

PROCEDURAL JUSTICE-INFORMED
ALTERNATIVES TO CONTEMPT

PROJECT BRIEF
DECEMBER 2020

Procedural Justice Principles in the Midst of a Major Disruption

WHAT SEVERAL MONTHS OF COVID-19 REVEALED IN THE PROCEDURAL JUSTICE-INFORMED ALTERNATIVES TO CONTEMPT (PJAC) DEMONSTRATION

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OVERVIEW

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration project integrates principles of procedural justice into enforcement practices in six child support agencies across the United States. Procedural justice is fairness in processes that resolve disputes and result in decisions. Research has shown that if people perceive a process to be fair, they will be more likely to comply with the outcome of that process, whether or not the outcome was favorable to them.¹

Child support agencies aim to secure payments from noncustodial parents to support the well-being of their children.² The target population for the PJAC demonstration project is noncustodial parents who are at the point of being referred to the legal system for civil contempt of court because they have not met their child support obligations, yet have been determined to have the ability to pay. The PJAC demonstration project aims to address parents' reasons for nonpayment, improve the consistency of their payments, and promote their positive engagement with the child support program and the custodial parent.

The PJAC demonstration was developed by the federal Office of Child Support Enforcement (OCSE), which is within the Administration for Children and

Families in the Department of Health and Human Services. MDRC, in collaboration with research partners at MEF Associates and the Center for Court Innovation, is leading a random assignment study of the model's effectiveness. Parents are randomly assigned to either a program group offered PJAC services or to a control group who is not eligible to receive PJAC services and instead proceeds with the standard child support contempt process. Oversight of the evaluation is provided by the Georgia Division of Child Support Services. For an overview of the PJAC demonstration, see [A New Response to Child Support Noncompliance: Introducing the Procedural Justice-Informed Alternatives to Contempt Project](#).³

This brief is the fifth in a series developed primarily for child support practitioners and administrators that shares lessons learned as the six participating child support agencies (the project sites) implement

¹Swaner et al. (2018)

²The noncustodial parent is the parent who has been ordered to pay child support and is generally a parent who does not live with a child. The other parent is referred to as the custodial parent.

³Mage, Baird, and Miller (2019).

the PJAC model. It describes the effects of the COVID-19 pandemic on PJAC project sites and on parents served by the PJAC project during the spring and summer of 2020, and it examines the sites' initial responses to the pandemic. Information for this brief was gathered from discussions with PJAC staff members and managers during the spring and summer of 2020. While responses to the pandemic varied among sites and over time, PJAC case managers have continued to use strategies based on procedural justice to support families. Information from the project sites suggests that the work they put into building relationships with parents and the accessibility of PJAC staff members — both of which are central to PJAC — put the agencies in a better position to meet the needs of custodial and noncustodial parents during the disruption of services caused by the COVID-19 emergency.

SOME CHALLENGES THE COVID-19 PANDEMIC POSED TO THE PJAC PROJECT SITES

The COVID-19 pandemic has posed unexpected and unprecedented challenges to social service agencies and their customers. Like other essential government programs, child support offices have experienced long periods of remote-only services and disruptions to normal operations. For a time, child support offices and courts were closed or offered very limited services, and after reopening, many offered services remotely. Office closures and remote work necessitated new ways of communicating with parents, presented various technological hurdles, and put increased demands on PJAC staff members as they worked to meet the needs of customers and their larger child support agencies.

Office Closures and Transitions to Remote Services

One PJAC project agency closed its offices entirely for several weeks, and others transitioned to remote services fairly rapidly. The shift to remote services meant some agencies had to supply PJAC staff members with new equipment. An important challenge related to office closures at some PJAC sites was that it took some time for staff members to gain remote access to child-support-enforcement data systems, as new equipment or changes in access rights were secured. Initially, PJAC staff members rotated in and out of their offices to access the data

CHILD SUPPORT AGENCIES PARTICIPATING IN THE PJAC DEMONSTRATION

- ▶ Arizona Division of Child Support Services (Maricopa County)
- ▶ California Department of Child Support Services (Riverside and San Bernardino Counties)
- ▶ Michigan Office of Child Support (Muskegon County)
- ▶ Stark County Job and Family Services, Division of Child Support Enforcement (Ohio)
- ▶ Franklin County Child Support Enforcement Agency (Ohio)
- ▶ Virginia Division of Child Support Enforcement (Richmond and Newport News District Offices)


systems. Eventually, by summer, all project sites were able to address remote access issues, resolving that challenge.

Another challenge was that sometimes parents could not complete administrative and court documents required to process case actions while physical offices were closed. At some sites case managers gained approval to use electronic signatures so parents could complete these documents remotely. However, some parents did not have access to a computer, tablet, or smartphone, and therefore could not take advantage of the electronic signature option.

Court Closures

Courts play critical roles in establishing and enforcing child support orders. Along with serving as the venue for contempt hearings, courts are often responsible for other case actions, such as modifying child support orders and determining parenting time (how much time a child spends with each parent).

Initially, courts in all PJAC locations closed. Once the initial shutdown period passed, courts slowly began to accommodate remote services. Some child support courts moved to remote hearings yet limited those to emergency or critical case



situations. While some courts accepted electronic signatures and documents and judges held telephone hearings or used a web platform, many program participants experienced delays in PJAC case actions that required judicial approval. Examples of delayed actions include final approvals of stipulated agreements,⁴ modifications of judicial orders, parenting-time orders, and mutually agreed-to compromises on child support debt. Courts in some locations eventually began scheduling full dockets that included nonemergency cases, handling them through a combination of virtual and in-person hearings.

As of July 2020, two of the PJAC project sites continued to experience significant delays in scheduling and hearing cases due to court limitations and staff schedules. Such delays in judicial actions may feel like setbacks for noncustodial parents who have made progress toward rectifying issues with child support debt. For example, when noncustodial parents lose employment, they can normally obtain order modifications that adjust the amount of monthly child support they owe to reflect this loss of earnings. These delays slow down that modification process. Similarly, court delays may prevent the timely resolution of parenting-time issues that could affect parents' feelings about their child support obligations.

Unreliable Internet or Telephone Service

Regular communication between case managers and parents is a critical component of PJAC. Site staff members reported that during the first few months of remote service provision, some program participants struggled with a lack of access to telephones or internet service. Under the PJAC service delivery model, case managers use [case conferences](#) to facilitate conversations between noncustodial parents and custodial parents.⁵ Case conferences are intended to identify obstacles to regular child support payment and begin a conversation about potential solutions that includes all parties. Case conferences could no longer be held in person once COVID-19 emerged, and in some cases remote case conferences

could not be held because one or both parents lacked reliable phone or internet service.

Increased Demands on Staff Members


While PJAC staff members adjusted to working remotely, they also saw some increased demands on their professional time and energy due to the pandemic. Some parents experienced job losses, conflicts with the other parent over parenting time due to stay-at-home orders and safety concerns, challenges navigating overwhelmed public systems, and overall anxiety about the uncertainty surrounding the pandemic. Some PJAC case managers reported greater contact with custodial and noncustodial parents after the onset of the pandemic. This increased contact was possibly due to parents' heightened stress and anxiety, which led them to reach out for overall support, or due to their greater service needs precipitated by the pandemic, especially in relation to the stimulus checks sent out by the federal government (discussed further below). Parents' concerns over their ability to make payments or see their children might also have contributed to this increased contact. While PJAC staff members appreciated the increased contact with parents and the flexibility of working at home, they also reported that it was taking a toll. Working from home, case managers worked, at least in some cases, a wider range of nontraditional hours, which was a benefit for their customers but created some personal stresses as they blurred the line between work and personal time.

Many actions and sanctions under the child support program are highly automated, and the COVID-19 pandemic affected the operation of these processes. For example, in one state, automated notices to parents were shut off since staff members were not in the office to work with parents responding to those notices. As a result some child support actions — including order modifications and case closures — were delayed, which created burdens and confusion for both the parents and PJAC case managers.

In another example, some states routinely send automatic notices about driver's license revocation to parents with over two months of overdue support. Working remotely, PJAC case managers had less insight into when these notices were sent out, so they could not communicate with parents about

⁴Agreements between parents that are submitted to a judge.

⁵Webster (2020).



these actions in advance. Initially this situation eroded some of the trust and rapport the PJAC case managers had built with parents. Case managers worked to overcome this challenge with increased communication and problem-solving resolve. In one PJAC jurisdiction, the offices handling driver's and professional licenses closed completely and only conducted emergency license renewals for health care workers. This restriction made it harder for some case managers to reinstate noncustodial parents' licenses. Parents with employment opportunities, particularly in the transportation and delivery fields, could not start their jobs as a result.

Another impact on PJAC staff members was the degree to which parents turned to them for trauma support. Parents were worried about COVID-19. They were sometimes required to stay at home. Many traditional community support services were closed and many families were isolated. Case managers often became the ear for parents to express how overwhelmed and upset they were. PJAC case managers have reported hearing a range of emotions and reactions from parents, from calling the case manager a "miracle worker" to crying and expressing suicidal thoughts.

While the pandemic has posed substantial challenges for both families and PJAC case managers, many PJAC project staff members said parents told them they really appreciated the support they provided. They noted that some parents had greater patience for delays that case managers had to overcome, and some custodial parents were more understanding of noncustodial parents' challenges in making payments. One surprising experience reported by several PJAC case managers were instances in which PJAC participants called, texted, or emailed to see if they were healthy and managing during the pandemic.

Temporary Staff Reassignments

Under normal circumstances, most PJAC staff members can dedicate all their time to delivering PJAC services. However, many reported being reassigned at the onset of the pandemic to perform other critical functions in their agencies. They were especially valuable in this role because they were often better equipped than many of their colleagues to work remotely. (Some PJAC case managers already had laptops and remote access to state networks, whereas non-PJAC staff members sometimes did not.)

Remote Services and Domestic Violence

Providing services in an environment where privacy is not guaranteed can be challenging and risky. Early reports during the pandemic indicated an increased national incidence of domestic violence.⁶ PJAC case managers receive extensive domestic violence-related [training](#),⁷ yet the circumstances of the pandemic required that they develop new approaches to ensure the confidentiality of their conversations and support the safety of the parents. After the pandemic began, many parents were less likely to be alone due to stay-at-home orders and partners' job losses, and case managers looked into nontraditional ways parents could communicate with them and disclose domestic violence conditions. Even when domestic violence was not present, case managers modified some of their case conference and case meeting work, recognizing that parents were more likely to be home with children during the pandemic and might not want to have certain conversations with their children present.

Government Benefits and Child Support

The initial federal response to the pandemic included a one-time stimulus payment and increased unemployment insurance payments. However, the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which authorized the economic impact payments, did not exempt the payments from collections for past-due child support. Therefore, if a noncustodial parent had child support debt, including debt owed to the state, these payments were intercepted.⁸

This situation created a virtual tsunami of contacts to PJAC case managers from parents, both custodial and noncustodial. It posed challenges to maintaining rapport with parents but was an opportunity to deploy procedural justice principles to help parents understand what was happening. Some noncustodial parents were incensed that

⁶National Domestic Violence Hotline (2020).

⁷Rodney (2019).

⁸If a custodial parent and child or children receive Temporary Assistance for Needy Families, the state will generally reclaim a portion of each child support payment. In most PJAC states the stimulus check paid off child support debt owed to the state first, then debt to the custodial parent. However, one state was able to change the policy to get debt to the custodial parent paid first, then the state.

the pandemic relief they needed because of lost employment was being intercepted by the state (and where there was state-owed child support debt, being kept by the state rather than going to their children). Custodial parents were eager to know when they would receive their own stimulus but also the intercepted stimulus from the noncustodial parents. PJAC case managers could help parents understand these policies and feel their voices were heard, even when case managers could not solve the problem or immediately change the outcome.

HOW PROCEDURAL JUSTICE CAN HELP ADDRESS COVID-19-RELATED CHALLENGES AND SUPPORT FAMILIES

The five principles of procedural justice are *respect*, *understanding*, *voice*, *neutrality*, and *helpfulness*. Project sites have incorporated all five of these principles into child support practices under the PJAC project.⁹

Early staff reports suggest that many of the tools and techniques informed by procedural justice that are used in the PJAC projects are well suited to addressing the challenges of the pandemic, particularly in engaging parents, maintaining contact with them, and providing them with valuable information and support.

The PJAC project challenges child support agencies not to be constrained by standard child support practices, but rather to reimagine how they might engage with parents. Before the pandemic, PJAC sites developed approaches that made staff members more accessible to parents and empowered staff members to use a wider array of technological tools to meet their customers where they were (both literally and figuratively). This imperative to make communication easier and more informed by procedural justice helped ease the transition into an environment where services had to be delivered remotely. The flexible use of technology to communicate with parents (through text messages, emails, and social media) and the trust staff members built with parents has made parents more likely to see staff members as a source

⁹More information about the PJAC project, including briefs on staff training, outreach and engagement, and case conferences, can be found at www.mdrc.org/project/procedural-justice-informed-alternatives-contempt.

PROCEDURAL JUSTICE

The five key elements of procedural justice as applied to the child support context

- ▶ **Respect:** Parents should believe they were treated with dignity and respect and their concerns were taken seriously.
- ▶ **Understanding:** Parents should understand the child support process and have their questions answered.
- ▶ **Voice:** Parents should have a chance to be heard by sharing their perspectives and expressing their concerns.
- ▶ **Neutrality:** Parents should perceive the decision-making process to be impartial.
- ▶ **Helpfulness:** Parents should feel that the child support agency was helpful and interested in addressing their situations.

of support. As a result, case managers have continued to work productively with PJAC participants even as other government services, including business-as-usual child support services, have been interrupted by the pandemic.

The examples below demonstrate how PJAC staff members have used procedural justice to address challenges resulting from the pandemic.

Staying in Touch with and Supporting Parents

Business-as-usual child support practices rely primarily on letters or phone calls to communicate with parents. However, PJAC case managers are able to use multiple communication channels of their customers' choice to improve responsiveness, give *voice* to parents, and increase *helpfulness*. Using varied communication channels (including texting, emailing, and videoconferencing) has allowed PJAC case managers to serve parents better both before and after the start of the pandemic, and to give parents forms of support that may not be as readily available to those in the general child support caseload.

Even when some child support offices were closed or access to buildings was limited, PJAC case managers maintained regular check-ins with their customers. They followed up with them about their employment status, addressed critical needs, and facilitated communication between them and the child support agency. They also helped noncustodial parents maintain communication with custodial parents and their children. In April and May — the first two months following physical office closures — some PJAC case managers reported having more contact with parents in many forms, including Facebook messages, phone calls following outreach letters, and case conferences. Case managers also said that parents were more engaged overall once initial contact was made. Several case managers have speculated that parents have been relieved that they do not have to visit the child support office in person and can conduct their business virtually.

PJAC staff members reported that some parents have not only been open to contacts from case managers, but have reached out for help regarding a variety of issues, in ways that would have been difficult or very uncommon under typical child support enforcement processes.

An example of staying in touch: A noncustodial parent texted his PJAC case manager. He had recently lost his job due to the pandemic and was looking for work. This parent was very upset that a portion of his stimulus check had been intercepted by the child support agency. The case manager called the parent and answered his questions about his stimulus check being intercepted, developed *understanding* by explaining the process and, given his change in circumstances, assisted him with completing a modification request. The PJAC case manager strove to give *voice* to the parent and to be *respectful* and *helpful* regarding his customer's concerns.

Helping Parents Understand Child Support Processes and Navigate Systems During the Pandemic

PJAC case managers helped parents better understand some of the implications and challenges brought about by the pandemic that sometimes resulted in the closure of or limited access to

child support offices, courts, and other supportive services. Parents were often overwhelmed and experienced a variety of struggles because of the pandemic, including job loss, child care issues, and food insecurity. They required assistance gaining access to or navigating various systems remotely, including the child support and court systems.

For example, case managers responded to parents' requests for help completing unemployment applications, finding information on food banks and other emergency relief, and locating COVID-19 testing sites. When automated child support actions resulted in license suspensions, PJAC case managers used various modes of communication to reach parents, help them understand what happened, and answer questions about the possible difficulties in resolving the issue. PJAC case managers have also helped parents with legal issues related to child support by implementing electronic signatures for many documents, as touched on above. Where electronic signatures were not possible, some PJAC case managers set up meetings in public spaces where health precautions could be followed to allow parents to sign documents. These examples illustrate *helpfulness* in addressing customers' needs and mitigating barriers, and *understanding* in ensuring parents understand processes and procedures. The use of electronic signatures has been such a positive development that at least one PJAC agency is determining whether it can continue this remote service after offices reopen.

Facilitating Conversations Between Parents

Case conferences involve PJAC case managers promoting fairness and *neutrality* when facilitating communication between parents. These conferences are often conducted virtually using online meeting platforms, text messages, emails, and phone calls. In "shuttle case conferences" the case manager acts as an intermediary between parents who are unable or unwilling to speak directly. Case conferences are designed to give *voice* to both parents, help improve their *understanding*, and offer *helpfulness* to address underlying reasons for noncompliance on their cases.

PJAC staff reported that the pre-pandemic approach to case conferences, which often had them occurring remotely, was well suited to the physical distancing

requirements of the pandemic. As parents faced the challenges of closed schools, stay-at-home orders, and lost jobs, these conferences allowed ongoing, facilitated conversations. PJAC case managers tried to make case conferences fair and *neutral* opportunities for parents to form agreements.

While some parents preferred face-to-face conferences, some case managers reported that conducting shuttle case conferences with parents not in the same room made it easier to resolve disputes. It allowed case managers to resolve entrenched conflicts between parents while avoiding the escalation that can occur in face-to-face interactions. In addition to relaying information between the parents in a fair and *neutral* way, case managers used technology to help parents complete forms for the electronic filing of legal documents and paperwork for other benefits.

After the pandemic began, a PJAC case manager and noncustodial parent started having regular video meetings. The custodial parent had not responded to the case manager's or noncustodial parent's messages, so the PJAC case manager sent the custodial parent an invitation for a joint video chat, letting the parent know she could suggest an alternate time if needed. This effort by the PJAC case manager resulted in the custodial parent communicating in joint calls and in the case manager facilitating ongoing information sharing and discussion between the parents.

Helping Noncustodial Parents Stay in Touch with Their Children

Noncustodial parents have been concerned about how they can stay in touch with and see their children during the pandemic. Social distancing requirements, parental concerns about COVID-19 and the possibility that the other parent may not be taking the proper precautions, and restrictions related to travel or jobs have all complicated visitation and compliance with visitation orders. Some PJAC staff members have extended their use of varied communication modes to help noncustodial parents stay connected with their children.

PJAC case managers worked with both parents to resolve parenting-time issues during the pandemic. On one occasion (which may not be typical but illustrates an interesting, hands-on approach to using procedural justice to serve families during the pandemic), a PJAC case manager reported that she *helped* a noncustodial parent who was temporarily unable to see his child due to the state's lockdown. The PJAC case manager used video software to connect the parent and child, so they could see each other and talk. This connection was very important to both the parent and his child.

Addressing Concerns About Government Intercepts of Stimulus Checks or Unemployment Insurance

At all PJAC sites, stimulus checks and unemployment benefits are intercepted by the child support agency if noncustodial parents are behind on their child support payments. This practice caused high levels of stress and financial anxiety for many noncustodial parents. However, PJAC case managers used their communication tools and strong relationships with parents to show *respect*, increase *understanding*, and serve as a *helpful* and trusted voice.

For example, case managers explained that the intercepts would reduce some noncustodial parents' child support debt, but acknowledged the challenges they faced in covering their own expenses and offered supportive services to help them meet their needs. For other parents, the case managers successfully framed the intercepts as additional assistance going to their children (if they did not have state-owed debt).

Helping Victims of Domestic Violence

The pandemic and resulting shutdowns have increased risk for many parents experiencing domestic violence. The trust developed between PJAC case managers and their customers has allowed case managers to provide critical support to these parents.

A PJAC case manager had a phone conversation with a parent who had given him some indications that she might be experiencing domestic violence. He asked the parent a few questions and requested that the parent only answer “yes” or “no.” The case manager asked questions like “Do you feel safe now?” and “Would you like me to send someone to your house?” By sticking to yes-or-no answers, the parent was given *voice* and could express her level of risk without putting herself in danger.

to addressing or at least lessening some of the difficulties posed by the pandemic. PJAC case managers have been able to stay in contact with many parents they serve, and the existing relationships between case managers and parents have resulted in parents being comfortable enough to reach out for help. While the COVID-19 pandemic created challenges for customers, especially in relation to court cases, office closures, and procedural changes, PJAC staff members have worked with parents to address many child support-related issues remotely.

CONCLUSION

The COVID-19 pandemic brought unprecedented challenges to social service agencies, and compounded the difficulties that parents faced in understanding the complex child support and court processes. On the whole, the procedural justice principles and approaches used in the PJAC project appear to be well suited

Staff experiences from the PJAC project suggest that applying procedural justice principles to case management can help human services agencies and their customers weather unexpected events. The PJAC experience may offer lessons for service delivery and best practices in child support — and in social services agencies more broadly — even after the pandemic ends.

REFERENCES

- Mage, Caroline, Peter Baird, and Cynthia Miller. 2019. “A New Response to Child Support Noncompliance: Introducing the Procedural Justice-Informed Alternatives to Contempt Project.” New York: MDRC.
- National Domestic Violence Hotline. 2020. “A Snapshot of Domestic Violence During COVID-19.” Website: www.thehotline.org/resources/a-snapshot-of-domestic-violence-during-covid-19.
- Rodney, Zaina. 2019. “Incorporating Strategies Informed by Procedural Justice into Child Support Services: Training Approaches Applied in the Procedural Justice-Informed Alternatives to Contempt (PJAC) Demonstration.” New York: MDRC.
- Swaner, Rachel, Cassandra Ramdath, Andrew Martinez, Josephine Hahn, and Sienna Walker. 2018. *What Do Defendants Really Think? Procedural Justice and Legitimacy in the Criminal Justice System*. New York: Center for Court Innovation.
- Webster, Riley. 2020. *Working Towards a Resolution: Facilitating Dialogue Between Parents Using Procedural Justice Principles*. New York: MDRC.

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