms simplified the filing process for pro se parties and saved time for court staff.

**Streamlining the Child Support Modification Process
Bristol County, Massachusetts**

- Surveyed pro se filers found the pilot forms easy to understand and complete. Unlike generic forms not specific to any issue, the checkbox list of commonly cited reasons for seeking relief provided pro se filers an easy way to present why they were seeking modification.
- Surveyed court personnel viewed the checkbox list as very helpful. Nearly all reported it required less time to instruct parties on how to complete the pilot forms. In particular, the combined complaint/motion cut down on paperwork and its associated processing.

The complaint/motion and its expedited scheduling process was extremely popular among parties and widely endorsed by stakeholders.

- Parties seeking to modify judgments overwhelmingly chose the combined complaint/motion form over the pilot complaint (only) form. Getting a hearing date at the time of filing underlies its widespread appeal. More than three-quarters of pro se filers were pleased with the hearing date they received at the time of filing. The expedited scheduling process was endorsed by all private attorneys and nearly all court and agency staff.

Assignment of a hearing date at the time of filing dramatically reduced the timeframe to the first scheduled court hearing.

- From the date of filing, pilot cases proceeded to first scheduled court hearings much more quickly than in pre-pilot cases. The pilot complaint/motion averaged 30.2 days from the date of filing to the first hearing, a 78 percent reduction compared to a pre-pilot complaint which averaged 140.1 days. A pre-pilot complaint with a separate motion averaged 53.8 days.

Service by first-class mail for all pilot cases markedly reduced the timeframes for serving complaints.

- When first-class mailing dates could be ascertained from court files or DOR records, project staff calculated the average number of days to effectuate service from the date of filing. Using the Mailbox Rule, i.e., service effective upon mailing, the pilot complaint/motion averaged 2.7 days to achieve service from the date of filing. In comparison, service of the pre-pilot complaint averaged 78.3 days, while service of the pre-pilot complaint with a separate motion for temporary orders averaged 25.8 days. With the use of first-class mail, time frames to achieve service for complaints were similar to those found for motions for further temporary orders.

Pilot participants realized significant savings with service by first-class mail.

- In the pre-pilot sample, nearly 62 percent of the complaints filed were served by constable. Standing Order 3-11 established service by first-class mail for all pilot complaints, thereby eliminating the need for service by constable. Given that 66.1 percent of pilot filings were complaints, parties realized substantial savings with service by first-class mail. As an example, the cost to DOR for a constable to serve a single modification complaint in Massachusetts at a last and usual address can be as much as

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Bristol County, Massachusetts**

\$40.00; service in-hand can be as high as \$55.00. For pro se parties unassisted by DOR, the cost can be even higher.

The rates at which first scheduled court hearings were held and the rate of appearance by both parties were high and comparable in both the pre-pilot sample and pilot cases.

- The rate of appearance in pilot cases at which both parties appeared for the first scheduled hearings whether filed by an obligor or obligee was nearly 70 percent. In the pre-pilot sample, the rate of both parties appearing at their scheduled hearing was about 80 percent or greater, regardless of who filed.
- Slightly more than twenty percent of first scheduled hearings did not take place in both sets of cases, primarily due to the failure of a party to appear.

There was a greater incidence of default orders being issued by the Court in pilot cases.

- The incidence of default outcomes was 15 percent in the pilot cases as compared with zero in the pre-pilot sample. One possible explanation is that DOR-originated filings were more than twice as high in the pilot than in the pre-pilot. The agency's far reaching ability to access personal data, including address information, allows DOR to provide the Court with information specific to a non-appearing party's recent address. Given the degree of reliability associated with its representations as to service, default orders often issue upon DOR's request.

The high rate of cases being set for a subsequent hearing in both data sets is evidence of the sometimes lengthy nature of the modification process.

- Cases were continued in 42.6 and 29.2 percent of pre-pilot and pilot cases where an initial court hearing was held, respectively. Most were continued for further review or pre-trial hearing. Continued hearings were often scheduled to monitor and/or address a party's changing circumstances (e.g., job loss, job search and reemployment). When a party's financial circumstances are in flux, it is often impractical for the Court or parties to go to judgment. A temporary order enables the Court to reassess the situation at a later date and either continue the matter for further review or enter a judgment when appropriate.

The incidence of judgments and temporary orders being issued at first scheduled hearings was comparable in the two sets of cases.

- When combined, the rate of judgments and temporary orders issued at first scheduled hearings was virtually identical in both the pre-pilot and the pilot cases. The first scheduled court hearing was held over 75 percent of the time in both sets of cases and more than 85 percent of these hearings resulted in judgments or temporary orders.

The incidence of cases with upward or downward modifications was comparable in the two sets of cases.

**Streamlining the Child Support Modification Process
Bristol County, Massachusetts**

- Where a hearing was held, 70 and 76 percent of the cases in the pre-pilot sample and pilot cases, respectively, were modified either upward or downward.
- Across both sets of cases, obligor filers generally sought reductions of their orders while obligee filers typically sought increases. More than three-quarters of obligor filers in pilot cases (77.3%) obtained downward modifications and nearly two-thirds of obligee filers (60.9%) had their orders increased. This was the case for 69.4 percent of obligor filings and 41.9 percent of obligee filings in the pre-pilot sample.

Challenges

A number of challenges were encountered during the pilot's implementation and should be considered if the pilot's expansion beyond Bristol County is contemplated. They are as follows:

Certain aspects of the project required more time than the partners originally estimated.

- Training and implementation logistics were time-consuming for both the Court and DOR. Websites had to be updated and new links established to introduce the Pilot to customers and the private bar.
- Prior to implementation, training for court personnel in three separate locations (two courthouses and the registry of probate) had to be coordinated. Once implemented, follow up guidance for court staff was required.
- DOR needed to adjust a variety of agency procedures and protocols to accommodate the new pilot. This included developing new scheduling packages and procedures for DOR court sessions, coordinating and conducting trainings for nearly 50 staff members in the DOR regional office serving Bristol County, and working with the centralized customer service center and DOR personnel in other regional offices to make appropriate revisions for those who assist customers with Bristol-based cases.
- It was necessary to implement a formal process for identifying IV-D cases to ensure that all pilot-eligible modifications were identified by court staff for inclusion in the pilot.

Certain questions and issues should be addressed in Standing Order 3-11 prior to any proposed expansion beyond Bristol County.

- Certain questions and issues not addressed in Standing Order 3-11 surfaced after the pilot was implemented. Most pertained to service and notice requirements; others evidenced the need for clarification in Standing Order 3-11, particularly with regard to judicial discretion and/or constraint in certain circumstances. Documented by project staff, these concerns inspired the proposed revisions in the standing order detailed in the recommendations below.

Recommendations

If the new forms and procedures are to continue being used, project staff recommend revisions to Standing Order 3-11. There are several options as to how the pilot could continue, one being

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Bristol County, Massachusetts**

that it remain in effect in the Bristol Division only for continued testing. However, project staff recommend statewide expansion.

Revise and re-enact Standing Order 3-11 to address questions and issues that arose following the pilot's implementation, including:

- Requiring the filing of a certificate of service for pilot complaints on or before the date of hearing;
- Allowing personal, in-hand delivery of a pilot complaint as an additional method of service;
- Clarifying that service by first-class mail applies when a pilot form is not used but a modification complaint addressing only child and/or medical support is filed;
- Requiring seven days' notice to the non-filing party prior to the date of hearing;
- Clarifying actions the Court may take when either the filing party, or neither party, appears for hearing; and
- Permitting a first summons to be reissued at the discretion of the Court and served by first-class mail, rather than issuing a second summons requiring constable service.

Pending the issuance of revised Standing Order 3-11, the pilot procedures should be kept in place in the Bristol Division (See Appendix F)

- The pilot forms and distinctive docketing codes should be kept in place; and
- A docketing code should be assigned for the new certificate of service for tracking purposes.

Expand scope of the streamlining project statewide and implement in increments pursuant to the following three options, of which Option 1 is preferred by project staff.

Option 1 (See Appendix G)

- (a) Keep Bristol pilot in place for IV-D cases only.
- (b) Statewide expansion for IV-D cases only to be implemented in DOR regions and court divisions by the timeline below.
 - i. Remaining Divisions in the Southeast region (Barnstable, Dukes, Nantucket, Norfolk, Plymouth): 4 months from effective date of revised Standing Order 3-11.
 - ii. Western region (Berkshire, Franklin, Hampden, Hampshire): 6 months from effective date of revised Standing Order 3-11.
 - iii. Northern region (Essex and Middlesex): 8 months from effective date of revised Standing Order 3-11.

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Bristol County, Massachusetts**

- iv. Metro and Central regions (Suffolk and Worcester): 8 months from effective date of revised Standing Order 3-11.
- (c) Convene twelve months from the effective date of revised Standing Order 3-11 to evaluate and consider further expansion options:
 - i. Expansion to non-IV-D cases in the Bristol Division, then statewide expansion to non-IV-D cases in all divisions. If it is determined that further expansion will occur, Standing Order 3-11 would need to be revised accordingly.
 - ii. Statewide expansion to non IV-D cases in all divisions. If it is determined that further expansion will occur, Standing Order 3-11 would need to be revised accordingly.

Option 2 (See Appendix H)

- (a) Keep Bristol pilot in place for IV-D cases only.
- (b) Expansion to non-IV-D cases in the Bristol Division upon the effective date of revised Standing Order 3-11.
- (c) Convene six months from the effective date of revised Standing Order 3-11 to evaluate and consider a statewide expansion to IV-D and non IV-D cases, all regions and divisions. If is determined that further expansion will occur, Standing Order 3-11 would need to be revised accordingly.

Option 3 (See Appendix I)

- (a) Keep Bristol pilot in place for IV-D cases only.
- (b) Statewide expansion to IV-D cases only in all regions and divisions six months from the effective date of revised Standing Order 3-11.
- (c) Convene twelve months from effective date of revised Standing Order 3-11 to evaluate and consider a statewide expansion to non-IV-D cases in all regions and divisions. If is determined that further expansion will occur, Standing Order 3-11 would need to be revised accordingly.

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Appendix A. Economic Data

**Streamlining the Child Support Modification Process
Bristol County, Massachusetts**

Table A. State and County Quarterly Unemployment Rates 2007-2012 Not Seasonally Adjusted

Year	Month	Bristol County Unemployment Rate	Massachusetts Unemployment Rate
2007	Quarter 1	7	5.1
2007	Quarter 2	5.3	4.4
2007	Quarter 3	5.6	4.4
2007	Quarter 4	5.3	4.1
2008	Quarter 1	7.3	5.1
2008	Quarter 2	6.2	4.9
2008	Quarter 3	7.1	5.5
2008	Quarter 4	7.8	6
2009	Quarter 1	11.2	8
2009	Quarter 2	10.3	8
2009	Quarter 3	10.8	8.5
2009	Quarter 4	10.8	8.3
2010	Quarter 1	12.9	9.3
2010	Quarter 2	10.7	8.2
2010	Quarter 3	10.3	8.1
2010	Quarter 4	9.9	7.6
2011	Quarter 1	11.7	8.2
2011	Quarter 2	9.9	7.3
2011	Quarter 3	9.8	7.3
2011	Quarter 4	8.8	6.6
2012	Quarter 1	10.3	7.2

Retrieved on May 15, 2012 from http://lmi2.detma.org/lmi/lmi_lur_a.asp#4.

**Streamlining the Child Support Modification Process
Bristol County, Massachusetts**

Table B. National and State Quarterly Unemployment Rates 2007-2012 Seasonally Adjusted			
Year	Month	Massachusetts Unemployment Rate	National Unemployment Rate
2007	Quarter 1	7.3	8.3
2007	Quarter 2	8.1	9.3
2007	Quarter 3	8.5	9.6
2007	Quarter 4	8.7	9.9
2008	Quarter 1	4.6	5
2008	Quarter 2	4.9	5.3
2008	Quarter 3	5.6	6
2008	Quarter 4	6.4	6.9
2009	Quarter 1	7.3	8.3
2009	Quarter 2	8.1	9.3
2009	Quarter 3	8.5	9.6
2009	Quarter 4	8.7	9.9
2010	Quarter 1	8.7	9.8
2010	Quarter 2	8.4	9.6
2010	Quarter 3	8.2	9.5
2010	Quarter 4	8	9.6
2011	Quarter 1	7.7	9
2011	Quarter 2	7.4	9
2011	Quarter 3	7.3	9.1
2011	Quarter 4	7	8.7
2012	Quarter 1	6.8	8.3

Retrieved on May 15, 2012 from http://lmi2.detma.org/lmi/lmi_lur_a.asp.

Appendix B. Pilot Modification Procedures and Forms

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department**

Bristol Division

Docket No. _____

**COMPLAINT FOR MODIFICATION OF CHILD SUPPORT AND/OR MEDICAL SUPPORT
WITH MOTION FOR TEMPORARY ORDERS**

_____, Plaintiff v. _____, Defendant

COMPLAINT FOR MODIFICATION

1. Plaintiff resides at _____.
(Street Address) (City/Town) (County) (State) (Zip Code)
Defendant resides at _____.
(Street Address) (City/Town) (County) (State) (Zip Code)
2. This Court on _____, ordered that _____, pay \$ _____, per _____
(Date) (Name) (Amount) (Week/Month)
as child support and/or ordered that _____ provide health insurance coverage.
(Name)
3. There is a difference between the amount of the existing order/judgment and the amount that would result from application of the Child Support Guidelines for the following reason(s):

Check all that apply and explain below

- My income and ability to pay child support has substantially decreased due to:**
() job loss or pay cut () injury or disability
- The other parent's income and ability to pay has substantially increased.**
- Change in health insurance.**
- Order needs to be terminated/adjusted due to:**
() emancipation of the child(ren) () reconciliation with other parent
- Other**

Explanation: _____

4. Plaintiff requests that this Court order that the above referenced Judgment be modified.

MOTION FOR TEMPORARY ORDERS

Plaintiff requests that this Court enter a temporary order for the reason(s) stated in Paragraph 3 above, and incorporated herein.

SEE SUMMONS FOR DATE OF HEARING

Signature of Plaintiff (if pro se) or Attorney
Print Name: _____
Address: _____

Date: _____
Telephone Number: _____
BBO Number: _____

BPIVDMODTO

The within motion is hereby [] **ALLOWED** [] **DENIED**

Date

Justice of the Probate and Family Court

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department**

Bristol Division

Docket No. _____

**SECOND SUMMONS AND NOTICE
ON
COMPLAINT FOR MODIFICATION OF CHILD SUPPORT AND/OR MEDICAL SUPPORT
WITH MOTION FOR TEMPORARY ORDERS**

_____, Plaintiff

v.

_____, Defendant

To _____, the above named Defendant:

- You are **required** to appear at the Bristol Division of the Probate and Family Court located in _____ on _____, 2011, at _____ a.m./p.m. for a hearing in connection with the attached Complaint for Modification of Child Support and/or Medical Support with Motion for Temporary Orders.
- You are **not required** to serve or file a written answer to the attached Complaint for Modification of Child Support and/or Medical Support with Motion for Temporary Orders.
- You must bring everything that you have that may help to resolve the child support issues. In particular, remember to bring:

-photo identification (driver's license)	-current paycheck stubs
-most recent tax return with W-2 and 1099 forms	-the enclosed Financial Statement
-copies of other child support orders if you have them	-proof of child support already paid or being paid even if there is no order
-documentation of your health insurance costs	

- On the day you are scheduled to appear, the matter may, with the agreement of the parties, go to judgment.
- If you fail to appear, the Court may still enter a modified child and/or medical support order.

Witness, Hon. Anthony Nesi, First Justice of said Court at _____, this _____ day of _____, 2011.

BPSSUNI

Register of Probate

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department**

Bristol Division

Docket No. _____

**MOTION FOR FURTHER TEMPORARY ORDERS
TO CHANGE CHILD SUPPORT AND/OR MEDICAL SUPPORT**

_____, Plaintiff v. _____, Defendant

_____, Plaintiff Defendant, requests that the
(Name)

Court enter a further temporary order to change child support and/or medical support for the following reason (s):

Check all that apply and explain below

- My income and ability to pay child support has substantially decreased due to:**
() job loss or pay cut () injury or disability
- The other parent's income and ability to pay has substantially increased.**
- Change in health insurance.**
- Order needs to be terminated/adjusted due to:**
() emancipation of the child(ren) () reconciliation with other parent
- Other**

Explanation: _____

Date: _____

(Signature of Moving Party (if pro se) or Attorney)

(Print name)

(Street address)

(City or Town) (State) (Zip Code)

Tel No. _____

B.B.O. # _____

NOTICE OF HEARING

This motion will be heard at the Probate & Family Court

in _____
(City)

on _____
(Month/Day/Year)

at _____
(Time of hearing)

The within motion is hereby **ALLOWED** **DENIED**

Date

Justice of the Probate and Family Court

BPMFTO

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Bristol Division

Docket No. _____

COMPLAINT FOR MODIFICATION OF CHILD SUPPORT AND/OR MEDICAL SUPPORT

_____, Plaintiff v. _____, Defendant

1. Plaintiff resides at _____.
(Street Address) (City/Town) (County) (State) (Zip Code)
Defendant resides at _____.
(Street Address) (City/Town) (County) (State) (Zip Code)
2. This Court on _____, ordered that _____, pay \$ _____, per _____
(Date) (Name) (Amount) (Week/Month)
as child support and/or ordered that _____ provide health insurance coverage.
(Name)
3. There is a difference between the amount of the existing order/judgment and the amount that would result from application of the Child Support Guidelines for the following reason(s):

Check all that apply and explain below

- My income and ability to pay child support has substantially decreased due to:**
() job loss or pay cut () injury or disability
- The other parent's income and ability to pay has substantially increased.**
- Change in health insurance.**
- Order needs to be terminated/adjusted due to:**
() emancipation of the child(ren) () reconciliation with other parent
- Other**

Explanation: _____

4. Plaintiff requests that this Court order that the above referenced Judgment be modified.

Signature of Plaintiff (if pro se) or Attorney

Print Name: _____

Address: _____

Date: _____

Telephone Number: _____

BBO Number: _____

BPIVDMOD

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department

Bristol Division

Docket No. _____

SUMMONS
ON
COMPLAINT FOR MODIFICATION OF CHILD SUPPORT AND/OR MEDICAL SUPPORT

_____, Plaintiff

v.

_____, Defendant

To _____, the above named Defendant:

- You are **required** to appear at the Bristol Division of the Probate and Family Court located in _____ on _____, 2011, at _____ a.m./p.m. for a case management conference in connection with the attached Complaint for Modification of Child Support and/or Medical Support.
- You must bring everything that you have that may help to resolve the child support issues. In particular, remember to bring:
 - photo identification (driver's license)
 - most recent tax return with W-2 and 1099 forms
 - copies of other child support orders if you have them
 - documentation of your health insurance costs
 - current paycheck stubs
 - the enclosed Financial Statement
 - proof of child support already paid or being paid even if there is no order
- On the day you are scheduled to appear, the matter may, with the agreement of the parties, go to judgment.
- If you fail to appear, the Court may still enter a modified child and/or medical support order.

Witness, Hon. Anthony Nesi, First Justice of said Court at _____, this _____ day of _____, 2011.

**Commonwealth of Massachusetts
The Trial Court
Probate and Family Court Department**

Bristol Division

Docket No. _____

**SECOND SUMMONS
ON
COMPLAINT FOR MODIFICATION OF CHILD SUPPORT AND/OR MEDICAL SUPPORT**

_____, Plaintiff

v.

_____, Defendant

To _____, the above named Defendant:

- You are **required** to appear at the Bristol Division of the Probate and Family Court located in _____ on _____, 2011, at _____ a.m./p.m. for a case management conference in connection with the attached Complaint for Modification of Child Support and/or Medical Support.
- You must bring everything that you have that may help to resolve the child support issues. In particular, remember to bring:
 - photo identification (driver's license)
 - most recent tax return with W-2 and 1099 forms
 - copies of other child support orders if you have them
 - documentation of your health insurance costs
 - current paycheck stubs
 - the enclosed Financial Statement
 - proof of child support already paid or being paid even if there is no order
- On the day you are scheduled to appear, the matter may, with the agreement of the parties, go to judgment.
- If you fail to appear, the Court may still enter a modified child and/or medical support order.

Witness, Hon. Anthony Nesi, First Justice of said Court at _____, this _____ day of _____, 2011.

BPSSUI

Register of Probate

Standing Order 3 - 11
Modification Pilot Program
for IV-D cases in the Bristol Division of the Probate and Family Court

In an effort to explore the possibility of streamlining the modification process in the Probate and Family Court, the following procedures will be implemented for all IV-D cases in the Bristol Division that seek a modification of child support and/or medical support. If the pilot is successful, these procedures may be implemented statewide.

A. Application

These procedures apply to all IV-D cases filed in the Bristol Probate and Family Court, including those filed by private counsel, parties on a *pro se* basis and/or by DOR, that involve a request for modification of child and/or medical support only.

These procedures do not apply to complaints for modification that seek a change in custody and/or visitation, nor can these procedures be used to address the issues of custody and/or visitation.

B. Forms and Procedures

For cases that have previously gone to judgment:

1. A unified, one-page form that combines a complaint for modification and motion for temporary orders for child or medical support only. The unified complaint and temporary motion form will be accompanied by a summons establishing a hearing date on the return day. The hearing date will be set by the Court when issuing the summons.

OR

2. A complaint for modification of child or medical support only (no motion). Those parties who choose not to use the unified form, may use the simplified complaint form. The summons for this complaint will establish a date for a case management conference. The date of the case management conference will be no earlier than 45 days from the date the complaint was filed. The case management conference date will be set by the Court when issuing the summons.

For cases where there is an open complaint and a support order has previously been established:

1. A simplified form for a motion for further temporary orders is available. The hearing date will be included on the motion.

C. Service of Process

Service by first-class mail will be used on a routine basis for all pilot cases.

D. Proof of Notice

1. If the defendant does not appear for the hearing or case management conference in response to first class mail service, a judge may still proceed if there is proof of actual notice. Proof of actual notice, includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming hearing/matter; or (c) the filing party testifies that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred.

2. If proof of actual notice is not established, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases. Mass. R. Dom. Rel. P. 4 (d). A new summons shall issue.

E. Effect of Non-attendance

If, after notice, a party does not attend the hearing or case management conference, the judge may require the party to pay the costs and/or lost wages of the other party and/or enter a default support and/or medical support order.

Effective Date:
May 16, 2011

Appendix C. Data Collection Form for Pre-Pilot Sample



CPR ID Number: _____

**Please note: One mother/One father = One case
(Regardless of the number of children covered by orders)**

Date from which case was sampled: _____/_____/_____

Date of data collection: _____/_____/_____

Party for whom Complaint/Request for Modification was filed: Obligor Obligee Joint request Other

Obligee is: Mother Father Other

Was a contempt action served or a contempt hearing set within 90 days of the filing of this Complaint/Request for Modification? Yes No Unknown

If the obligor filed, as of date of filing:	
How many orders does this party have as an obligor.....	_____
Number of these cases in Bristol County:	_____
Number of these cases in Massachusetts, but outside Bristol County:	_____
Number of these cases outside Massachusetts:	_____
Total current monthly support amount due across all orders:	_____
Total number of children covered by these orders:	_____
Total arrears (across all orders):	_____
Total amount due per month towards arrears (across all orders):	_____
Total interest and penalties due per month (across all orders):	_____
For how many Bristol County cases is a modification being sought?	

Streamlining Modifications in Massachusetts



CPR ID Number: _____

Where does the party seeking the modification live? In Massachusetts in Bristol County
 In Massachusetts, not in Bristol County
 Outside Massachusetts

Where does the other party live? In Massachusetts in Bristol County
 In Massachusetts, not in Bristol County
 Outside Massachusetts

Is this to modify a judgment or a temporary order? Judgment
 Temporary order

Who filed the complaint/motion? Obligor/Obligee
 DOR relative to *pro se* motion
 DOR

Underlying complaint/motion: Divorce
 Support for married parties (32F)
 Support for unmarried (209C)
 Custody or visitation
 Paternity
 UIFSA

How many children are covered by this order?

Date on the order for which a modification is sought: Month Day Year

Amount of the order for which a modification is sought: \$ _____ Payment is:
 Weekly
 Bi-weekly
 Monthly
 Other _____

Order for which a modification is sought was: A contested order
 A default order
 A stipulation
 Other

Date party made initial DOR contact regarding modification: Month Day Year Not applicable

Type of assistance party was seeking: Information
 Pro se modification package
 Service of process assistance

Date DOR sent *Pro Se* Modification package (PSM) complaint/motion to the part: Month Day Year Not applicable

Date party returned the PSM complaint/motion to DOR: Month Day Year Not applicable

Date DOR forwarded the PSM complaint/motion to court: Month Day Year Not applicable

Date court received complaint/motion: Month Day Year Not applicable



If a complaint for modification was filed, was a motion for temporary order also filed? Yes
 No
 Not applicable, complaint for modification not filed

Date on which complaint for modification was filed: Month Day Year Not applicable

Date on which motion was filed: Month Day Year Not applicable

Reasons for complaint/motion: (check all that apply)

<input type="checkbox"/> Obligor lost job	<input type="checkbox"/> Obligor increase in pay
<input type="checkbox"/> Obligee lost job	<input type="checkbox"/> Obligee increase in pay
<input type="checkbox"/> Obligor cut in pay	<input type="checkbox"/> Injured or disabled
<input type="checkbox"/> Obligee cut in pay	<input type="checkbox"/> Change in health insurance
<input type="checkbox"/> Incarcerated	<input type="checkbox"/> change in parenting time
<input type="checkbox"/> Cannot afford	<input type="checkbox"/> Change in custody
<input type="checkbox"/> Second family	<input type="checkbox"/> Not specified
<input type="checkbox"/> 3+ years since last review	<input type="checkbox"/> Other _____
<input type="checkbox"/> Emancipation	

Other issues raised in conjunction with complaint/motion: Custody Emancipation
 Visitation Other _____

At time of filing modification complaint/motion, which parties were represented by attorney: Obligor Both
 Obligee Neither

Date DOR received the summons to be served: Month Day Year Not applicable

Method of service:

- Acceptance of service
- Constable served
 - In hand
 - At last address followed by first class mail
- In accordance with rules of other state
 - Certified mail
 - First class mail
- Out of state service
- First class mailing of motion
- No indication

Date of effective service: Month Day Year No effective service

Number of attempts at service: One Four
 Two Five
 Three More than five

Parties filing Affidavit of Indigency: Obligor Both
 Obligee Neither



CPR ID Number: _____

Total number of procedures: _____

For each procedure that **was scheduled**, please indicate the following:

Date	Procedure (check all applicable)	Attending (check all applicable)	
____/____/____	<input type="checkbox"/> Case management conference <input type="checkbox"/> Pre-trial conference <input type="checkbox"/> Case conference <input type="checkbox"/> Motion hearing <input type="checkbox"/> Review hearing <input type="checkbox"/> Trial <input type="checkbox"/> Temporary order hearing <input type="checkbox"/> Block Time <input type="checkbox"/> Non-Block Time	<input type="checkbox"/> Obligor, in person <input type="checkbox"/> Obligor, telephonically <input type="checkbox"/> Obligee, in person <input type="checkbox"/> Obligee, telephonically	<input type="checkbox"/> Obligor attorney <input type="checkbox"/> Obligee attorney <input type="checkbox"/> Cannot determine

Outcome (check all applicable)		
<input type="checkbox"/> Held <input type="checkbox"/> Continued <input type="checkbox"/> Taken off list <input type="checkbox"/> Rescheduled <input type="checkbox"/> Temporary order <input type="checkbox"/> Judgment <input type="checkbox"/> Dismissed <input type="checkbox"/> Stipulation <input type="checkbox"/> Default <input type="checkbox"/> Contested trial <input type="checkbox"/> No change in order level <input type="checkbox"/> Order modified upward to \$_____ per _____ <input type="checkbox"/> week <input type="checkbox"/> bi-weekly <input type="checkbox"/> monthly <input type="checkbox"/> other <input type="checkbox"/> Order modified downward to \$_____ per _____ <input type="checkbox"/> week <input type="checkbox"/> bi-weekly <input type="checkbox"/> monthly <input type="checkbox"/> other	Court file reason(s) not held: <input type="checkbox"/> Obligor failed to appear <input type="checkbox"/> Obligee failed to appear <input type="checkbox"/> Ineffective SOP <input type="checkbox"/> Ineffective notice <input type="checkbox"/> Incomplete paperwork <input type="checkbox"/> No information <input type="checkbox"/> Not apparent from court file <input type="checkbox"/> Other _____ <input type="checkbox"/> Not applicable	DOR file reason(s) not held: <input type="checkbox"/> Obligor failed to appear <input type="checkbox"/> Obligee failed to appear <input type="checkbox"/> Ineffective SOP <input type="checkbox"/> Ineffective notice <input type="checkbox"/> Incomplete paperwork <input type="checkbox"/> No information <input type="checkbox"/> Not apparent from DOR file <input type="checkbox"/> Other _____ <input type="checkbox"/> Not applicable
Retroactive to <input type="checkbox"/> Date of hearing <input type="checkbox"/> Date of service <input type="checkbox"/> Other date: ____/____/____ <input type="checkbox"/> Not retroactive If modified, reason: <input type="checkbox"/> Obligor lost job <input type="checkbox"/> Obligee lost job <input type="checkbox"/> Obligor cut in pay <input type="checkbox"/> Obligee cut in pay <input type="checkbox"/> Incarcerated <input type="checkbox"/> Cannot afford	<input type="checkbox"/> Second family <input type="checkbox"/> 3+ years since last review <input type="checkbox"/> Emancipation <input type="checkbox"/> Obligor increase in pay <input type="checkbox"/> Obligee increase in pay <input type="checkbox"/> Injured or disabled	<input type="checkbox"/> Change in health insurance <input type="checkbox"/> Change in parenting time <input type="checkbox"/> Change in custody <input type="checkbox"/> Not specified <input type="checkbox"/> Reconciliation <input type="checkbox"/> Other _____

Was there income information for the OBLIGOR ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, source of information:	<input type="checkbox"/> Pay stubs <input type="checkbox"/> Tax return <input type="checkbox"/> Obligee report <input type="checkbox"/> W2 form(s) <input type="checkbox"/> COMETS income earnings	<input type="checkbox"/> Employer letter <input type="checkbox"/> Financial statement <input type="checkbox"/> Mass Tax Qrtly Report <input type="checkbox"/> Other _____
---	--	--

Was there income information for the OBLIGEE ? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, source of information:	<input type="checkbox"/> Pay stubs <input type="checkbox"/> Tax return <input type="checkbox"/> Obligee report <input type="checkbox"/> W2 form(s)	<input type="checkbox"/> Employer letter <input type="checkbox"/> Financial statement <input type="checkbox"/> Other _____
---	---	--

Any indication that income was imputed/attribution for either party?	<input type="checkbox"/> Yes, for party seeking modification <input type="checkbox"/> Yes, for other party <input type="checkbox"/> No
--	--

If income was imputed/attribution, is there any indication that the income was disputed?	<input type="checkbox"/> Yes, by party seeking modification <input type="checkbox"/> Yes, by other party <input type="checkbox"/> No
--	--

Appendix D. Data Collection Form for Pilot Cases



Please note: One mother/One father = One case
(Regardless of the number of children covered by orders)

Date of data collection: ____/____/____

Party for whom Complaint/Request for Modification was filed: Obligor Obligee Joint request
 Guardian/Grantee Other _____

Obligee is: Mother Father Guardian/Grantee Other

Was a contempt action filed, served or a contempt hearing set within 90 days of the filing of this Complaint/Request for Modification? Yes No Unknown

As known to MA DOR CSE Records

If the obligor filed, as of date of filing:
How many orders does this party have as an obligor.....

Number of these cases in Bristol County: _____

Number of these cases in Massachusetts, but outside Bristol County: _____

Number of these cases outside Massachusetts: _____

Total arrears (this order) _____

Total interest and penalties due (this order): _____

Total current monthly support amount due across all orders: _____

Total number of children covered by these orders: _____

Total arrears (across all orders): _____

Total interest and penalties (across all orders): _____

For how many Bristol County cases is a modification being sought? _____



Where does the party seeking the modification live? In Massachusetts in Bristol County
 In Massachusetts, not in Bristol County
 Outside Massachusetts

Where does the other party live? In Massachusetts in Bristol County
 In Massachusetts, not in Bristol County
 Outside Massachusetts

Is this to modify a judgment or a temporary order? Judgment
 Temporary order

Who filed the complaint/motion? Obligor/Obligee *pro se*
 Obligor/Obligee by private counsel
 DOR relative to *pro se* complaint/motion
 DOR
 Guardian/Grantee
 Other: _____

Underlying complaint/motion: Divorce
 Support for married parties (32F)
 Support for unmarried (209C)
 Custody or visitation
 Paternity
 UIFSA

How many children are covered by this order? _____

Date of the order for which a modification is sought: Month Day Year

Amount of the order for which a modification is sought: No money order \$ _____ Payment is:
 Weekly
 Bi-weekly
 Monthly
 Other _____

Order for which a modification is sought was: A contested order
 A default order
 A stipulation incorporated into an order
 Other

Did Party contact DOR regarding a change affecting financial circumstances? Yes If yes, date: Month Day Year
 No

Did party and DOR discuss modification? Yes If yes, date: Month Day Year
 No

Did DOR provide any assistance? Yes If yes, assistance provided:
 No Information
 Service of process help
 Pro se Mod package
 Not apparent



Date DOR sent *Pro Se* Modification package (PSM) complaint/motion to the party: _____
 Month _____ Day _____ Year _____ Not applicable

Date DOR received the PSM complaint/motion from the party: _____
 Month _____ Day _____ Year _____ Not applicable
 Not returned

Date DOR Legal received PSM complaint/motion: _____
 Month _____ Day _____ Year _____ Not applicable

Date DOR forwarded the PSM complaint/motion to court: _____
 Month _____ Day _____ Year _____ Not applicable

What was filed: _____ Filing date(s): _____ Filing date(s): _____

Pilot Complaint w/Motion (Commotion) _____
 Pilot Complaint only _____
 Pilot Complaint, and separate motion for T/O _____ separate motion: _____
 Pilot Motion for Further Temporary Orders _____

Reasons for complaint/motion: (check all that apply)

<input type="checkbox"/> Obligor lost job	<input type="checkbox"/> Obligor increase in pay
<input type="checkbox"/> Obligee lost job	<input type="checkbox"/> Obligee increase in pay
<input type="checkbox"/> Obligor cut in pay	<input type="checkbox"/> Injured or disabled
<input type="checkbox"/> Obligee cut in pay	<input type="checkbox"/> Change in health insurance or health costs
<input type="checkbox"/> Incarcerated	<input type="checkbox"/> Change in parenting time
<input type="checkbox"/> Cannot afford	<input type="checkbox"/> Change in custody
<input type="checkbox"/> Second family to support	<input type="checkbox"/> Reconciliation
<input type="checkbox"/> 3+ years since last review	<input type="checkbox"/> Unemployment benefits ended/ran out
<input type="checkbox"/> Emancipation	<input type="checkbox"/> Military deployment
<input type="checkbox"/> No prior order	<input type="checkbox"/> Obligor receives SSI
<input type="checkbox"/> \$0 order	<input type="checkbox"/> Obligee receives SSI
<input type="checkbox"/> Child older, increased costs/cost of living	<input type="checkbox"/> Not specified
<input type="checkbox"/> Obligor receiving SSDI benefits	<input type="checkbox"/> Other _____
<input type="checkbox"/> Child(ren) receiving SSDI dependency benefits	

Other issues raised in conjunction with complaint/motion: _____

<input type="checkbox"/> Custody	<input type="checkbox"/> Arrearages
<input type="checkbox"/> Visitation	<input type="checkbox"/> DOR Admin remedies
<input type="checkbox"/> Emancipation	<input type="checkbox"/> None
	<input type="checkbox"/> Other _____

At time of filing modification complaint/motion, which parties were represented by attorney: _____

<input type="checkbox"/> Obligor	<input type="checkbox"/> Both
<input type="checkbox"/> Obligee	<input type="checkbox"/> Neither

Since the filing of the Pilot form(s), have any other complaints and/or motions been filed?
 Yes
 No

Explain (who filed, what was filed, when filed, and why):



Date DOR received the (1st) summons (or the pilot motion for further temporary orders) to be served: _____
Month Day Year Not applicable

Service:

- First class mail**
 - Certificate of Service filed by:
 - pro se party
 - private attorney
 - DOR
 - Court finding
 - Other: _____
- Certified Mail**
- Constable served (Affidavit)**
 - In hand
 - At last address followed by 1st class mail
- Acceptance of service**
- Out of State Service**
 - First class mail
 - Certificate of Service filed by:
 - pro se party
 - private attorney
 - DOR
 - Court finding
 - Other: _____
 - Certified mail
 - In accordance with rules of other state
- No service (i.e. no attempt at service was made)**
- Ineffective service (i.e. attempt at service was made)**
- No indication**

Notes about service: _____

Date of service of 1st Summons: _____
(if it can be determined) Month Day Year No effective service



Total number of events: _____ For each event that **was scheduled**, please indicate the following:

Date	Event	Attending (check all applicable)	
____/____/____ <input type="checkbox"/> Block Time <input type="checkbox"/> Non-Block Time	<input type="checkbox"/> Case management conference	<input type="checkbox"/> Obligor, in person	<input type="checkbox"/> Obligor attorney
	<input type="checkbox"/> Pre-trial conference	<input type="checkbox"/> Obligor, telephonically	<input type="checkbox"/> Obligee attorney
	<input type="checkbox"/> Case conference	<input type="checkbox"/> Obligee, in person	<input type="checkbox"/> Cannot determine
	<input type="checkbox"/> Motion hearing	<input type="checkbox"/> Obligee, telephonically	
	<input type="checkbox"/> Review hearing		
	<input type="checkbox"/> Trial		
	<input type="checkbox"/> Temporary order hearing		

Outcome (check all applicable)			
<input type="checkbox"/> Held	Court file reason(s) not held:		DOR file reason(s) not held:
<input type="checkbox"/> Continued	<input type="checkbox"/> Obligor failed to appear	<input type="checkbox"/> Obligor failed to appear	<input type="checkbox"/> Obligor failed to appear
<input type="checkbox"/> Taken off list	<input type="checkbox"/> Obligee failed to appear	<input type="checkbox"/> Obligee failed to appear	<input type="checkbox"/> Obligee failed to appear
<input type="checkbox"/> Rescheduled	<input type="checkbox"/> Ineffective SOP	<input type="checkbox"/> Ineffective SOP	<input type="checkbox"/> Ineffective SOP
<input type="checkbox"/> Temporary order	<input type="checkbox"/> Ineffective notice	<input type="checkbox"/> Ineffective notice	<input type="checkbox"/> Ineffective notice
<input type="checkbox"/> Judgment	<input type="checkbox"/> Incomplete paperwork	<input type="checkbox"/> Incomplete paperwork	<input type="checkbox"/> Incomplete paperwork
<input type="checkbox"/> Dismissed <input type="checkbox"/> Denied	<input type="checkbox"/> No information	<input type="checkbox"/> No information	<input type="checkbox"/> No information
<input type="checkbox"/> Stipulation	<input type="checkbox"/> Not apparent from court file	<input type="checkbox"/> Not apparent from DOR file	<input type="checkbox"/> Not apparent from DOR file
<input type="checkbox"/> Default	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____
<input type="checkbox"/> Contested	<input type="checkbox"/> Not applicable	<input type="checkbox"/> Not applicable	<input type="checkbox"/> Not applicable
<input type="checkbox"/> No change in order level			
<input type="checkbox"/> Order modified upward to \$ _____ per	<input type="checkbox"/> week	<input type="checkbox"/> bi-weekly	<input type="checkbox"/> monthly
<input type="checkbox"/> Order modified downward to \$ _____ per	<input type="checkbox"/> week	<input type="checkbox"/> bi-weekly	<input type="checkbox"/> monthly
<input type="checkbox"/> Order Suspended / Terminated / Vacated (circle one)			
Retroactive to <input type="checkbox"/> Date of hearing	<input type="checkbox"/> Date of service	<input type="checkbox"/> Other date: ____/____/____	<input type="checkbox"/> Not retroactive
If modified, reason:			
<input type="checkbox"/> Obligor lost job	<input type="checkbox"/> Second family	<input type="checkbox"/> Change in health insurance	
<input type="checkbox"/> Obligee lost job	<input type="checkbox"/> 3+ years since last review	<input type="checkbox"/> Change in parenting time	
<input type="checkbox"/> Obligor cut in pay	<input type="checkbox"/> Emancipation	<input type="checkbox"/> Change in custody	
<input type="checkbox"/> Obligee cut in pay	<input type="checkbox"/> Obligor increase in pay	<input type="checkbox"/> Not specified	
<input type="checkbox"/> Incarcerated	<input type="checkbox"/> Obligee increase in pay	<input type="checkbox"/> Reconciliation	
<input type="checkbox"/> Cannot afford	<input type="checkbox"/> Injured or disabled	<input type="checkbox"/> Other _____	
Case continued? <input type="checkbox"/> Yes <input type="checkbox"/> No	Reason for continuance: _____		

Was there income information for the OBLIGOR ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, source of information:	<input type="checkbox"/> Pay stubs <input type="checkbox"/> DOR wage information <input type="checkbox"/> Tax return provided by party <input type="checkbox"/> Employer letter <input type="checkbox"/> Obligee report <input type="checkbox"/> Financial statement <input type="checkbox"/> W2 form(s) <input type="checkbox"/> Other _____

Was there income information for the OBLIGEE ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, source of information:	<input type="checkbox"/> Pay stubs <input type="checkbox"/> DOR wage information <input type="checkbox"/> Tax return provided by party <input type="checkbox"/> Employer letter <input type="checkbox"/> Obligee report <input type="checkbox"/> Financial statement <input type="checkbox"/> W2 form(s) <input type="checkbox"/> Other _____

Any indication that income was imputed/attribution for either party?	<input type="checkbox"/> Yes, for party seeking modification <input type="checkbox"/> Yes, for other party <input type="checkbox"/> No
--	--

If income was imputed/attribution, is there any indication that the income was disputed?	<input type="checkbox"/> Yes, by party seeking modification <input type="checkbox"/> Yes, by other party <input type="checkbox"/> No
--	--



SECOND SUMMONS INFORMATION
(when applicable)

Date DOR received the (2nd) summons to be served: Month Day Year Not applicable

Service:

- First class mail**
 - Certificate of Service filed by:
 - pro se party
 - private attorney
 - DOR
 - Court finding
 - Other: _____
- Certified Mail**
- Constable served**
 - In hand
 - At last address followed by 1st class mail
- Acceptance of service**
- Out of State Service**
 - First class mail
 - Certificate of Service filed by:
 - pro se party
 - private attorney
 - DOR
 - Court finding
 - Other: _____
 - Certified mail
 - In accordance with rules of other state
- No indication**
- No Service**

Notes about service: _____

Date of effective service of 2nd Summons: Month Day Year No effective service
(when applicable)

Number of attempts at service for 2nd Summons: One Four
 Two Five
 Three More than five

Parties filing Affidavit of Indigency: Obligor Both
 Obligee Neither

Appendix E. Surveys of Stakeholders and Litigants



How do you rate the following statements about the pilot project?

	Very true	Somewhat true	Not true	Not Sure or No Opinion
The pilot forms are being used routinely	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Combining the complaint and motion for temporary orders in a single form simplifies the process for requesting a modification of child support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The pilot forms are easy to understand and use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The pilot forms are more user friendly for pro se parties than standard forms requesting modification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like to continue to use the forms developed for the pilot project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Distributing informational/educational material to pro se parties about the pilot project and pilot forms may be helpful	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relying on first class mail for service to provide notice to the other party is concerning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would like to continue to use first class mail for service for child support modification matters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The moving party typically provides proof of notice or mailing at the first hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A certificate of service would be helpful to show proof of notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proof of service of the pilot complaint and summons by first class mail appears to be as effective as service by constable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service of the pilot complaint and summons by first class mail is not easy to establish at a hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service of the pilot complaint and summons by first class mail has resulted in financial savings for my court/agency/firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It is clear when a second summons should issue in a case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parties get a hearing faster since the pilot project began	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Both parties typically appear at the first hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The appearance rate has improved with the use of first class mail for service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A party often has trouble establishing notice when the other party does not appear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When one party does not appear at the first hearing, proof of actual notice is typically established	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It would be helpful if the court would clarify what happens next when both parties fail to appear	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A support order is typically modified at the first hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The case is usually resolved at the first hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



If you are a **Private Attorney**, how do you rate the following statements about the pilot project?

	Very true	Somewhat true	Not true	Not Sure or No Opinion
I have used the pilot forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I like using the pilot forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I draft my own complaints and don't use the court's forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It is easier to deal with pro se adverse parties in pilot project cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are **Registry Staff, a Register, or Probation Staff** how do you rate the following statements about the pilot project?

	Very true	Somewhat true	Not true	Not Sure or No Opinion
It has been easy to instruct parties how to complete pilot forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pilot forms are faster to process than non-pilot forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Registry staff are frequently approached about problems with first class mail for service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The pilot forms save time for registry staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you are a **Judge or Judicial Staff**, how do you rate the following statements about the pilot project?

	Very true	Somewhat true	Not true	Not Sure or No Opinion
The pilot forms save time for court staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Since the pilot, I have directed a party to serve a second summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Overall how would you rate the effectiveness of the pilot project?

	Excellent	Good	Fair/Poor	Not Sure or No Opinion
Pilot forms developed in the pilot project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Assigning hearing dates at time of filing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Using first class mail for service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall pilot project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What else could be done to improve the modification process in Massachusetts?

Additional comments:

Would you like to be contacted by telephone to discuss your impressions of the pilot project in more detail? If yes, please list your name and best telephone number where you can be reached.



We have been conducting a project to make it easier to file for a modification of a child support. We'd like to know what you think about it. Thanks for the feedback!

Are you?

- Parent with custody
Noncustodial parent
Guardian of the child
Other

Do you have an attorney helping you with your child support case?

- Yes
No
Used to, not now

Have you ever tried to change your child support order in Bristol County (before today)?

- Yes..... If yes, did you have a constable serve the other parent?
No
Yes
Don't recall
No
Not sure

What are you hoping to do?

- Increase the child support order
Decrease the child support order
Stop a health insurance order
Something else?

Why are you at court today?

- To file papers
To attend a court hearing
Other

How easy have the following things been for you?

Table with 4 columns: Very Easy, Somewhat Easy, Not Easy, No opinion. Rows include: Filling out the form?, Using first class mail instead of a constable to serve the other parent?, Understanding what to do next?

What else could DOR and the court do to simplify the modification process?

**Appendix F. Revised Standing Order
for Bristol Division Only**

This draft would be used if only Bristol, only IV-D, and still a pilot.

Standing Order 3 - 11
Modification Pilot Program
for IV-D cases in the Bristol Division of the Probate and Family Court

In an effort to explore the possibility of streamlining the modification process in the Probate and Family Court, the following procedures will be implemented for all IV-D cases in the Bristol Division that seek a modification of child support and/or medical support.

A. Application

These procedures apply to all IV-D cases filed in the Bristol Probate and Family Court, including those filed by private counsel, parties on a pro se basis and/or by DOR, that involve a request for modification of child and/or medical support only.

These procedures do not apply to complaints for modification that seek a change in custody and/or visitation, nor can these procedures be used to address the issues of custody and/or visitation.

B. Forms and Procedures

For cases that have previously gone to judgment:

1. A unified, one-page form that combines a complaint for modification and motion for temporary orders for child or medical support only. The unified complaint and temporary motion form will be accompanied by a summons establishing a hearing date on the return day. The hearing date will be set by the Court when issuing the summons.

OR

2. A complaint for modification of child or medical support only (no motion). Those parties who choose not to use the unified form, may use the simplified complaint form. The summons for this complaint will establish a date for a case management conference. The date of the case management conference will be no earlier than 45 days from the date the complaint was filed. The case management conference date will be set by the Court when issuing the summons.

For cases where there is an open complaint and a support order has previously been established:

1. A simplified form for a motion for further temporary orders is available. The hearing date will be set by the Court and included on the motion.

C. Service

Notwithstanding the form filed, service by first-class mail will be used on a routine basis for all IV-D cases seeking a modification of child or medical support only. When serving a Complaint for Modification with Motion for Temporary Orders form or a Complaint for Modification form, service shall be made on the

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party no later than 7 days prior to the date of the hearing or case management conference. When serving a motion for further temporary orders, service shall be made on the party, or attorney, if applicable.

D. Proof of Notice for Complaint for Modification with Motion for Temporary Orders and Complaint for Modification only

1. A certificate of service must be filed with the Court on or before the date of the hearing or case management conference. The certificate of service shall include who was served, the address service was mailed to, and the date service was mailed. If the defendant is served in hand, a certificate of service must also be filed. The certificate of service shall include who was served, and the date, time and place service was made.
2. If the defendant does not appear for the hearing or case management conference in response to first-class mail service, a judge may still proceed if there is proof of actual notice. Proof of actual notice, includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming hearing/matter; or (c) the filing party testifies that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred.
3. If proof of actual notice is not established at the hearing or case management conference, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases. See Mass. R. Dom. Rel. P. 4 (d). A new summons shall be issued on the date of the hearing or case management conference by the Registry or a judicial case manager.

E. Effect of Non-attendance

1. If, after notice, a party does not attend the hearing or case management conference, the judge may require the party to pay the costs and/or lost wages of the other party and/or enter a default support and/or medical support order.
2. If, after notice, the plaintiff does not attend the hearing or case management conference but the defendant does, and the plaintiff has not filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.
3. If neither party appears for the hearing or case management conference, and neither party has filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.

F. Reissuance of Initial Summons

There may be circumstances where judicial or Registry staff may determine that it is appropriate to reissue an initial summons. These circumstances include, but are not limited to, (a) the plaintiff did not have the defendant's correct address and now has it, and (b) the plaintiff requests a new hearing or case management conference date, prior to the scheduled date.

Effective Date: May 16, 2011. Revised Date: _____.

**Appendix G. Revised Standing Order
Pursuant to Option One**

**This draft would be used if all Divisions, staggered implementation,
only IV-D, and still a pilot.
Option 1**

Standing Order 3 - 11
Modification Pilot Program
for IV-D cases filed in the Probate and Family Court

In an effort to explore the possibility of streamlining the modification process in the Probate and Family Court, the following procedures will be implemented for all IV-D cases that seek a modification of child support and/or medical support.

A. Application

These procedures apply to all IV-D cases filed in the Probate and Family Court, including those filed by private counsel, parties on a pro se basis and/or by DOR, that involve a request for modification of child and/or medical support only.

These procedures do not apply to complaints for modification that seek a change in custody and/or visitation, nor can these procedures be used to address the issues of custody and/or visitation.

B. Forms and Procedures

For cases that have previously gone to judgment:

1. A unified, one-page form that combines a complaint for modification and motion for temporary orders for child or medical support only. The unified complaint and temporary motion form will be accompanied by a summons establishing a hearing date on the return day. The hearing date will be set by the Court when issuing the summons.

OR

2. A complaint for modification of child or medical support only (no motion). Those parties who choose not to use the unified form, may use the simplified complaint form. The summons for this complaint will establish a date for a case management conference. The date of the case management conference will be no earlier than 45 days from the date the complaint was filed. The case management conference date will be set by the Court when issuing the summons.

For cases where there is an open complaint and a support order has previously been established:

1. A simplified form for a motion for further temporary orders is available. The hearing date will be set by the Court and included on the motion.

C. Service

Notwithstanding the form filed, service by first-class mail will be used on a routine basis for all IV-D cases seeking a modification of child or medical support only. When serving a Complaint for Modification with Motion for Temporary Orders form or a Complaint for Modification form, service shall be made on the

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party no later than 7 days prior to the date of the hearing or case management conference. When serving a motion for further temporary orders, service shall be made on the party, or attorney, if applicable.

D. Proof of Notice for Complaint for Modification with Motion for Temporary Orders and Complaint for Modification only

1. A certificate of service must be filed with the Court on or before the date of the hearing or case management conference. The certificate of service shall include who was served, the address service was mailed to, and the date service was mailed. If the defendant is served in hand, a certificate of service must also be filed. The certificate of service shall include who was served, and the date, time and place service was made.
2. If the defendant does not appear for the hearing or case management conference in response to first-class mail service, a judge may still proceed if there is proof of actual notice. Proof of actual notice, includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming hearing/matter; or (c) the filing party testifies that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred.
3. If proof of actual notice is not established at the hearing or case management conference, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases. See Mass. R. Dom. Rel. P. 4 (d). A new summons shall be issued on the date of the hearing or case management conference by the Registry or a judicial case manager.

E. Effect of Non-attendance

1. If, after notice, a party does not attend the hearing or case management conference, the judge may require the party to pay the costs and/or lost wages of the other party and/or enter a default support and/or medical support order.
2. If, after notice, the plaintiff does not attend the hearing or case management conference but the defendant does, and the plaintiff has not filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.
3. If neither party appears for the hearing or case management conference, and neither party has filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.

F. Reissuance of Initial Summons

There may be circumstances where judicial or Registry staff may determine that it is appropriate to reissue an initial summons. These circumstances include, but are not limited to, (a) the plaintiff did not have the defendant's correct address and now has it, and (b) the plaintiff requests a new hearing or case management conference date, prior to the scheduled date.

G. Implementation Dates

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These procedures, as revised, will remain in effect in the Bristol Division.

As of (4 months from the revised date), these procedures will be implemented in the Barnstable, Dukes, Nantucket, Norfolk and Plymouth Divisions.

As of (6 months from the revised date), these procedures will be implemented in the Berkshire, Franklin, Hampden and Hampshire Divisions.

As of (8 months from the revised date), these procedures will be implemented in the Essex, Middlesex, Suffolk and Worcester Divisions.

Effective Date: May 16, 2011. Revised Date: _____.

**Appendix H. Revised Standing Order
Pursuant to Option Two**

**This draft would be used if only Bristol, all child/medical support only cases,
still a pilot.
Option 2**

Standing Order 3 - 11
Modification Pilot Program
for all Child Support and/or Medical Support only cases
filed in the Bristol Division of the Probate and Family Court

To streamline the modification process in the Bristol Division of the Probate and Family Court, the following procedures will be implemented for all cases seeking a modification of child support and/or medical support only.

A. Application

These procedures apply to all cases filed by private counsel, parties on a pro se basis and/or by DOR, that involve a request for modification of child and/or medical support only.

These procedures do not apply to complaints for modification that seek a change in custody and/or visitation, nor can these procedures be used to address the issues of custody and/or visitation.

B. Forms and Procedures

For cases that have previously gone to judgment:

1. A unified, one-page form that combines a complaint for modification and motion for temporary orders for child or medical support only. The unified complaint and temporary motion form will be accompanied by a summons establishing a hearing date on the return day. The hearing date will be set by the Court when issuing the summons.

OR

2. A complaint for modification of child or medical support only (no motion). Those parties who choose not to use the unified form, may use the simplified complaint form. The summons for this complaint will establish a date for a case management conference. The date of the case management conference will be no earlier than 45 days from the date the complaint was filed. The case management conference date will be set by the Court when issuing the summons.

For cases where there is an open complaint and a support order has previously been established:

1. A simplified form for a motion for further temporary orders is available. The hearing date will be set by the Court and included on the motion.

C. Service

Notwithstanding the form filed, service by first-class mail will be used on a routine basis for all cases seeking a modification of child or medical support only. When serving a Complaint for Modification with Motion for Temporary Orders form or a Complaint for Modification form, service shall be made on the

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party no later than 7 days prior to the date of the hearing or case management conference. When serving a motion for further temporary orders, service shall be made on the party, or attorney, if applicable.

D. Proof of Notice for Complaint for Modification with Motion for Temporary Orders and Complaint for Modification only

1. A certificate of service must be filed with the Court on or before the date of the hearing or case management conference. The certificate of service shall include who was served, the address service was mailed to, and the date service was mailed. If the defendant is served in hand, a certificate of service must also be filed. The certificate of service shall include who was served, and the date, time and place service was made.
2. If the defendant does not appear for the hearing or case management conference in response to first-class mail service, a judge may still proceed if there is proof of actual notice. Proof of actual notice, includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming hearing/matter; or (c) the filing party testifies that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred.
3. If proof of actual notice is not established at the hearing or case management conference, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases. See Mass. R. Dom. Rel. P. 4 (d). A new summons shall be issued on the date of the hearing or case management conference by the Registry or a judicial case manager.

E. Effect of Non-attendance

1. If, after notice, a party does not attend the hearing or case management conference, the judge may require the party to pay the costs and/or lost wages of the other party and/or enter a default support and/or medical support order.
2. If, after notice, the plaintiff does not attend the hearing or case management conference but the defendant does, and the plaintiff has not filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.
3. If neither party appears for the hearing or case management conference, and neither party has filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.

F. Reissuance of Initial Summons

There may be circumstances where judicial or Registry staff may determine that it is appropriate to reissue an initial summons. These circumstances include, but are not limited to, (a) the plaintiff did not have the defendant's correct address and now has it, and (b) the plaintiff requests a new hearing or case management conference date, prior to the scheduled date.

Effective Date: May 16, 2011. Revised Date: _____.

**Appendix I. Revised Standing Order
Pursuant to Option Three**

**This draft would be used if all Divisions implemented at same time,
only IV-D, and still a pilot.**

Option 3

Standing Order 3 - 11
Modification Pilot Program
for IV-D cases filed in the Probate and Family Court

In an effort to explore the possibility of streamlining the modification process in the Probate and Family Court, the following procedures will be implemented for all IV-D cases that seek a modification of child support and/or medical support.

A. Application

These procedures apply to all IV-D cases filed in the Probate and Family Court, including those filed by private counsel, parties on a pro se basis and/or by DOR, that involve a request for modification of child and/or medical support only.

These procedures do not apply to complaints for modification that seek a change in custody and/or visitation, nor can these procedures be used to address the issues of custody and/or visitation.

B. Forms and Procedures

For cases that have previously gone to judgment:

1. A unified, one-page form that combines a complaint for modification and motion for temporary orders for child or medical support only. The unified complaint and temporary motion form will be accompanied by a summons establishing a hearing date on the return day. The hearing date will be set by the Court when issuing the summons.

OR

2. A complaint for modification of child or medical support only (no motion). Those parties who choose not to use the unified form, may use the simplified complaint form. The summons for this complaint will establish a date for a case management conference. The date of the case management conference will be no earlier than 45 days from the date the complaint was filed. The case management conference date will be set by the Court when issuing the summons.

For cases where there is an open complaint and a support order has previously been established:

1. A simplified form for a motion for further temporary orders is available. The hearing date will be set by the Court and included on the motion.

C. Service

Notwithstanding the form filed, service by first-class mail will be used on a routine basis for all IV-D cases seeking a modification of child or medical support only. When serving a Complaint for Modification with Motion for Temporary Orders form or a Complaint for Modification form, service shall be made on the party no later than 7 days prior to the date of the hearing or case management conference. When serving a motion for further temporary orders, service shall be made on the party, or attorney, if applicable.

D. Proof of Notice for Complaint for Modification with Motion for Temporary Orders and Complaint for Modification only

1. A certificate of service must be filed with the Court on or before the date of the hearing or case management conference. The certificate of service shall include who was served, the address service was mailed to, and the date service was mailed. If the defendant is served in hand, a certificate of service must also be filed. The certificate of service shall include who was served, and the date, time and place service was made.
2. If the defendant does not appear for the hearing or case management conference in response to first-class mail service, a judge may still proceed if there is proof of actual notice. Proof of actual notice, includes, but is not limited to, (a) the responding party filed an answer to the complaint for modification; (b) the responding party called DOR to inquire about the upcoming hearing/matter; or (c) the filing party testifies that the responding party contacted him or her in response to the complaint. A judge may decline to go forward and hear the case if not satisfied that actual notice occurred.
3. If proof of actual notice is not established at the hearing or case management conference, the Court shall then require service under the existing Massachusetts procedures for domestic relations cases. See Mass. R. Dom. Rel. P. 4 (d). A new summons shall be issued on the date of the hearing or case management conference by the Registry or a judicial case manager.

E. Effect of Non-attendance

1. If, after notice, a party does not attend the hearing or case management conference, the judge may require the party to pay the costs and/or lost wages of the other party and/or enter a default support and/or medical support order.
2. If, after notice, the plaintiff does not attend the hearing or case management conference but the defendant does, and the plaintiff has not filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.

3. If neither party appears for the hearing or case management conference, and neither party has filed a Motion to Continue, the Court shall dismiss the Complaint for Modification with Motion for Temporary Orders or Complaint for Modification.

F. Reissuance of Initial Summons

There may be circumstances where judicial or Registry staff may determine that it is appropriate to reissue an initial summons. These circumstances include, but are not limited to, (a) the plaintiff did not have the defendant's correct address and now has it, and (b) the plaintiff requests a new hearing or case management conference date, prior to the scheduled date.

G. Implementation Dates

These procedures, as revised, will remain in effect in the Bristol Division.

As of (6 months from the revised date), these procedures will be implemented in the remaining divisions of the Probate and Family Court: Barnstable, Berkshire, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk and Worcester.

Effective Date: May 16, 2011. Revised Date: _____.