Implementation of Community Engagement Task Force Recommendations

Friend of the Court’s Fourth Annual Report

The Recommendations of the Friend of the Court Community Engagement Task Force, adopted by the Board of Commissioners on August 24, 2017 (copy attached), requires presentation of this annual report to the Chief Judge and the Board.

Introduction:

The pandemic had a major impact on the bench warrant program and Friend of the Court (FOC) operations in general. In March 2020, a moratorium was placed on FOC warrant arrests. Show cause contempt hearings were significantly delayed, conducted remotely, and dramatically reduced in number. For office operations in general, we continuously updated our website to provide access to information and offered new online services to be even more accessible. With the suspension of in-person services, we offered meetings via Zoom, cell-phone access to case managers, and virtual mediations. Communication was also available through phone contact, 2-way communication through MiChildSupport, e-mail, and on-line virtual appointments. Online forms were modified to enable parents to submit forms electronically for services such as mediation requests, support review packets, change in personal information forms, and parenting time complaints. Drop boxes were installed on the first floor of the building to make it easier to submit information and payments. We continued to meet with the Citizen Advisory Committee (CAC) bi-monthly via Zoom and updated them about the measures we were taking to continue services. Throughout these challenging times, we still exceeded legislative and court-imposed deadlines for support reviews and custody/parenting time investigations. And although it wasn’t possible to utilize all traditional enforcement methods to collect support, staff worked hard to contact delinquent payers and resolve outstanding bench warrants.

The following address the specific Task Force recommendations:

A. Help parents understand and navigate the system early in the process in an effort to prevent cases from evolving to the point of non-compliance.

1. Work with the KCHD, DHHIS, hospitals, and the Prosecutor’s Office to establish and promote a program of early engagement with parents in new paternity cases, including but not limited to DNA testing, custody and parenting time, appropriate support levels, and agency referrals.
Previous reports detailed our work with the Kent County Prosecuting Attorney's Office (PAO) and the Kent County Health Department (KCHD) to develop an early engagement program. This was launched but discontinued for lack of participation. Parents were reluctant to request initiation of a new case. The Friend of the Court (FOC) continues to partner with the PAO to establish parenting time orders at the same time as the initial support order. Under this initiative, where a case is already opened by the PAO, parents who want to address parenting time appear together at the first appointment with the PAO. The PAO will coordinate with the FOC to schedule mediation which will assist the parents in agreeing to a parenting time order.

In addition to the above parenting time initiative, for many years the FOC has been working with the PAO to provide a service called “facilitated parenting time.” Many new orders provide that, within one year after entry, the parents may request the FOC to mediate the issue of parenting time.

The FOC and PAO have a good working relationship and frequently consult each other to determine the appropriate action in specific cases.

2. Assign specific staff member to contact payers by phone upon entry of an order, again with the focus of helping the family navigate the system.

The Early Engagement Program (EEP) continues to reach out to parents with new support orders, especially payers who are defaulted when an order is established. A full-time worker obtains updated information from the payer and provides information about the case and the services that are available. EEP ensures the payer understands what the order requires, and the contact establishes a good relationship with the office early-on. In 2019, EEP either contacted or attempted to contact parties in 1,650 cases. In 2020, this number was 1,477 cases, and year-to-date through July 2021 is 859. Contact may be either by telephone, letter, or e-mail. Referrals are sometimes made to our ADR Department for facilitated parenting time, and to our Resources for Parents Program to assist in finding employment.

3. Provide outreach through community organizations to discuss the resolution of warrants with payers and develop formal partnerships with community organizations like Lifequest and Strong Fathers, and hold non-traditional and community “office hours,” especially in zip codes with historically high numbers of warrants.

Outreaches were suspended as of mid-March 2020 due to the pandemic. As of the date of this report, we are reaching out to our agency partners to hopefully resume outreaches in the near future. We are eager to resume them because they are an important part of client engagement and an excellent way to inform the public in general. In 2019, staff conducted 73 outreaches among the following locations which were attended by 504 persons: MiWorks, 70 x 7 Life Recovery, Hispanic Center, Re-entry KCCF, Salvation Army, and Guiding Light Mission. Most of these are monthly visits, and we post a schedule on our website and on the video screen in our lobby. Staff also
frequently attend other outreaches during non-traditional hours, such as the Hispanic Festival, Pride Festival, and Rock the Block.

Many of the outreaches are conducted by the two case managers who oversee the Resources for Parents Program (RPP), which partners with 38 agencies and 21 employers to assist payers who have difficulty complying with their child support order. Enforcement actions such as show cause hearings, bench warrants, and license suspensions are deferred while the participant is in the program. RPP continues to have a strong partnership with 70 x 7 Life Recovery to assist payers with prior felonies to secure employment. It is expected that referrals to RPP will increase as partner agencies open up more.

B. FOC to contract with a community-based entity to conduct home visits with those for whom c show cause hearing is imminent.

- Focus on individuals with high levels of non-compliance
- Establish minimum number of home visits, cultural competency standards
- Emphasize referrals to address barriers that limit a payer’s ability to comply with the support order; resolve non-compliance issues prior to show cause date.

We ran a pilot program from February 2019 until January 2020, where we engaged the services of an independent contractor to meet with delinquent payers in the urban core. This program was discontinued for reasons detailed in the 2020 Annual Report.

C. Use specially-trained FOC deputies to follow up on warrants prioritizing cases with high arrears owed to the custodial parent (not State), thereby increasing the amount of funding made available for the children and minimizing the potential for incidental contact and arrest by other law enforcement agencies.

- Establish and follow written training protocol for cultural competency for FOC Deputies
- Establish and follow training protocol re: FOC warrant resolution and access to specialized resources
- Establish benchmarks for number of contacts and number of warrants addressed
- Emphasize resolution of warrant instead of arrest (performance measure of 85 percent resolution without arrest)
- Concealed weapon, plain clothes, and unmarked vehicle
- Strict instructions not to pursue someone who flees solely on the basis of the FOC warrant
- Increase cooperation with other law enforcement agencies encountering payers with support warrants so that those payers can avoid being arrested
It was previously demonstrated in prior reports that, pursuant to federal distribution guidelines, most monies collected are distributed to families first, which is why there is no concerted effort to identify cases with non-state arrears for collection.

The three deputies assigned to FOC are trained through the Sheriff Department in community policing, diversity, cultural awareness, and de-escalation. They also participate in the Cultural Awareness Training offered by the county. Each deputy is trained on all aspects of the child support system, from how orders are modified to whether a case is appropriate for enforcement. The focus is on whether a person has an ability to comply with the Court’s support order. The deputies have a good understanding of what services are offered by the FOC so that they can direct parents to those services, whether it be to arrange a meeting with the case manager, refer a payer to the Resources for Parents Program to assist with finding employment, give instructions on how to modify support, or who to contact to resolve parenting time disputes.

We continue to ensure that the deputies appear non-threatening. They have strict instructions not to pursue anyone who flees solely because of a FOC warrant. Additionally, they have unmarked vehicles, wear plain clothes, and are not visibly armed.

The primary success of this program is our ability to resolve most warrants without arrest through contact with the three deputies. Not only does this foster a more positive relationship in the community with those whose warrants are resolved, it is a significant cost savings to the County by not having to lodge these individuals. Frequently, the deputies contact a payer multiple times to attempt to resolve the warrant. Payers often initiate contact with the deputies when they hear that a friend or an acquaintance’s warrant was amicably resolved. The deputies have been specially trained to inquire about each payer’s circumstances and ability to comply with the support order.

In 2019, 94% of the warrants the deputies handled were resolved without arrest. This well exceeded the performance measure goal of 85%. Starting in March 2020, to help minimize the spread of COVID-19, the Sheriff Department did not lodge payers who only had FOC warrants. As of August 9, 2021, arrests on FOC warrants are authorized again.

Warrants dropped precipitously as of March 2020 when show cause contempt hearings were discontinued because of the pandemic. Starting in October 2020, the FOC scheduled a limited number of virtual show cause contempt hearings and warrants issued for failure to appear; however, with far fewer hearings scheduled the number of warrants decreased dramatically as well. There were still plenty of older warrants to work on. The deputies contacted payers to try to secure payments and, in some cases, even drove out to meet them to facilitate a payment, but without the threat of arrest the effect was limited. In-person arraignments and show cause contempt hearings re-convened in August 2021.

Since the start of this program, deputy collections grew significantly each year:

2017: $461,820.84
2018: $577,504.90  
2019: $815,912.16

Due to the pandemic, deputy collections in 2020 totaled $408,379.33. As of July 2021, they have collected $337,096.78 and it is expected they will exceed 2020 collections now that the deputies are authorized to perform all of their job functions.

The deputies continue to encourage contact from the Kent County Sheriff Road Patrol and other law enforcement agencies when someone is stopped on a child support warrant (and with no other charges). This enables them to resolve the warrant without the person being arrested.

D. In response to public comment:

1. Expand capacity for credit card payments at all phases of the enforcement process

   FOC started processing credit card payments in August 2016. Since that time, the total payments via credit card have risen dramatically:

   - Aug. to Dec. 2016          $16,959.34
   - 2017                      $263,510.20
   - 2018                      $497,579.68
   - 2019                      $580,313.16
   - 2020                      $615,450.29
   - Y-T-D thru July 2021      $533,017.82

2. Improve client communication with the FOC:

   - Review documents for clarity/plain English
   - Continue to improve call wait time

   The FOC frequently reviews the written material that it sends to clients or has available in the lobby or online to ensure it is reader friendly. Enforcement letters were recently updated to be easier to read and more informative on how to communicate with the FOC. The website is also updated. During the early days of the pandemic, a pop-up was created to appear when a person first clicks on the website to show what services were available and answer questions that were unique to this difficult time.

   In addition to phone calls, the FOC encourages communication through e-mails (at FOC.mail) and two-way communication through the MiChildSupport website. Although the Client Information Service Department received 47,841 telephone calls during 2020, there were periods of time when this service was limited. The FOC also received 101,151 letters, faxes and emails in 2020. The phones are currently open full-time and fully staffed.
3. Create an ongoing customer service survey and continuous Customer Improvement Process

A survey was not conducted in 2020 due to the interruption of normal services.

E. To ensure the ongoing public accountability of the FOC and provide a regular opportunity for public comment on FOC matters, the Board of Commissioners is to formally add the following to the duties of the Friend of the Court Citizen’s Advisory Committee:

1. Review of performance measures on customer service and efficacy of enforcement program
2. Review grievances related to support orders and enforcement programs/practices
3. Presentation of an annual report to Chief Judge and Board of Commissioners

The Citizen Advisory Committee (CAC) has been holding its regular meetings six times a year and continues to review grievances, offer opportunity for public comment, and is advised of performance, programs and initiatives. The FOC received only 4 grievances in 2015. In 2020, 11 grievances were filed. Each January, the CAC issues its annual report to SCAO (Friend of the Court Bureau), the Chief Circuit Judge, the Kent County Board of Commissioners, the Governor’s Office, and standing senate and house committees.

Respectfully submitted:

Daniel J. Fojtik
Kent County Friend of the Court

8-23-21
RECOMMENDATIONS OF THE FRIEND OF THE COURT COMMUNITY ENGAGEMENT TASK FORCE

The Task Force recommends that more emphasis be placed on helping parents understand and navigate the system early in the process, in an effort to prevent cases from evolving to the point of non-compliance when a bench warrant is required. Specifically, the Task Force recommends that the Circuit Court and FOC:

1. Work with the KCHD, DHHS, hospitals, and the Prosecutor’s Office to establish and promote a program of early engagement with parents in new paternity cases, including but not limited to DNA testing, custody and parenting time, appropriate support levels, and agency referrals.
2. Assign specific staff member to contact payers by phone upon entry of an order, again with the focus of helping the family navigate the system.
3. Provide outreach through community organizations to discuss the resolution of warrants with payers and develop formal partnerships with community organizations like LifeQuest and Strong Fathers, and hold non-traditional and community "office hours," especially in zip codes with historically high numbers of warrants.

In the event an individual is eligible to be scheduled for a show cause hearing, the Task Force recommends that the FOC contract with a community-based entity to conduct home visits with those for whom a show cause hearing is imminent.
- Focus on individuals with high levels of non-compliance
- Establish minimum number of home visits, cultural competency standards
- Emphasize referrals to address barriers that limit a payer's ability to comply with the support order; resolve non-compliance issue prior to show cause date.

Recognizing that bench warrants will continue to be required in certain cases, the FOC should use specially-trained FOC deputies to follow up on warrants prioritizing cases with high arrears owed to the custodial parent (not State), thereby increasing the amount of funding made available for the children and minimizing the potential for incidental contact and arrest by other law enforcement agencies.
- Establish and follow written training protocol for cultural competency for FOC Deputies
- Establish and follow training protocol re: FOC warrant resolution and access to specialized resources
- Establish benchmarks for number of contacts and number of warrants addressed
- Emphasize resolution of warrant instead of arrest (performance measure of 85 percent resolution without arrest)
- Concealed weapon, plain clothes, and unmarked vehicle
- Strict instructions not to pursue someone who flees solely on the basis of the FOC warrant
- Increase cooperation with other law enforcement agencies encountering payers with support warrants so that those payers can avoid being arrested

In response to public comments received, the Task Force also recommends the FOC:
1. Expand capacity for credit card payments at all phases of the enforcement process
2. Improve client communication with the FOC:
   - Review documents for clarity/plain English
   - Continue to improve call wait time
3. Create an ongoing customer service survey and continuous Customer Improvement Process

Finally, to ensure the ongoing public accountability of the FOC and provide a regular opportunity for public comment on FOC matters, the FOC Task Force recommends that the Board of Commissioners formally add the following to the duties of the Friend of the Court Citizen's Advisory Committee:
1. Review of performance measures on customer service and efficacy of enforcement program
2. Review grievances related to support orders and enforcement programs/practices
3. Presentation of an annual report to Chief Judge and Board of Commissioners