

**Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER)**

Report to
the Mississippi Legislature



A Review of the Mississippi Department of Human Services' Division of Child Support Enforcement

The Mississippi Department of Human Services' Division of Child Support Enforcement does not allocate personnel based on caseload demands. As could be expected, counties with higher caseloads per officer perform more poorly on federal incentive performance measures than counties with smaller caseloads per officer. Thus, in these counties, the division may not be as effective in collecting the funds to which children and custodial parents are entitled.

The division does not comply with some laws, policies, and procedures governing suspension of licenses for noncustodial parents who are delinquent in child support payments. Some of the division's policies and procedures are inconsistent with state laws regarding license suspension and the division's staff often does not comply with the division's own policies and procedures regarding license suspension. In 73% of the cases in PEER's sample (208 of 286 total cases), the division did not enforce license suspension according to policy. Also, the division's Program Office does not formally and routinely monitor license suspension actions to determine compliance with policy and the extent to which license suspensions are effective.

The division also does not comply with some laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit, which is responsible for receiving and disbursing child support payments. Internal control weaknesses within the unit, such as lack of segregation of duties in cash handling, could result in misappropriation of child support payment collections.

In federal fiscal years 2001 and 2002, Mississippi received the maximum federal incentive funding for child support enforcement in only one out of five performance areas (cost effectiveness). In one area (percent of cases with child support orders), Mississippi received no performance incentive funding. The performance in another area may result in a penalty of from 1% to 2% of federal TANF block grant funds. Also, the division is not using all of the tools available to improve its performance.

December 19, 2003

PEER: The Mississippi Legislature's Oversight Agency

The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

Mississippi's constitution gives the Legislature broad power to conduct examinations and investigations. PEER is authorized by law to review any public entity, including contractors supported in whole or in part by public funds, and to address any issues that may require legislative action. PEER has statutory access to all state and local records and has subpoena power to compel testimony or the production of documents.

PEER provides a variety of services to the Legislature, including program evaluations, economy and efficiency reviews, financial audits, limited scope evaluations, fiscal notes, special investigations, briefings to individual legislators, testimony, and other governmental research and assistance. The Committee identifies inefficiency or ineffectiveness or a failure to accomplish legislative objectives, and makes recommendations for redefinition, redirection, redistribution and/or restructuring of Mississippi government. As directed by and subject to the prior approval of the PEER Committee, the Committee's professional staff executes audit and evaluation projects obtaining information and developing options for consideration by the Committee. The PEER Committee releases reports to the Legislature, Governor, Lieutenant Governor, and the agency examined.

The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

PEER Committee
Post Office Box 1204
Jackson, MS 39215-1204

(Tel.) 601-359-1226
(Fax) 601-359-1420
(Website) <http://www.peer.state.ms.us>

The Mississippi Legislature
Joint Committee on Performance Evaluation and Expenditure Review
PEER Committee

SENATORS

BOB DEARING
Vice Chair
HOB BRYAN
Secretary
TERRY BURTON
BILLY HEWES
JOHNNIE WALLS, JR.

TELEPHONE:
(601) 359-1226

FAX:
(601) 359-1457



Post Office Box 1204
Jackson, Mississippi 39215-1204

www.peer.state.ms.us

Max K. Arinder, Ph.D.
Executive Director

REPRESENTATIVES

MARY ANN STEVENS
Chair
BILLY BOWLES
ALYCE CLARKE
HERB FRIERSON
TOMMY HORNE

OFFICES:
Woolfolk Building
501 North West Street, Suite 301-A
Jackson, Mississippi 39201

December 19, 2003

Honorable Ronnie Musgrove, Governor
Honorable Amy Tuck, Lieutenant Governor
Honorable Tim Ford, Speaker of the House
Members of the Mississippi State Legislature

On December 19, 2003, the PEER Committee authorized release of the report entitled **A Review of the Mississippi Department of Human Services' Division of Child Support Enforcement.**

A handwritten signature in cursive script that reads "Mary Ann Stevens".

Representative Mary Ann Stevens, Chair

This report does not recommend increased funding or additional staff.

Table of Contents

Letter of Transmittal	i
List of Exhibits	v
Executive Summary	vii
Introduction	1
Authority	1
Scope and Purpose.....	1
Method	2
Background	3
Creation and Purpose of Mississippi’s Child Support Enforcement Program	3
Funding of the Division of Child Support Enforcement.....	4
Organizational Structure of the Division of Child Support Enforcement.....	5
Does the Division of Child Support Enforcement allocate personnel based on caseload demands?.....	10
Primary Duties of the Division’s County Office Staff	10
Caseload Standards for County Office Staff.....	11
County Office Caseload Distribution	12
County Office Performance as Measured by Federal Performance Standards.....	15
Does the Division of Child Support Enforcement comply with laws, policies, and procedures governing license suspension?.....	17
Division’s Policies and Procedures Not Consistent with State Law.....	17
Staff’s Noncompliance with State Law or Division Policies	23
Lack of Monitoring of License Suspension Actions.....	27
Does the Division of Child Support Enforcement comply with laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit?	28
Laws, Rules, and Regulations Governing Operation of the Central Receipting and Disbursement Unit	28
Handling Returned Checks	29
Internal Control Weaknesses	31

Table of Contents (continued)

Is the Division of Child Support Enforcement receiving the maximum amount of federal performance incentive payments available and is it using all available tools for improving its performance?.....33

 Calculation of Federal Incentive Payments33

 Mississippi’s Receipt of Incentive Funds34

 Special Improvement Project Funds38

 Performance Monitoring39

Recommendations43

Appendix A: Requirements State Child Support Enforcement Programs Must Meet for States to Receive TANF Funds47

Appendix B: Glossary of Child Support Enforcement Terms49

Appendix C: Case File Documents Requested and Counties Sampled For License Suspension Case Review.....55

Appendix D: Calculation Method for Federal Incentive Payments56

Agency Response59

List of Exhibits

1.	Division of Child Support Enforcement Revenues, by Source, for Fiscal Years 2000 through 2003	5
2.	Division of Child Support Enforcement Program Office Personnel	7
3.	Division of Child Support Enforcement Regions as of July 1, 2003	8
4.	Caseload per Child Support Enforcement Officer, by County, as of July 1, 2003.....	13
5.	Caseload per Child Support Enforcement Officer, by Region, as of July 1, 2003	14
6.	Caseload per Attorney, by Region, as of July 1, 2003.....	14
7.	Mississippi's Performance on Federal Incentive Performance Measures by Size of Child Support Enforcement Officer Caseload, FY 2003	16
8.	Primary Steps for License Suspension	19
9.	State Licensing Entities Electronically Linked and Not Linked to the Department of Human Services' Computer System	22
10.	License Suspension Cases in Sample in which Division Did Not Comply with State Law or Policy.....	24
11.	Length of Time Before Action was Taken After Notice Expiration (of Cases in Which the Division was Noncompliant).....	25
12.	Federal Incentive Funds Earned by Mississippi's Division of Child Support Enforcement During Federal Fiscal Years 1998 through 2003.....	35
13.	Mississippi's Federal Incentive Performance Measure Scores and Corresponding Incentive Weighting Percentage, FFY 2001 and 2002	36
14.	Mississippi's Federal Incentive Performance Score Ranking Compared to Those of All Other States and Territories, FFY 2001 and 200	36

List of Exhibits (continued)

15. Comparison of Incentives Received by States with Similar Child Support
Collections Base, FFY 200138

16. Comparison of Performance Measures by Three Performance
Initiatives Monitored by the Division of Child Support Enforcement40

A Review of the Mississippi Department of Human Services' Division of Child Support Enforcement

Executive Summary

Introduction

The PEER Committee reviewed the Mississippi Department of Human Services' Division of Child Support Enforcement, focusing its review on whether the division:

- allocates personnel based on caseload demands;
- follows laws, rules, and regulations governing the suspension of professional, driver's, and sporting licenses for noncustodial parents who are delinquent in child support payments;
- follows laws, rules, and regulations governing operations of the division's Central Receipting and Disbursement Unit (which is responsible for receiving and disbursing child support payments); and,
- receives the maximum in performance incentive payments available to states for support of their child support enforcement efforts from the federal Department of Health and Human Services and uses all available tools for improving performance of the division in collecting and disbursing child support payments.

Background

Purpose of the Program

The stated purpose of the child support enforcement program is to promote family self-sufficiency and child well-being by:

- locating noncustodial parents and establishing paternity when necessary;
- working with the courts to establish orders for child support; and,
- collecting and distributing child support payments.

Funding

Mississippi's Division of Child Support Enforcement receives the majority of its funding from the federal government. The federal Department of Health and Human Services reimburses states approximately 66 percent of allowable annual expenditures for child support enforcement services--i.e., parent locator, paternity, and child support enforcement support services. The federal government also provides the states with incentive funds, receipt of which is based on each state's success in achieving federally prescribed program outcomes. Other sources of program funds include state general funds, fees, and a retained portion of child support collections for families that receive Temporary Assistance to Needy Families (TANF).

Organizational Structure of the Division

As of July 1, 2003, the Division of Child Support Enforcement had 480 employees who were responsible for managing 335,598 child support cases.

The division's staff is organized into three levels of offices:

- the Program Office, located in Jackson, which is responsible for administering and monitoring the state's child support enforcement program;
- nine regional offices, which are responsible for supervising the implementation and operation of the child support program and for providing technical supervision to the county offices; and,
- eighty-four county child support enforcement offices (Bolivar and Chickasaw counties each have two county offices), which are responsible for the daily management of child support cases.

Conclusions

The report addresses the objectives in question-answer format.

Does the Division of Child Support Enforcement allocate personnel based on caseload demands?

No, the Mississippi Division of Child Support Enforcement does not allocate its personnel based on caseload demands. As could be expected, counties with higher caseloads per officer perform more poorly on federal incentive performance measures than counties with smaller caseloads per officer. Thus, in these counties, the division may not be as effective in collecting the funds to which children and custodial parents are entitled.

The Division of Child Support Enforcement attempts to maintain an average caseload of between 900 and 1,100 active child

support cases per child support enforcement officer. Because the division does not have a formal methodology for determining the optimal distribution of county office staff to meet caseload demands, the potential exists that staff resources will be underutilized and not assigned to the offices that need the most help in their collection efforts. For example, as of July 1, 2003, actual caseloads for child support enforcement officers ranged from 667 per officer in Lawrence County to 2,592 per officer in Attala County.

This caseload size relates directly to effectiveness in child support collection efforts. For example, in FY 2003, county offices in the lower third by average caseload size (i.e., average caseloads ranging from 667 to 983 per officer) were 80% successful in establishing paternity, while county offices in the upper third by average caseload size (i.e., average caseloads ranging from 1,389 to 2,592 per officer) were 68% successful in establishing paternity.

Does the Division of Child Support Enforcement comply with laws, policies, and procedures governing license suspension?

No. Some of the division's policies and procedures are inconsistent with state laws regarding license suspension and the division's staff often does not comply with the division's own policies and procedures regarding license suspension. In 73% of the cases in PEER's sample (208 of 286 total cases), the division did not enforce license suspension according to policy. Also, the division's Program Office does not formally and routinely monitor license suspension actions to determine compliance with policy and the extent to which license suspensions are effective.

State law requires that the Division of Child Support Enforcement suspend licenses of noncustodial parents who are delinquent in child support payments unless arrears are paid in full or the noncustodial parent has signed a stipulated agreement to pay the arrears. However, the division has allowed some noncustodial parents who have not met this condition to avoid suspension.

Although state law requires all licensing entities to provide license data to the Division of Child Support Enforcement, the division has collected such data from only about half of the state licensing entities. This could potentially allow delinquent noncustodial parents with certain types of licenses to avoid license suspension and reduces the division's effectiveness in helping custodial parents and their children collect the child support payments owed to them.

Also, the Division of Child Support Enforcement's Program Office does not formally and routinely monitor license suspension actions in the county offices to determine compliance with policy and the extent to which license suspensions result in payment of delinquent child support obligations.

Does the Division of Child Support Enforcement comply with laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit?

The Division of Child Support Enforcement's Central Receipting and Disbursement Unit does not follow all laws, rules, and regulations governing the receipt and disbursement of child support payments. Internal control weaknesses, such as lack of segregation of duties in cash handling, could result in misappropriation of child support payment collections.

The division's official policy is to suspend check writing privileges after one insufficient funds check. After receiving a returned check, the CRDU mails a Notice of Non-Sufficient Funds to the noncustodial parent or employer asking for full remittance of the bad check within fifteen days, plus a service charge. PEER found no evidence of follow-up beyond mailing of this notice. Although the division's policy manual states that district attorneys are authorized to assist with recovery of returned checks, the CRDU rarely, if ever, uses district attorneys to collect funds. The division lost \$34,645 in child support collections in FY 2003 due to its failure to recover payments made with bad checks.

CRDU staff do not follow a federal regulation requiring segregation of duties in cash handling, which reduces assurance that funds received as child support payments will not be misappropriated. Also, CRDU staff do not stamp the date received on child support payment checks; therefore, they cannot monitor whether they are following another federal regulation for timely distribution of child support payments.

Is the Division of Child Support Enforcement receiving the maximum amount of federal performance incentive payments available and is it using all available tools for improving its performance?

In federal fiscal years 2001 and 2002, Mississippi received the maximum federal incentive funding in only one out of five performance areas (cost effectiveness). In one area (percent of cases with child support orders), Mississippi received no performance incentive funding. The performance in another area may result in a penalty of from 1% to 2% of federal TANF block grant funds. Also, the Division of Child Support Enforcement is not using all of the tools available to improve its performance in these areas.

The U. S. Department of Human Services grants states incentive payments each year as a portion of a fixed amount of federal incentive funds available. The department bases each state's incentive payments on the total amount of child support collections and its scores on five performance measures in relation to those of other states. Federal incentive payments are an important source of funding for Mississippi's child support enforcement program (7% of total funding for Mississippi's program in FY 2003). In federal fiscal years 2000 and 2001, Mississippi received \$1,914,202 and \$2,479,599, respectively, in federal incentive payments and received an estimated \$2,600,000 and \$2,800,000 for federal fiscal years 2002 and 2003.

While the 2002 performance data used to calculate incentives and assess penalties is still preliminary (it has not been finalized by

the Office of Child Support Enforcement after federal data reliability audits), according to federal code, the lack of significant improvement in Mississippi's paternity establishment score (one of the five performance areas) between 2001 and 2002 meets the criteria for a possible 1% to 2% TANF block grant funds penalty.

The federal government also provides opportunities for child support agencies to obtain extra funding through competition for grants for special improvement projects. Mississippi's Division of Child Support Enforcement has not received any federal special improvement project funds and has only applied for these funds twice in the last five years.

Concerning performance monitoring, the guidance provided by the division's policy and procedure manual only relates to the self-assessment and does not address other performance initiatives. The Division of Child Support Enforcement's Program Office staff develops state performance targets without a formal methodology and the targets are not provided in a meaningful context.

The division has no uniform content or uniform reporting of performance throughout regions. Division program office staff do not routinely provide feedback and program results on all performance measures to all levels of operations in order to motivate improved performance. Also, the division does not systematically monitor the performance of the Central Receipting and Disbursement Unit.

Recommendations

1. The Division of Child Support Enforcement should perform a thorough analysis of county and regional staffing levels regularly and redistribute existing staff according to caseload demands. The analysis should include distribution of child support enforcement officers, supervisors, attorneys, and clerical staff.
2. The Division of Child Support Enforcement should develop policies and procedures for working with all licensing entities that are not electronically connected to the department's database. If data cannot immediately be electronically connected, the Division of Child Support Enforcement should develop other procedures for collecting license information and protocol to suspend licenses from those entities.
3. The Division of Child Support Enforcement should change the METSS procedures to comply with state law requiring license suspension when a noncustodial parent is delinquent with child support payments unless the noncustodial parent pays the full amount of the arrears or signs an agreement to pay the arrears within the ninety-day notice period given to the noncustodial parent. The establishment of an income withholding order within the noncustodial parent's notice

period that does not increase the payment of arrears should not exempt a noncustodial parent from license suspension. The Division of Child Support Enforcement should change the METSS system to send an alert notice to the child support enforcement officer at the end of the notice period informing the officer to review the case for license suspension even if an income withholding order was activated within the notice period.

4. The Division of Child Support Enforcement should change the METSS system so that alerts to child support enforcement officers at the end of the ninety-day notice period cannot be deleted until action has been taken on the case. Because supervisors can obtain a record of these alerts, changing the alerts would allow supervisors to monitor more easily whether the child support enforcement officers have taken action on the cases that have outstanding alerts regarding license suspension and whether the actions taken comply with policy.
5. The Division of Child Support Enforcement should develop procedures to monitor the effectiveness of license suspension as an enforcement tool. The Division of Child Support Enforcement should develop procedures to collect data regularly on the number and types of licenses suspended and reinstated. Instead of only collecting data on lump sums of arrears payments collected due to license suspension, the Division of Child Support Enforcement should also collect data on increased monthly arrears payments due to license suspension.
6. The Division of Child Support Enforcement should create a monitoring system for tracking the period between arrival and distribution of child support checks that includes stamping dates on checks upon arrival. The Central Receipting and Disbursement Unit's staff should stamp each check with the date received at the same time that it is stamped with the endorsement.
7. The Division of Child Support Enforcement should change cash handling procedures to comply with segregation of duties requirements. The Division of Child Support Enforcement should create a procedure that ensures that the person who accepts cash payments does not also post the payments in the computer system.
8. The Division of Child Support Enforcement should revise its policy and procedure manual to include specific instructions regarding the referral of employers who send returned checks to the CRDU to the district attorney's Bad Check Unit if the division's collection attempt is unsuccessful.
9. The Division of Child Support Enforcement should create a unified performance monitoring plan that encompasses performance measures, data collection, and reporting responsibilities for state, regional, and county office staff. This plan should include incentive performance measures. The

Division of Child Support Enforcement should include the plan in the policies and procedures manual.

10. The Division of Child Support Enforcement should improve communication of performance measures and results to county staff, including child support enforcement officers, by providing county, regional, and statewide results on all federal incentive, self-assessment, and state performance measures at least on a quarterly basis. The Division of Child Support Enforcement should communicate performance results through written reports provided to all staff, as well as through discussion at county-level staff meetings.
11. The Division of Child Support Enforcement should report state performance targets as percentages instead of raw numbers to make them more meaningful. For instance, instead of measuring the dollars collected in current support, measure the support dollars collected as a percentage of the support dollars owed. The target, then, would be a percentage of collections owed, instead of a dollar amount that lacks context.
12. The Division of Child Support Enforcement should create a methodology for setting the amount of the yearly state target (e.g., creating a standard to increase targets perpetually by a certain percentage over the previous year).
13. The Division of Child Support Enforcement should create special improvement project ideas, eliciting input from state office, regional, and county staff and submit applications for federal Office of Child Support Enforcement Special Improvement Project funding yearly as it is available.

For More Information or Clarification, Contact:

PEER Committee
P.O. Box 1204
Jackson, MS 39215-1204
(601) 359-1226
<http://www.peer.state.ms.us>

Representative Mary Ann Stevens, Chair
West, MS 662-976-2473

Senator Bob Dearing, Vice Chair
Natchez, MS 601-442-0486

Senator Hob Bryan, Secretary
Amory, MS 662-256-9989

A Review of the Mississippi Department of Human Services' Division of Child Support Enforcement

Introduction

Authority

In response to a citizen's complaint, the PEER Committee reviewed the Mississippi Department of Human Services' Division of Child Support Enforcement. PEER conducted the review pursuant to the authority granted by MISS. CODE ANN. Section 5-3-57 et seq. (1972).

Scope and Purpose

PEER focused its review on the following elements of the complaint--whether the Division of Child Support Enforcement:

- allocates personnel based on caseload demands;
- follows laws, rules, and regulations governing the suspension of professional, driver's, and sporting licenses for noncustodial parents who are delinquent in child support payments;
- follows laws, rules, and regulations governing operations of the division's Central Receipting and Disbursement Unit (which is responsible for receiving and disbursing child support payments); and,
- receives the maximum in performance incentive payments available to states for support of their child support enforcement efforts from the federal Department of Health and Human Services and uses all available tools for improving performance of the division in collecting and disbursing child support payments.

Method

In conducting this review, PEER:

- reviewed relevant sections of federal and state laws and the division's policies and procedures regarding programs, finances, and oversight;
- interviewed selected state and local Division of Child Support Enforcement personnel and child support enforcement staff from other state and federal offices;
- observed check processing procedures used by staff of the division's Central Receipting and Disbursement Unit;
- analyzed financial records of the Division of Child Support Enforcement;
- reviewed a random sample of 286 child support cases from fourteen counties to determine compliance with license suspension policies and law; and,
- examined reports and documents compiled by the Division of Child Support Enforcement regarding performance and organizational structure.

Background

Creation and Purpose of Mississippi's Child Support Enforcement Program

Creation of the Program

Congress established the child support enforcement program within the Department of Health and Human Services in 1975 (Title IV-D of the Social Security Act). Public Law 93-647 required that states establish a single and separate organizational unit for child support enforcement. The states have established these units in their human service departments (as is the case in Mississippi), attorneys general offices, or departments of revenue.

The Federal Office of Child Support Enforcement assists states in the development, management, and operation of their child support enforcement programs by providing substantial program funding (see funding discussion on page 4), policy guidance and technical help, research and ideas for program improvement, and educational programs. The federal office also conducts audits (see discussion on page 34).

Although custodial parents who do not participate in TANF are eligible to use the state's child support enforcement program to collect payments, the program is structured around federal requirements designed to qualify states to receive TANF funds.

For several years, federal law has required states to attempt to collect child support payments owed to custodial parents who participate in the Aid to Families with Dependent Children (AFDC) program, now known as the Temporary Assistance to Needy Families (TANF) program. Therefore, although custodial parents who do not participate in TANF are eligible to use the state's child support enforcement program to collect payments, the program is structured around federal requirements designed to qualify states to receive TANF funds. In Federal Fiscal Year 2002, 47% of Mississippi's caseload were custodial parents either currently receiving TANF or Medicaid assistance or who had formerly received TANF or Medicaid, while 53% of the caseload had never received assistance from either program.

Appendix A, page 47, lists requirements of the 1996 Federal Welfare Reform Act that all state child support enforcement programs must meet in order to receive federal TANF funds. Appendix B, page 49, is a glossary of terms related to child support enforcement.

Purpose of the Program

The stated purpose of the child support enforcement program is to promote family self-sufficiency and child well-being by:

- locating noncustodial parents and establishing paternity when necessary;
- working with the courts to establish orders for child support; and,
- collecting and distributing child support payments.

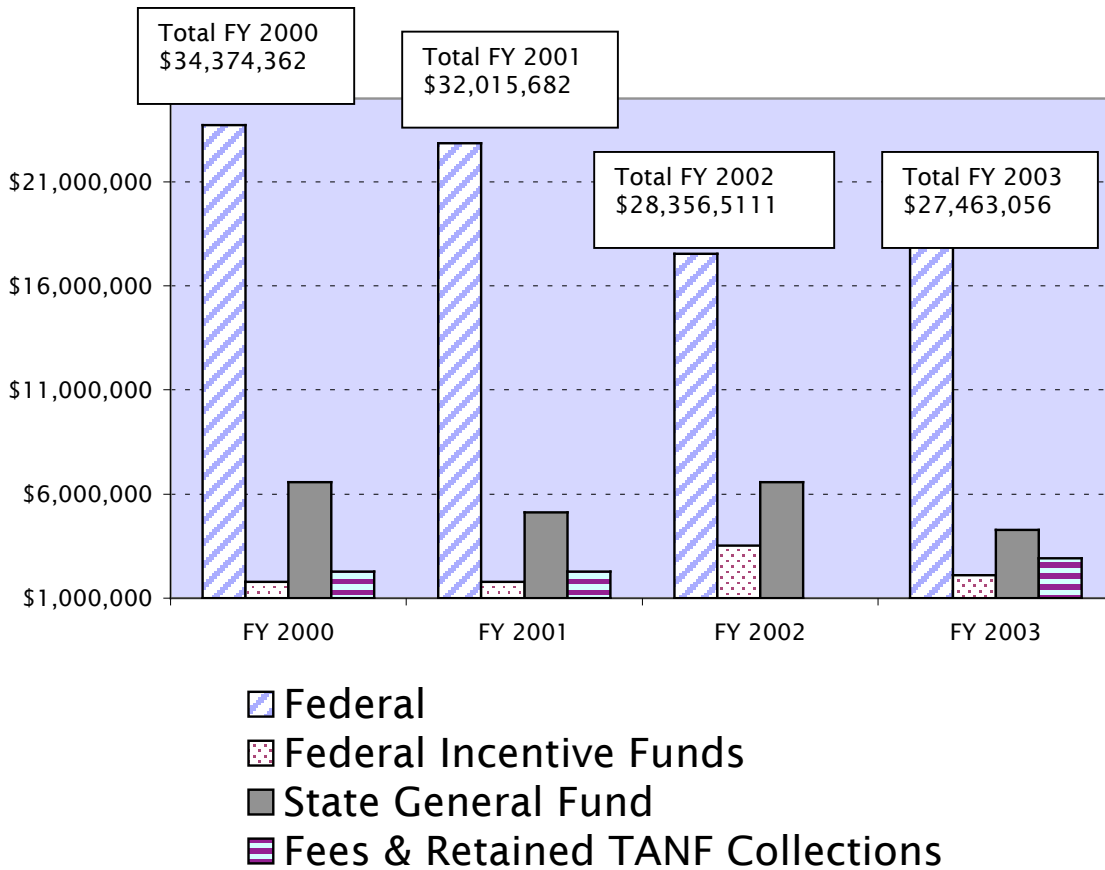
Funding of the Division of Child Support Enforcement

The federal Department of Health and Human Services reimburses states approximately 66 percent of allowable annual expenditures for child support enforcement services.

As shown in Exhibit 1 on page 5, Mississippi's Division of Child Support Enforcement receives the majority of its funding from the federal government. The federal Department of Health and Human Services reimburses states approximately 66 percent of allowable annual expenditures for child support enforcement services--i.e., parent locator, paternity, and child support enforcement support services. The federal government also provides the states with incentive funds, receipt of which is based on each state's success in achieving federally prescribed program outcomes.

As shown in Exhibit 1, other sources of program funds include state general funds, fees (e.g., child support application fees, genetic testing fees), and a retained portion of child support collections for families that receive temporary assistance to needy families (TANF). Families receiving TANF support assign their right to child support collected to the state. The state retains a share of TANF-related child support collections and returns a share to the federal government. In Federal Fiscal Year 2003, the state retained 23.38% of child support collections received by TANF families and returned 76.62% to the Department of Health and Human Services.

Exhibit 1: Division of Child Support Enforcement Revenues, by Source, for Fiscal Years 2000 through 2003



SOURCE: Mississippi Department of Human Services budget requests, fiscal years 2002 through 2005.

Organizational Structure of the Division of Child Support Enforcement

MISS. CODE ANN. §43-19-49 (1972) authorizes the Division of Child Support Enforcement to employ investigative, technical, secretarial, and supportive staff as may be necessary for the proper and necessary implementation of the child support program.

45 CFR 303.20 (a-f) sets forth the requirements for structure and organization of state child support enforcement units. These federal regulations require each state child support enforcement unit to provide sufficient staff (including attorneys or prosecutors, interviewer, investigative, accounting, clerical and other supportive staff) at the state and county levels to fulfill all

As of July 1, 2003, the Division of Child Support Enforcement had 480 employees who were responsible for managing 335,598 child support cases.

the functions of the program (see Appendix A, page 47, for complete citation) and to provide adequate resources to meet federally mandated performance and time standards.

According to 45 CFR 301.10, the Division of Child Support Enforcement must submit a state plan as a way to monitor the Child Support Enforcement Division's staffing levels, organization, and overall statewide operation. The state plan is a comprehensive statement submitted by the division that describes the nature and scope of its program and gives assurance that it will be administered in conformity with the specific requirements stipulated in law. The state plan contains all information necessary for the federal Office of Child Support Enforcement to determine whether the plan can be approved as a basis for federal financial participation. The federal government also monitors the division through performance measures and self-assessment, which is discussed in detail on page 39.

As of July 1, 2003, the Division of Child Support Enforcement had 480 employees who were responsible for managing 335,598 child support cases.

The division's staff is organized into three levels of offices, as discussed in the sections that follow.

Program Office

Located in Jackson, Mississippi, the division's program office is responsible for administering and monitoring the state's child support enforcement program. The Division Director, who is appointed by the Executive Director of the Department of Human Services, oversees the operations of the office and its employees. (See Exhibit 2, page 7.)

Pages 18 and 28 include more detail on the Mississippi Enforcement Tracking of Support System (METSS) and Central Receiving and Disbursement Unit (CRDU).

Regional Offices

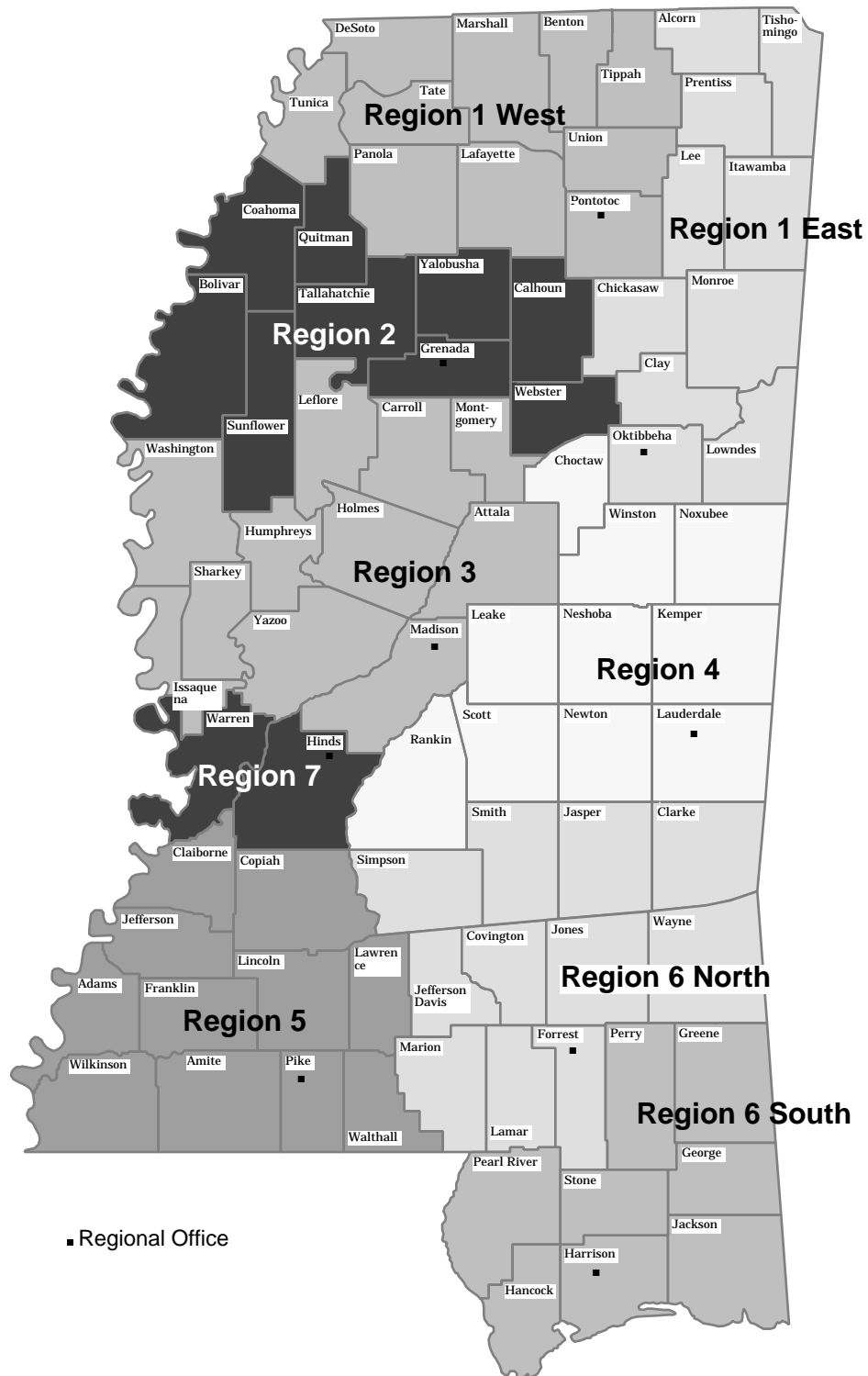
As shown in Exhibit 3, page 8, the Division of Child Support Enforcement is organized into seven regions, with nine regional offices. The division's regional offices are responsible for supervising the implementation and operation of the child support program and for providing technical supervision to the county offices. The regional offices employ sixty-five workers--thirty-three attorneys, four paralegals and twenty-one secretarial/clerical workers (some of whom assist legal staff and some of whom assist regional directors). Seven regional directors oversee the operations of the regional offices.

Exhibit 2: Division of Child Support Enforcement Program Office Personnel

Position or Unit	Function	Number of Employees
Division Director	oversees program office operations	1
Division Administrative Assistant	provides support for director	1
Mississippi Access and Visitation Program	administers visitation program for noncustodial parents and children as specified by court order or divorce decree	3
Internal Audit	conducts program reviews to determine compliance, including the federal self-assessment (see discussion on page 39) and assists with external audits	6
Field Operations	manages operations of regional offices, including training	3
Legal	provides legal services	1
Mississippi Enforcement Tracking of Support System	operates electronic case filing system	4
Program operations	writes policy, administers the license suspension program, the Central Receipting and Disbursement Unit, and the Mississippi Access and Visitation program	5
Central Receipting and Disbursement Unit	receives, processes, and disburses child support payments	22
Total Program Office Staff		46

SOURCE: Mississippi Department of Human Services, Division of Child Support Enforcement Organization Chart Submitted July 8, 2003, and SPB Employee PIN Report-All Vacant PINS as of 7/1/03

Exhibit 3: Division of Child Support Enforcement Regions as of July 1, 2003



SOURCE: Division of Child Support Enforcement Organization Chart, Submitted July 8, 2003

County Offices

Mississippi has eighty-four county child support enforcement offices¹, employing 369 child support enforcement workers (267 child support enforcement officers, 62 supervisors and 40 clerical staff). The division's county offices are responsible for the daily management of child support cases. Page 10 contains a discussion of the duties of county office employees.

¹ Bolivar and Chickasaw counties each have two county offices.
PEER Report #462

Does the Division of Child Support Enforcement allocate personnel based on caseload demands?

No, the Mississippi Division of Child Support Enforcement does not allocate its personnel based on caseload demands. As could be expected, counties with larger caseloads per officer perform more poorly on federal incentive performance measures than counties with smaller caseloads per officer. Thus, in these counties, the division may not be as effective in collecting the funds to which children and custodial parents are entitled.

PEER focused its review of caseload allocation on the county offices, which employ the majority (78%) of the Division of Child Support's employees. As previously discussed, three categories of employees staff the division's county offices: child support enforcement officers, child support enforcement officer supervisors, and clerical workers. Although senior and staff attorneys are dispersed by region and not by county, a discussion of those positions is included in this section due to their direct contact with county workers and clients.

Primary Duties of the Division's County Office Staff

The child support enforcement officers in county offices are the front line of the division's workforce.

Child support enforcement officers in the county offices are responsible for enrolling, processing, and managing child support enforcement cases. Their duties include, but are not limited to, interviewing clients, establishing paternity, locating noncustodial parents, establishing legal orders for support, enforcing orders for support, and working with external entities such as sheriff's departments and court clerks to locate and serve subpoenas to noncustodial parents. (Although child support enforcement officers formerly received and processed child support payments, the legally mandated Central Receipting and Disbursement Unit now handles these duties.)

Child support enforcement officer supervisors are responsible for overseeing as well as evaluating all of the casework done by child support enforcement officers and child support staff. Supervisors have direct contact with the regional directors and because of this, have the duty to inform county staff of policy changes, amendments, or any other news that the program office provides. They are responsible for reviewing all cases before they are referred to the attorney for legal processing. Often, supervisors must assist child support enforcement officers with cases if caseloads are especially heavy and offices are understaffed.

County office clerks provide clerical assistance to the child support enforcement officers, as well as to the attorneys, in fulfilling the responsibilities of the Division of Child Support Enforcement. Clerical duties include, but are not limited to,

answering telephones, making copies, filing, greeting clients, and processing mail.

The division's attorneys are responsible for handling the legal aspects of case management. The senior attorneys supervise county staff attorneys in the assigned regions and provide legal advice and support to the assigned regional directors. They also assist staff attorneys with complex cases and when there are staff attorney vacancies. Staff attorneys are responsible for all functions necessary for court actions. One of their primary duties is filing cases in court to establish court orders for child support. The attorneys also make decisions as to the legal action required on specific cases, such as negotiating agreements with clients who cannot pay the stipulated amounts of support.

Caseload Standards for County Office Staff

The Division of Child Support Enforcement attempts to maintain an average caseload of between 900 and 1,100 active child support cases per child support enforcement officer.

Neither the federal government nor other states contacted by PEER have developed caseload standards for employees of child support enforcement programs.

Neither the federal government nor other states contacted by PEER (Colorado, Louisiana, South Carolina, Alabama, New Jersey, and Tennessee) have developed caseload standards for employees of child support enforcement programs. While child support enforcement cases vary in complexity, for purposes of caseload distribution it should still be possible to categorize cases and estimate the time involved in handling each type of case. However, PEER could not find a professional or governmental organization that has established such categories or standards.

While PEER found no formal, written caseload standards for child support enforcement officers, the Director of Mississippi's Division of Child Support Enforcement stated that the division attempts to maintain an average caseload of between 900 and 1,100 active child support cases per child support enforcement officer. The division has not established similar caseload targets for its staff attorneys.

The Division Director stated that while he does not have a formal methodology for determining the optimal distribution of county office staff to meet caseload demands, he reviews staffing levels of the county offices regularly.

County Office Caseload Distribution

Wide variation exists among county and regional offices in the caseloads of enforcement, legal, and clerical personnel.

As of July 1, 2003, child support enforcement officer caseloads varied from 667 child support cases per officer in Lawrence County to 2,592 cases per officer in Attala County.

PEER determined that actual caseloads per child support enforcement officer vary significantly from the division's targeted range of between 900 and 1,100 cases per officer. As of July 1, 2003, child support enforcement officer caseloads varied from 667 child support cases per officer in Lawrence County (Region 5) to 2,592 cases per officer in Attala County (Region 3). (See Exhibit 4, page 13, for caseload per child support enforcement officer, by county).

Concerning the caseload for child support enforcement supervisors, not all counties have a State Personnel Board-assigned position identification number (PIN) for a child support enforcement supervisor position. Because of this, PEER analyzed caseload by region (rather than by county) for supervisors. Similar to the situation for child support enforcement officers, supervisors' caseloads varied widely. Region 5 had the lowest caseload per supervisor, with 4,296 cases per child support enforcement supervisor, while Region 1 West had the highest caseload per supervisor, with 9,440 cases. (See Exhibit 5, page 14, for caseload per child support enforcement supervisor, by region.) The caseload of the supervisors refers to the number of cases held by child support enforcement officers who are under their supervision.

Because several county offices share legal staff within a region, PEER also analyzed attorney caseload by region. The number of child support cases per attorney (i.e., each attorney is *potentially* responsible for these caseloads if all of the cases are worked by the child support enforcement officers and if they meet qualifications for court orders) varies from 3,540 in Region 1 West to 47,259 in Region 3. (See Exhibit 6, page 14, for caseload per attorney, by region.)

Because the division does not have a formal methodology for determining the optimal distribution of staff to meet caseload demands, the potential exists that staff resources will not be assigned to the offices that need the most help with their collection efforts.

The number of clerical staff per region also varied across the state, ranging from two clerks in Region 4 to seven clerks in Region 6 South. Because clerks are not responsible for work on cases and only assist with clerical duties when needed, staffing totals for clerks are not reported by caseload. However, PEER reviewed the number of cases per child support enforcement officer and whether the counties with high caseloads were more likely to have a clerk. PEER discovered that this was often not the case; in fact, the five counties with the highest caseloads per child support enforcement officer did not have a clerk.

Because the division does not have a formal methodology for determining the optimal distribution of county office staff to meet caseload demands, the potential exists that staff resources will be underutilized and not assigned to the offices that need the most help with their collection efforts.

Exhibit 4: Caseload per Child Support Enforcement Officer, by County, as of July 1, 2003

REGION	COUNTY	COUNTY CASELOAD	# OF CSEOS	# OF CLERKS	CASELOAD PER CSEO
	3 ATTALA	2,592	1	0	2,592
1W	LAFAYETTE	2,563	1	0	2,563
6S	GEORGE	2,526	1	0	2,526
4	SCOTT	4,092	2	0	2,046
4	LAUDERDALE	9,989	5	0	1,998
7	HINDS	33,929	17	4	1,996
6S	PEARL RIVER	3,876	2	1	1,938
6S	HARRISON	18,808	10	1	1,881
1W	PONTOTOC	1,830	1	0	1,830
2	COAHOMA	7,207	4	0	1,802
5	WALTHALL	1,764	1	0	1,764
1E	CLAY	3,292	2	0	1,646
6N	FORREST	9,847	6	1	1,641
1E	LEE	6,544	4	1	1,636
6S	STONE	1,632	1	1	1,632
4	NESHOBA	3,245	2	0	1,623
3	MADISON	6,402	4	0	1,601
3	LEFLORE	7,989	5	1	1,598
4	RANKIN	7,789	5	1	1,558
6N	JONES	7,616	5	0	1,523
6N	SMITH	1,488	1	1	1,488
3	MONTGOMERY	1,456	1	0	1,456
1E	PRENTISS	1,440	1	0	1,440
6N	LAMAR	2,880	2	0	1,440
7	WARREN	7,195	5	2	1,439
1W	PANOLA	5,741	4	1	1,435
1W	DESOTO	5,723	4	0	1,431
5	PIKE	5,700	4	1	1,425
1E	WEST CHICKASAW	1,389	1	1	1,389
4	KEMPER	1,349	1	0	1,349
3	HOLMES	5,338	4	0	1,335
1E	MONROE	3,823	3	0	1,274
4	NOXUBEE	2,538	2	0	1,269
4	LEAKE	2,526	2	0	1,263
4	NEWTON	2,493	2	0	1,247
3	CARROLL	1,219	1	1	1,219
6S	HANCOCK	3,583	3	1	1,194
6S	PERRY	1,186	1	1	1,186
1E	ALCORN	2,351	2	0	1,176
6N	MARION	3,510	3	0	1,170
4	CHOCTAW	1,152	1	1	1,152
2	EAST BOLIVAR	6,858	6	1	1,143
1E	ITAWAMBA	1,120	1	0	1,120
5	LINCOLN	3,289	3	1	1,096
1E	LOWNDES	7,593	7	0	1,085
3	WASHINGTON	12,998	12	0	1,083
6N	JASPER	2,159	2	0	1,080
1E	TISHOMINGO	1,062	1	1	1,062
6N	COVINGTON	2,117	2	1	1,059
5	CLAIBORNE	2,091	2	0	1,046
6N	JEFF DAVIS	2,066	2	1	1,033
2	QUITMAN	2,058	2	1	1,029
3	YAZOO	5,124	5	1	1,025
1W	MARSHALL	4,063	4	0	1,016
5	ADAMS	6,054	6	1	1,009
1E	OKTIBBEHA	3,990	4	1	998
6N	CLARKE	1,966	2	0	983
1W	TUNICA	1,947	2	1	974
2	WEST BOLIVAR	1,946	2	1	973
5	FRANKLIN	962	1	0	962
5	WILKINSON	1,905	2	0	953
2	SUNFLOWER	6,642	7	1	949
6N	WAYNE	2,837	3	0	946
4	WINSTON	2,818	3	0	939
2	WEBSTER	923	1	1	923
6N	SIMPSON	2,636	3	0	879
3	HUMPHREYS	2,611	3	0	870
2	GRENADA	2,589	3	0	863
6S	JACKSON	11,957	14	1	854
1E	EAST CHICKASAW	852	1	1	852
1W	BENTON	852	1	1	852
6S	GREENE	839	1	1	839
1W	UNION	1,670	2	0	835
2	TALLAHATCHIE	2,486	3	0	829
1W	TATE	2,403	3	0	801
2	YALOBUSHA	1,598	2	0	799
5	JEFFERSON	1,589	2	0	795
5	COPIAH	3,902	5	1	780
2	CALHOUN	1,541	2	1	771
3	SHARKEY	1,530	2	0	765
1W	TIPPAH	1,527	2	0	764
5	AMITE	1,483	2	0	742
5	LAWRENCE	1,333	2	0	667
3	ISSAQUENA ¹	0	0	1	see footnote ¹

¹one of the Sharkey Co. CSEOs works these cases (the 233 cases are already included in Sharkey's total); cases are divided as to make the distribution equal

SOURCE: DHS Child Support Caseload Fiscal Year 2003 submitted by DHS July 8, 2003, SPB Employee PIN Report-All Vacant PINS as of 7/1/03, Mississippi Department of Human Services, Division of Child Support Enforcement Organization Chart Submitted July 8, 2003

Exhibit 5: Caseload per Child Support Enforcement Officer Supervisor, by Region, as of July 1, 2003

REGION	COUNTY CASELOAD	# CSEO SUPERVISORS	CASELOAD PER SUPERVISOR
Total 1W	28,319	3	9,440
Total 7	41,124	5	8,225
Total 1E	33,456	5	6,691
Total 3	47,259	9	5,251
Total 6S	44,407	9	4,934
Total 2	33,848	7	4,835
Total 4	37,991	8	4,749
Total 6N	39,122	9	4,347
Total 5	30,072	7	4,296
TOTAL	335,598	62	5,413

SOURCE: DHS Child Support Caseload Fiscal Year 2003 submitted by DHS July 8, 2003, SPB Employee PIN Report-All Vacant PINS as of 7/1/03, Mississippi Department of Human Services, Division of Child Support Enforcement Organization Chart Submitted July 8, 2003

Exhibit 6: Caseload per Attorney, by Region, as of July 1, 2003

REGION	COUNTY CASELOAD	#STAFF ATTORNEYS & SENIOR ATTORNEYS	CASELOAD PER ATTORNEY
3	47,259	1	47,259
7	41,124	2	20,562
1E	33,456	2	16,728
6S	44,407	3	14,802
2	33,848	3	11,283
6N	39,122	4	9,781
4	37,991	5	7,598
5	30,072	5	6,014
1W	28,319	8	3,540
Totals	335,598	33	10,170

SOURCE: SPB Employee PIN Report-All Vacant PINS as of 7/1/03, Mississippi Department of Human Services, Division of Child Support Enforcement Organization Chart Submitted July 8, 2003, Mississippi Department of Human Services, Child Support Caseload-Fiscal Year 2003, submitted July 1, 2003

County Office Performance as Measured by Federal Performance Standards

The wide variation in county office caseloads results in disparate quality of services delivered as measured by federal performance standards--i.e., county offices with smaller caseloads perform better against the standards than counties with larger caseloads.

The 1998 Child Support Performance and Incentive Act (Public Law No. 105-200) established federal performance measures for state child support enforcement programs. The U. S. Department of Human Services grants states incentive payments each year based on each state's performance on these measures and child support collections relative to the performance and child support collections of other states.

The five areas of performance measured by the federal government are:

- 1) *paternity establishment* (computed as the percentage of children in the caseload with paternity established of the number of children in the caseload born out of wedlock);
- 2) *support order establishment* (computed as the percentage of cases with a support order of the total number cases);
- 3) *amount of collections* (computed as the percentage of child support collected of the amount of current child support owed);
- 4) *payment of arrears* (computed as the percentage of cases paying toward arrears of the number of cases with arrears owed); and,
- 5) *cost effectiveness* (computed as the ratio of child support dollars collected to the number of dollars expended for child support programs).

(See page 33 for a discussion of Mississippi's success in receiving incentive payments based on performance in these areas.)

Because the division has not allocated staff resources to county offices based on caseload, collection efforts in some counties have suffered and some custodial parents and children have not received the child support payments to which they are entitled.

To relate performance to caseload size, PEER categorized the county offices according to average caseload per child support enforcement officer, dividing the total number of offices into three groups, and determined the average performance of each group in four of the five federal performance measures. (PEER did not include the cost-effectiveness measure in this comparison, as that measure is not computed at the county level.)

As shown in Exhibit 7 on page 16, county offices with the smaller caseloads per officer, on average, performed better on federal incentive performance measures than the counties with larger caseloads per officer. For example, county offices in the lower third by average caseload size (i.e., average caseloads ranging from 667 to 983) were 80% successful in establishing paternity, while county offices in the upper third by average caseload size (i.e., average caseloads ranging from 1,389 to 2,592) were 68% successful in establishing paternity.

Exhibit 7: Mississippi’s Performance on Federal Incentive Performance Measures by Size of Child Support Enforcement Officer Caseload, FY 2003

	County Caseload Size		
	Lower third of Counties	Middle third of Counties	Higher third of Counties
<i>Caseload Size Range</i>	667-983	998-1349	1389-2592
<i>Number of County Offices</i>	28	28	28
Performance Measure			
Paternity Establishment	80%	75%	68%
Percent of Cases with Orders	55%	50%	45%
Percent of Current Collections	55%	54%	52%
Percent of Cases with an Arrears Collection	63%	61%	59%

SOURCE: DHS Organizational Chart and SBP Vacancy Report as of July 1, 2003 submitted by DHS July 8, 2003, SBP Vacancy Report as of July 1, 2003 submitted by DHS July 8, 2003, DHS Child Support Caseload Fiscal Year 2003 submitted by DHS July 8, 2003, MDHS METSS Child Support Performance Data for Fiscal Year 2003 submitted by DHS 8/15/03, MDHS METSS Report of Child Support Owed and Paid from July 1, 2002 thru June 30,2003

Thus, because the division has not allocated staff resources to county offices based on caseload, collection efforts in some counties have suffered and some custodial parents and children have not received the child support payments to which they are entitled.

Does the Division of Child Support Enforcement comply with laws, policies, and procedures governing license suspension?

No. Some of the division's policies and procedures are inconsistent with state laws regarding license suspension and the division's staff often does not comply with the division's own policies and procedures regarding license suspension. In 73% of the cases in PEER's sample (208 of 286 total cases), the division did not enforce license suspension according to policy. Also, the division's Program Office does not formally and routinely monitor license suspension actions to determine compliance with policy and the extent to which license suspensions are effective.

License suspension is one of the most important enforcement tools available to the Division of Child Support Enforcement for collecting payments from noncustodial parents who are delinquent in their payments. It is an administrative action for enforcement and thus does not create further judicial backlog. By not taking full advantage of this tool, the division reduces its ability to ensure that custodial parents and their children are receiving needed income from child support payments.

Division's Policies and Procedures Not Consistent with State Law

Some of the Division of Child Support Enforcement's policies and procedures are inconsistent with state laws regarding license suspension. The division's policies and procedures allow some noncustodial parents to avoid license suspension in cases that by law require suspension.

MISS. CODE ANN. §93-11-151 et seq. (1972) authorizes and establishes procedures for the Division of Child Support Enforcement's staff to pursue license suspension for noncustodial parents who have not complied with subpoenas or warrants or have not complied with court orders for child support.² It is an administrative enforcement tool and does not have to have court order for each suspension. As directed in the statute, in order for the license suspension process to begin due to noncompliance with a court order to pay child support, a noncustodial parent must be at least thirty days delinquent in making payments on current support or arrears (past due payments).

² MISS. CODE ANN. §93-11-153 subsection (b) defines a license as "a license, certificate, permit, credential, registration, or any other authorization issued by a licensing entity that allows a person to engage in a business, occupation or profession, to operate a motor vehicle, to sell alcoholic beverages, or to hunt and fish."

While the division is also authorized to use license suspension in cases in which a noncustodial parent has not complied with a subpoena or warrant relating to child support court action, PEER found none of these cases in its review sample. Thus the focus of the compliance review is on license suspension cases relating to past due child support.

If the noncustodial parent is more than thirty days late in making child support payments, the division sends the noncustodial parent a letter stating that if he or she does not comply within ninety days, his or her license will be suspended. The statute directs that if after a ninety-day notice period, the noncustodial parent still has delinquent child support payments outstanding and has not entered into a written settlement approved by the court establishing a payment schedule for the delinquent payments (also called a stipulated agreement and agreed judgment), the division “shall immediately notify all applicable licensing entities in writing to suspend the licensee’s license.”

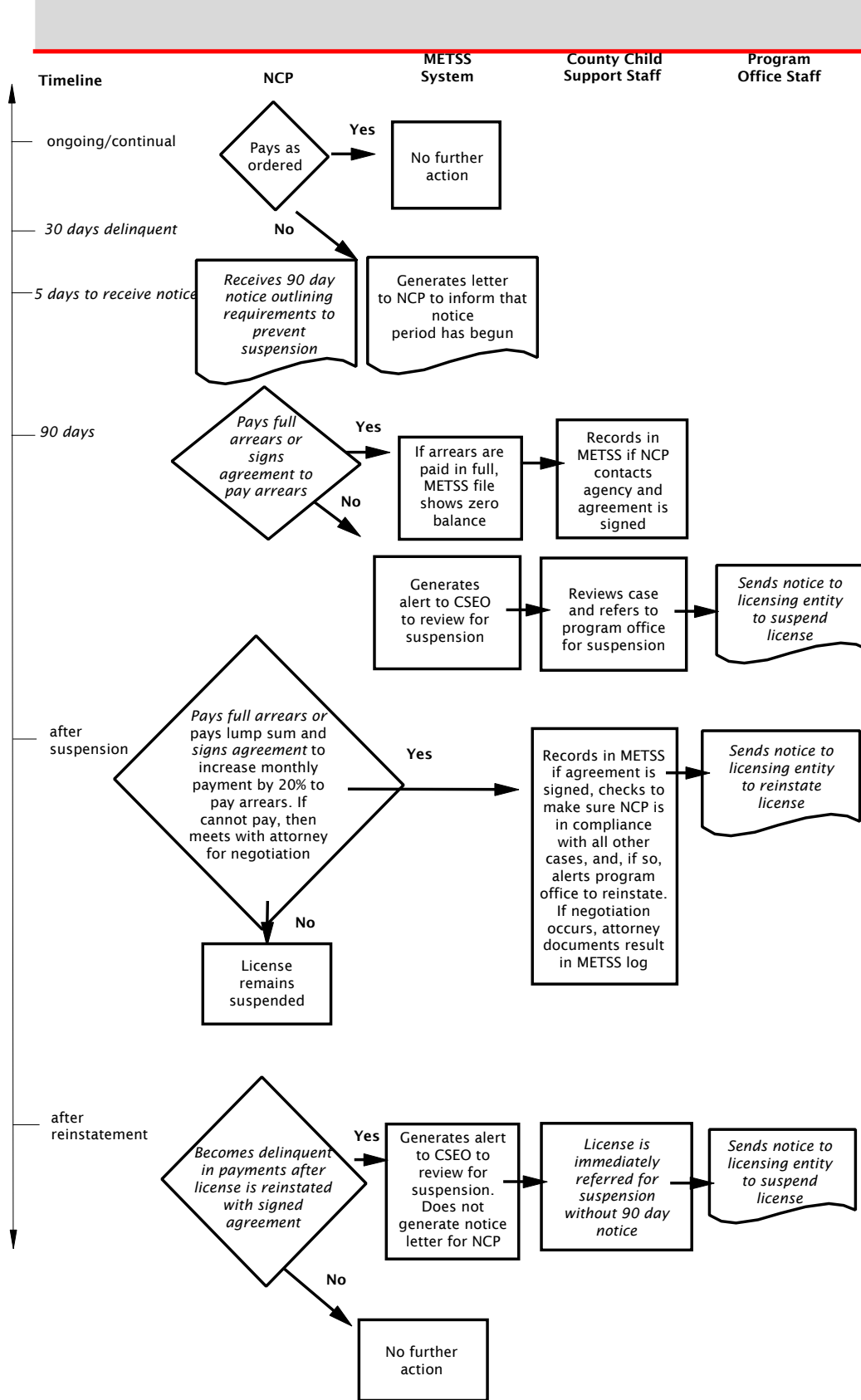
Exhibit 8, page 19, illustrates the Division of Child Support Enforcement’s procedures for implementing the statute regarding license suspension.

State law requires that the Division of Child Support Enforcement suspend licenses of noncustodial parents who are delinquent in child support payments unless arrears are paid in full or the noncustodial parent has signed a stipulated agreement to pay the arrears. However, the division has allowed some noncustodial parents who have not met this condition to avoid suspension.

The division’s software system, the Mississippi Enforcement Tracking of Support System (METSS), notifies child support enforcement officers of cases that should be reviewed for possible license suspension. If a case meets the conditions for license suspension (see discussion, page 17), the division’s policy states that METSS will alert an officer to review the case unless an active income withholding order exists.

In order for the license suspension process to begin, the noncustodial parent must have an inactive income withholding order signifying that he or she has stopped paying child support. However, sometimes, during the ninety-day notice period, the noncustodial parent’s place of employment starts withholding child support payments from the noncustodial parent’s income, causing the income withholding order to become active.

Exhibit 8: Primary Steps for License Suspension



Note: The italicized items are steps specifically outlined in state law (MISS. CODE ANN. §93-11-151 thru 163). All of the other steps are from the Division of Child Support Enforcement policy and procedure manual.

SOURCE: PEER analysis of Volume VI: The Policy and Procedure Manual for Division of Child Support Enforcement Operations and MISS.CODE ANN. §93-11-151 thru 163

The practice of not alerting a child support enforcement officer to review a case for possible license suspension if an active withholding order exists allows a noncustodial parent who has an active income withholding order in place (for collection of current and future child support payments) but who owes back child support payments (arrears) to avoid license suspension.

The practice of not alerting an officer to review the case for possible license suspension if an active withholding order exists allows a noncustodial parent who has an active income withholding order in place (for collection of current and future child support payments) but who owes back child support payments (arrears) to avoid license suspension. In the sample of cases PEER reviewed, the division did not suspend licenses in twenty-seven cases because the noncustodial parents had active income withholding orders. These parents were not required to make payments on arrears balances but avoided license suspension.

The division's exclusion of cases with active income withholding orders from the set of cases reviewed for license suspension does not comply with state law regarding license suspension. Once a noncustodial parent has come to the point of having his or her license(s) suspended for nonpayment of child support, the only method of halting the suspension that is allowed by state law (MISS. CODE ANN. Section 93-11-157 [1972]) is for that parent to pay arrears in full or sign a stipulated agreement to pay the arrears.

While an income withholding order provides regular payments from noncustodial parents for current and future child support collections, it does not affect the collection of arrears unless the division specifically amends it to do so. In addition to being out of compliance with state law, the division's practice reduces the effectiveness of the enforcement measure designed to help custodial parents and their children receive the delinquent child support payments owed to them.

Although state law requires all licensing entities to provide license data to the Division of Child Support Enforcement, the division has collected such data from only about half of the state licensing entities. This could potentially allow delinquent noncustodial parents with certain types of licenses to avoid license suspension and reduces the division's effectiveness in helping custodial parents and their children collect the child support payments owed to them.

MISS. CODE ANN. §93-11-155 (1972) requires all licensing entities to provide to the Division of Child Support Enforcement in a form and manner prescribed by the division (at least quarterly):

. . . information on licensees for use in the establishment, enforcement and collection of child support obligations including, but not limited to: name, address, Social Security number, sex, date of birth, employer's name and address, type of license, effective date of the license, expiration date of the license, and active or inactive license status.

The division is to use this information in implementing the license suspension program. If the division's METSS system is electronically linked with the licensing entity and determines that

the delinquent noncustodial parent has a valid or active license, the system initiates the license suspension process by sending a notice letter to the noncustodial parent.

Currently, the Division of Child Support Enforcement only collects license information from approximately half of the state's licensing entities. The first list in Exhibit 9 on page 22 includes the entities to which the division is electronically linked; the second list includes entities from which the division does not receive electronically transmitted licensure information. The two most common license matches are with the departments of Public Safety (driver's licenses) and Wildlife, Fisheries and Parks (hunting and fishing licenses).

According to state law, it is the burden of the licensing entity to provide contact information to the Division of Child Support Enforcement to be used as necessary for child support enforcement purposes. State law is silent as to reimbursement of cost of or collection of fees for providing this information to the division.

According to interviews with Division of Child Support Enforcement and Department of Human Services Management Information System staff, the division often determines which licensing entities METSS connects to based on the costs charged to the Division of Child Support Enforcement by the licensing entities for provision of license information. However, according to state law, it is the burden of the licensing entity to provide information to the Division of Child Support Enforcement. State law is silent as to reimbursement of cost of or collection of fees for providing this information to the division.

As a result of this situation, potential inequities in license suspension exist. Persons holding valid or active licenses from the first group of entities in Exhibit 9 are presently the only group that would potentially lose those licenses due to nonpayment of child support, whereas those holding licenses from the second group of entities would not lose their licenses regardless of how much child support is owed. For example, under the present circumstances, a noncustodial parent licensed as a cosmetologist or physician who is delinquent in child support payments could potentially lose his or her professional license, while a delinquent noncustodial parent licensed as a barber or attorney would not.

The division's practice of collecting license information from only half of the state's licensing entities also reduces the division's effectiveness in helping custodial parents and their children receive the delinquent child support payments owed to them.

Exhibit 9: State Licensing Entities Electronically Linked and Not Linked to the Department of Human Services' Computer System

Electronically Linked Entities

Mississippi Board of Public Accountancy
Mississippi State Tax Commission's Alcoholic Beverage Control Division (ABC)
Mississippi Board of Chiropractic Examiners
Mississippi State Board of Examiners for Licensed Professional Counselors
Mississippi State Board of Funeral Service
Mississippi Board of Nursing Home Administrators
Mississippi Board of Pharmacy
Mississippi Polygraph Examiners Board
Mississippi State Department of Health*
Mississippi State Board of Registration for Professional Engineers & Land Surveyors
Mississippi Board of Veterinary Medicine
Mississippi Auctioneer Commission
Mississippi Board of Cosmetology
Mississippi State Department of Education
Mississippi Department of Public Safety
Mississippi Department of Wildlife, Fisheries & Parks
Mississippi Secretary of State**
Mississippi State Board of Medical Licensure

Entities Not Electronically Linked

Mississippi Board of Registration for Foresters
Mississippi Board of Barber Examiners
Mississippi State Board of Dental Examiners
Mississippi Board of Examiners for Social Workers & Marriage & Family Therapists
Mississippi Board of Nursing
Mississippi State Board of Optometry
Mississippi Board of Psychology
Mississippi Gaming Commission
Mississippi Insurance Commission
Mississippi Real Estate Appraisal Licensing & Certification Board
Mississippi Real Estate Commission
Mississippi Board of Bar Admissions
Mississippi State Board of Architecture
Mississippi State Board of Public Contractors
Mississippi Board of Registered Professional Geologists
Mississippi State Board of Massage Therapy
Mississippi Department of Agriculture and Commerce-Regulation of Professional Services***

* Provides licenses for the following professions: art therapists, athletic trainers, audiologists/speech pathologists, body piercing operators, dieticians, eye enucleators, hearing aid dealers, occupational therapists, physical therapists, medical radiation technicians, respiratory care therapists, tattoo operators and facilities, nurses aides, EMTs, and paramedics.

** Provides licenses to certain brokers and dealers of securities

*** Provides licenses to pest control operators and professional agricultural consultants

SOURCE: Department of Human Services, Child Support Enforcement Division

Staff's Noncompliance with State Law or Division Policies

In 208 of the 286 cases PEER reviewed (73%), the division's staff did not comply with some aspect of child support enforcement law or policy. In 46% of these cases, the division did not suspend the noncustodial parent's license, when according to statute it should have. These cases represented a total of \$686,766 in past due payments that potentially could have been collected if the division had followed license suspension policies.

As noted on page 1, one objective of PEER's review was to determine whether the Division of Child Support Enforcement's staff follows state laws and the department's own policies and procedures governing the suspension of professional and privilege licenses of noncustodial parents who are delinquent in child support payments. To achieve this objective, PEER sampled license cases and compared the division's staff's actions on these cases with criteria set forth in state law and the division's own policies and procedures.

PEER's Sample of License Suspension Cases

PEER requested that the Department of Human Services provide a list of active cases in which the noncustodial parent had received a notice regarding potential license suspension in Fiscal Year 2003 in each of fourteen randomly selected counties. PEER reviewed a random sample of 286 cases from the list of 6,116 cases from the fourteen counties. This sample represented less than five percent of the total cases in which the license suspension process had been initiated. PEER chose the number of cases for review in each county proportionate to the total number of cases with notices generated in the counties. PEER excluded seventy-six cases from its original sample of 362 (sixty-two because there was no support ordered in the case and fourteen due to insufficient information provided to determine compliance).

Within PEER's sample, the cases with past due payments that potentially could have been collected if the division had followed license suspension policies represented a total of \$686,766.

PEER staff visited the fourteen county offices and requested copies from parts of their computerized case files that, according to the division's METSS manual, would document the license suspension process of the Division of Child Support Enforcement. PEER staff reviewed the cases, comparing the documentation of the staff's actions taken after notices were generated by METSS with license suspension policy and state law. As shown in Exhibit 10 on page 24, in 208 of the 286 cases PEER reviewed (73%), the division's staff did not comply with some aspect of child support enforcement law or policy. In 46% of the cases, the division did not suspend the noncustodial parent's license, when according to statute it should have. These cases represented a total of \$686,766 in past due payments that potentially could have been collected if the division had followed license suspension policies.

Appendix C, page 55, contains a list of documents PEER requested from county offices for its license case suspension review and a list of the fourteen county offices randomly selected for review.

Exhibit 10: License Suspension Cases in Sample in which Division Did Not Comply with State Law or Policy

Number of cases	Description of Division of Child Support Enforcement's noncompliance with state law or division policy
	<i>Staff's action did not comply with state law or division policy</i>
112	took no action on license suspension after notice was generated
33	took action, but more than one week after notice period expired
19	stopped license suspension process or reinstated license without noncustodial parent taking all action required by law
	<i>Division's policy did not comply with state law</i>
27	did not suspend license because of active income withholding order
	<i>METSS's action did not comply with state law or division policy</i>
5	generated 90-day notice for second offense when should have generated alert to officer for immediate license suspension
5	generated 90-day notice on closed case
	<i>Staff's documentation did not comply with division policy</i>
3	did not document that noncustodial parent was not delinquent in other cases before reinstating license
2	voided license suspension process without documentation
1	signed stipulated agreement not recorded on proper METSS forms
1	stipulated agreement could not be filed because the noncustodial parent's payment record kept by the division was missing
208	Total cases in sample in which division did not comply with state law or division policy

SOURCE: Mississippi Department of Child Support Enforcement Cases Sampled by PEER Staff, Division Policy and Procedure Manual, MISS CODE ANN. §93-11-151 through 163 (1972)

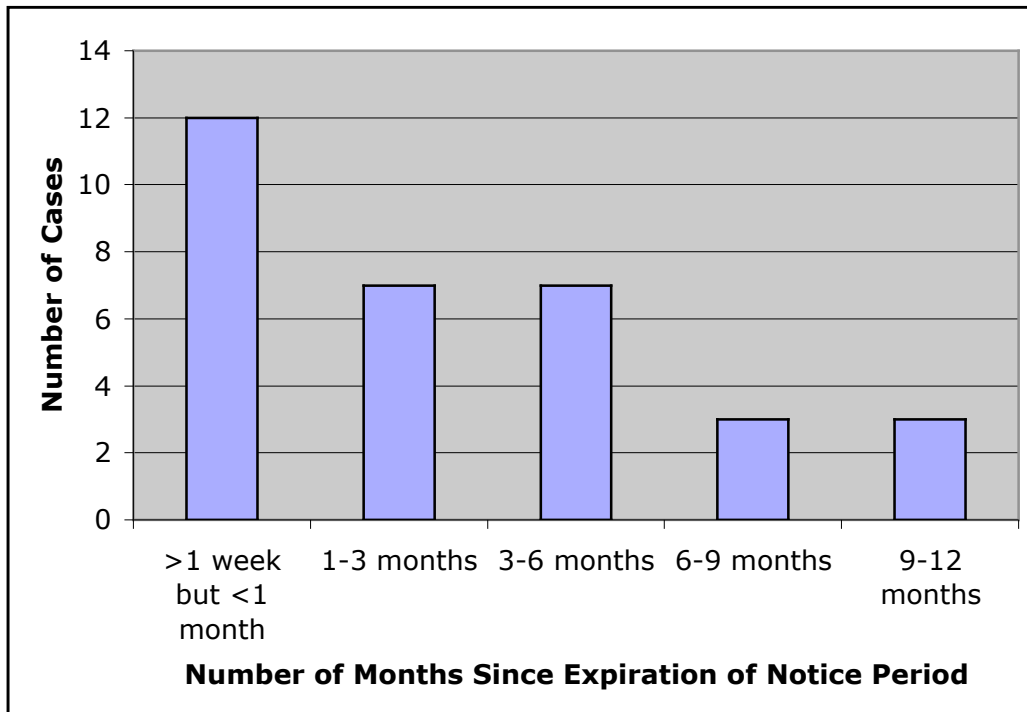
Types of Division Noncompliance

The most common type of noncompliance with the division's license suspension policies and procedures was the failure of child support enforcement workers to take any license suspension action after the notice period expired (e.g., license suspension, void of license suspension process) as documented in the division's electronic management information system. These 112 cases represented 54% of the cases in the PEER sample in which the division did not comply with either state law or its own policies and procedures.

The second most common type of noncompliance with policies and procedures was failure of the child support enforcement officer to perform license suspension action within the correct period. State law stipulates the license should be suspended immediately upon expiration of the notice period; however, the division's policy does not specify a time frame for action. For this review, cases in which action was taken within one week of

expiration of the notice period were those in which considered PEER considered the division to have complied with policy. In thirty-three of 286 cases in PEER’s sample (12%), child support enforcement staff did not take license suspension action within one week. Exhibit 11, below, shows how long before action was taken on these thirty-three cases.

Exhibit 11: Length of Time Before Action was Taken After Notice Expiration (of Cases in Which the Division was Noncompliant)



SOURCE: PEER analysis of sample of Division of Child Support Enforcement cases

In twenty-seven of these cases, the division’s county staff reported that the license was not suspended because an income withholding order became active during the ninety-day notice period. The Division of Child Support Enforcement’s policy states that METSS will not generate an alert for the worker if an income withholding order is active, but this is not in compliance with state law (see discussion on page 18).

Other common types of the division’s noncompliance with its own policies and procedures included cases in which the child support enforcement staff did not suspend the noncustodial parent’s license or they reinstated an already suspended license even though the noncustodial parent had not completed all required actions to avoid suspension or have the license reinstated. In

some cases, the division's staff allowed a verbal agreement to replace a signed stipulated agreement and agreed judgment. In other cases, the stipulated agreement did not increase the arrears payment by the 20% outlined in policy, or, the division staff's did not require a lump sum payment upon reinstatement of license as the division's policy requires. If the noncustodial parent cannot pay the lump sum or increased arrears payment as required, the division's policy states that the noncustodial parent can meet with the attorney to negotiate a smaller payment. According to policy, the attorney must document this negotiation meeting in the METSS computer system. PEER found nineteen cases in the sample in which the division reinstated or did not suspend licenses without the required action by noncustodial parents or division staff.

When the division's staff does not follow its own policies and procedures, the division loses some of its effectiveness in collecting payments.

In ten of the cases PEER reviewed in the sample, the division's noncompliance was the result of inconsistency between METSS practice and policy. In five of these cases, the division's staff did not immediately suspend licenses when a noncustodial parent was delinquent in his/her child support payments for a second time, as both the division's policy and statute direct. In these cases, policy states that METSS should alert a child support enforcement officer to refer a case for license suspension immediately. However, in the five cases noted above, METSS generated a notice letter to the noncustodial parent, signifying an inconsistency between policy and METSS procedure. PEER found a similar problem in five cases in which METSS generated a ninety-day notice letter to noncustodial parents whose cases had been closed.

In the final seven cases in which PEER found the division to be noncompliant, child support enforcement staff made errors in the documentation of the license suspension process. Formal documentation of case action in the division's computer system is required by the division's policy. The division's policy and procedure manual states that child support enforcement workers and child support legal staff are both responsible for "documenting all actions taken per established policy and procedure." If documentation is not comprehensive, the division does not have accurate record of events, cannot justify actions taken, and cannot take the proper follow-up actions as needed. Accurate documentation is necessary within the METSS system because it uses data entered by child support workers to alert workers when an action on a case is needed and to create reports used by management staff for performance monitoring.

The division's policies and procedures contain steps designed to facilitate officers' collection of child support payments for noncustodial parents and children. When the division's staff does not follow these policies and procedures, the division reduces its effectiveness in collecting these payments.

Lack of Monitoring of License Suspension Actions

The Division of Child Support Enforcement's Program Office does not formally and routinely monitor license suspension actions in the county offices to determine compliance with policy and the extent to which license suspensions result in payment of delinquent child support obligations.

During the review process, PEER requested documentation of the number and types of licenses suspended and the amount collected in delinquent child support payments as a result of license suspension. The Division of Child Support Enforcement's staff could not provide a standard report (a report generated regularly by the METSS system that is used by management information staff to monitor programs) that included this information. Instead, the Department of Human Services Management Information System (MIS) staff had to generate a one-time report of the number of suspensions and reinstatements per county office. The Program Office staff member responsible for the license suspension program did report keeping a running total of licenses suspended for his own files.

Also, the division's staff could not create a report that gave the total amount collected as a result of license suspension. However, according to Program Office and MIS staff, county child support staff report the amounts collected by lump sum for license reinstatement regularly to the program office. This amount does not include the amount of increased arrears payments or arrears paid in full to avoid license suspension or to reinstate licenses and is, thus, only partial data. The amount also does not take into account how much should have been collected but was not.

One reason that license suspension actions are difficult to track is that the alert generated by METSS indicating a ninety-day license suspension notice has expired can be deleted by a child support enforcement officer without any action having been taken.

PEER learned through interviews with regional supervisors that some have taken the initiative to find ways to monitor the license suspension actions of staff in their regions. Some review all the cases that are referred to the program office for license suspension. However, the Program Office does not have a formal, written policy that includes a systematic method of monitoring license suspension actions. One reason that license suspension actions are difficult to track is that the alert generated by METSS indicating a ninety-day license suspension notice has expired can be deleted by a child support enforcement officer without any action having been taken. Many other METSS-generated alerts require the child support enforcement officer to take a specific action prior to deletion. Thus, a supervisor can review which alerts still need action from a child support enforcement officer.

By not instituting a formal method of monitoring license suspension actions or of the result of these actions on collections, the division cannot determine its effectiveness in implementing license suspension nor the success of this tool in collecting delinquent child support payments.

Does the Division of Child Support Enforcement comply with laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit?

The Division of Child Support Enforcement's Central Receipting and Disbursement Unit does not follow all laws, rules, and regulations governing the receipt and disbursement of child support payments. Internal control weaknesses, such as lack of segregation of duties in cash handling, could result in misappropriation of child support payment collections.

Laws, Rules, and Regulations Governing Operation of the Central Receipting and Disbursement Unit

The purpose of the Central Receipting and Disbursement Unit is to expedite processing and disbursement of payments to the custodial parents and to provide employers and noncustodial parents with a single location to make payments.

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required each state's child support enforcement entity to establish and operate by October 1, 1998, a State Disbursement Unit for the collection and disbursement of court-ordered child support payments. This applies to cases in which the support order was initially issued on or after January 1, 1994, and other cases in which the income of the noncustodial parent is subject to employer withholding (i.e., automatic withdrawal from the noncustodial parent's paycheck). The purpose of the unit is to expedite processing and disbursement of payments to the custodial parents and to provide employers and noncustodial parents with a single location to make payments.

MISS. CODE ANN. § 43-19-31 (k), -35 (2), and -37 (l) (1972) require the Department of Human Services to maintain Mississippi's Central Receipting and Disbursement Unit, or CRDU. As of July 1, 2003, the Central Receipting and Disbursement Unit was operating with twenty-two staff, including fourteen fiscal/accounting officers and four supervising fiscal officers, who process all of the payments, and three other management staff. These staff members process child support payments from noncustodial parents and their employers.

The division's policy allows payments to be mailed or hand-delivered to the CRDU in Jackson. If an individual chooses to hand deliver a payment, a CRDU staff member speaks and transacts with the client at a window at the CRDU in a manner similar to a bank transaction. For payments they receive by mail, the CRDU staff batches the checks and assigns them to fiscal officers to enter into the computer. CRDU staff post both payments made in person and those sent by mail into the computer system. The posting tells the METSS system that a noncustodial parent has

paid his or her child support and allows the METSS system to create and print a check for the custodial parent for the amount paid. CRDU staff deposit cash and check payments daily into the division's bank account.

Handling Returned Checks

The Division of Child Support Enforcement does not follow policies and procedures for recovery of insufficient funds from returned checks.

Laws, Policies, and Procedures Regarding Returned Checks

The division's official policy is to suspend check writing privileges after one insufficient funds check.

MISS. CODE ANN. §97-19-55 (1972) states that it is unlawful for an individual to knowingly write a check when there are insufficient funds to cover the amount of the check. According to this law, district attorneys are authorized to assist in the recovery and distribution of restitution from persons charged with issuing checks with insufficient funds on deposit.

Although the division's policies and procedures manual states that district attorneys are allowed to assist in the recovery of non-sufficient funds, the division's policies and procedures manual does not include a specific procedure addressing referral of returned checks to district attorneys.

According to the division's policy, the Division of Child Support Enforcement's receipt of one insufficient funds check is cause for suspension of a noncustodial parent's or an employer's check writing privileges with the Department of Human Services. The Division of Child Support Enforcement's Policy and Procedure Manual states that when a check is returned for insufficient funds, the noncustodial parent or employer is given an opportunity to rectify the situation. This involves the mailing of a Notice of Non-Sufficient Funds to the noncustodial parent or employer asking for full remittance of the bad check within fifteen days of the date of the notice, plus a \$30 service charge. Although the division's policy and procedure manual states that district attorneys are allowed to assist in the recovery of non-sufficient funds, no procedure specifically includes referral of returned checks to district attorneys.

Division's Compliance with Policy Regarding Returned Checks

In practice, the division rarely, if ever, uses district attorneys to collect funds and does not follow up on bad checks after the Notice of Non-Sufficient Funds is sent.

PEER's interviews with the Program Office's staff confirmed that district attorneys are rarely, if ever, utilized to collect these debts.

The division does not provide a follow-up procedure or other steps after the notice is mailed. As noted above, the Child Support Policy and Procedure Manual does not include specific procedures

regarding referral to the district attorney's Bad Check Unit for collection of these funds.

The CRDU supervisor and the Child Support Field Director decide jointly on a case-by-case basis regarding removal of the restriction on receiving checks from a noncustodial parent or employee who issued a bad check.

FY 2003 Returned Check Losses

The division lost \$34,645 in child support collections in FY 2003 due to its failure to follow policies and procedures to recover payments made with bad checks.

The division received 903 bad child support payment checks in FY 2003 totaling \$185,146 (514 [57%] written by noncustodial parents and 389 [43%] written by employers). The division recouped \$152,639 through notification to payers, but paid the bank \$2,138 in returned check fees, netting a collection loss of \$34,645. This amount could have been reduced if the division had proactively sought to recover funds from bad checks.

New Policy Regarding Personal Checks

Implementing the new policy of requiring cashier's checks or money orders from noncustodial parents should reduce the division's losses from bad checks.

Noncustodial parents must now submit payments in the form of a cashier's check or money order. Employers may still submit checks for income withholding orders unless they have previously submitted a check returned for insufficient funds.

Beginning October 1, 2003, the Division of Child Support Enforcement will no longer accept personal checks from any noncustodial parents. Noncustodial parents must now submit payments in the form of a cashier's check or money order. Employers may still submit checks for income withholding orders unless they have previously submitted a check returned for insufficient funds, in which case they must also submit a cashier's check or money order.

MDHS's Executive Director and the Director of the Division of Child Support Enforcement issued a memo explaining the new policy in August 2003. This policy has the potential to reduce bad check losses but will likely not eliminate them all together because 43% of returned checks in FY 2003 were written by employers and the policy only applied to noncustodial parents.

Internal Control Weaknesses

CRDU staff do not follow one federal regulation designed to provide internal controls over the receipt of child support payments and do not collect enough information to know whether they are following another federal regulation for timely distribution of child support payments.

PEER made an unannounced inspection of the operations of the CRDU on October 23, 2003, and used a checklist created from the division's policies and from the Guide for Auditing State Disbursement Units, Department of Health and Human Services, Office of Child Support Enforcement, Office of Audit, June 2003 as criteria for observation.

PEER observed the following problems in CRDU payment processing and disbursement:

- *CRDU staff do not segregate cash handling duties.* While CRDU staff did not handle any cash payments during PEER's observation, PEER asked CRDU staff to demonstrate the usual procedure of cash handling. During the demonstration, the same CRDU employee who accepted cash payments at the window of the Central Receipting and Disbursement Unit posted the payment on the system. The employee had another fiscal officer count the funds to verify the amount.

Federal regulation 45CFR302.20 states that state child support agencies "will maintain methods of administration designed to assure that persons responsible for handling cash receipts of support do not participate in accounting or operating functions which would permit them to conceal in the accounting record the misuse of support receipts." The Office of Child Support Enforcement's Guide for Auditing State Disbursement Units states, "A person receiving payment at a cashier's office cannot post a payment to a batch due to required segregation of duties." The segregation of duties in cash handling, a common internal control procedure, is designed to prevent fraud.

- *CRDU staff do not stamp the date received on child support payment checks.* According to federal regulation 45 CFR302.32, child support payments sent to state disbursement units shall be disbursed "within 2 business days of initial receipt in the State." According to the division's policy, one of the functions of the CRDU is to monitor disbursement of child support payments to ensure that they are posted within two business days of receipt. Although the CRDU staff enter the date received on the cover page of the batches of fifty checks, the staff does not stamp the date of receipt on individual payments, therefore division staff cannot monitor adherence to the division's policy requiring posting within two business days for each payment.

Without these internal controls in place, the CRDU staff cannot ensure that funds received as child support payments will not be misappropriated.

Is the Division of Child Support Enforcement receiving the maximum amount of federal performance incentive payments available and is it using all available tools for improving its performance?

In federal fiscal years 2001 and 2002, Mississippi received the maximum federal incentive funding in only one out of five performance areas (cost effectiveness). In one area (percent of cases with child support orders), Mississippi received no performance incentive funding. The performance in another area (paternity establishment) may result in a penalty of from 1% to 2% of federal TANF block grant funds. Also, the Division of Child Support Enforcement is not using all of the performance improvement tools available to improve its performance in these areas.

The Division of Child Support Enforcement's performance is monitored both at the state and federal levels. The U. S. Department of Health and Human Services distributes some federal funding, called incentive funding, to state child support enforcement agencies based on their performance on key measures. In addition to the performance measures used by the federal government to distribute incentive funds, the states use other federal performance measures for a self-assessment process.

Mississippi's Division of Child Support Enforcement has also established a separate set of performance measures for purposes of internal management.

Calculation of Federal Incentive Payments

The U.S. Department of Human Services grants states incentive payments each year as a portion of a fixed amount of federal incentive funds available. The department bases each state's incentive payments on the total amount of child support collections and its scores on the following five performance measures as established in the 1998 Child Support Performance and Incentive Act (Public Law No. 105-200): paternity establishment, support order establishment, percent of child support collected, payment of arrears, and cost effectiveness. (These measures are defined on page 15.) States report their performance data to be used to calculate incentive funding on a quarterly basis to the U.S. Department of Health and Human Services. Federal officials audit the data for reliability at least once every three years (45 CFR §305.60).

After the U.S. Department of Human Services determines each state's child support collection amounts and scores, it compares the scores to those of other states. The amount of actual incentive funding given to states is based on their performance and child support collections relative to the performance and child support collections of other states. (Appendix D, page 56, contains a more detailed description of the process for calculating incentive payments earned.) States may then use their incentive funds to supplement child support expenditures, but not to reduce the expenditure of state funds on the program.

Mississippi's Receipt of Incentive Funds

Amount of Incentive Funds Awarded to Mississippi

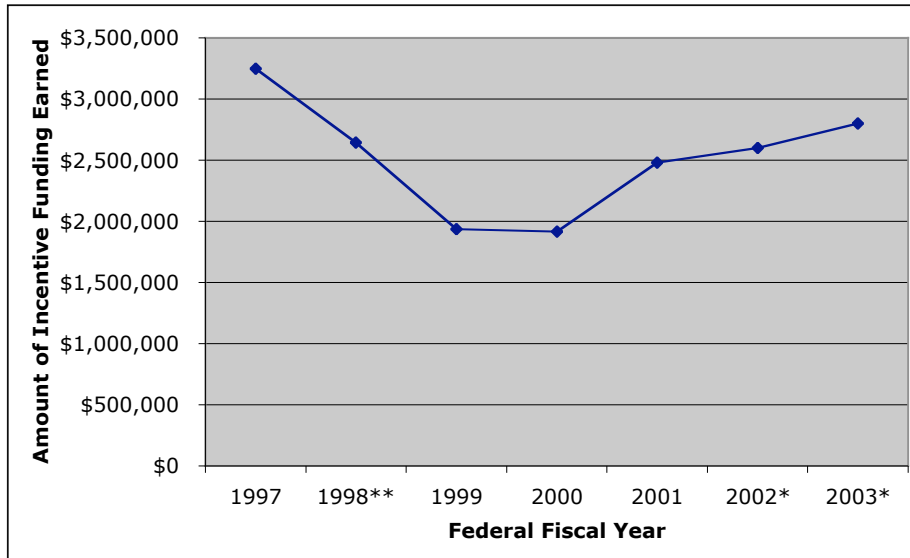
Federal incentive payments are an important source of funding for Mississippi's child support enforcement program (7% of total funding for Mississippi's program in FY 2003). According to DHS staff, Mississippi's Division of Child Support Enforcement uses federal incentive funds for salaries and other personnel costs, such as fringe benefits, for child support enforcement staff. As shown in Exhibit 12, page 35, in FFY 2000 and 2001, respectively, Mississippi received \$1,914,202 and \$2,479,599 in federal incentive payments, and received an estimated \$2,600,000 and \$2,800,000 for FFY 2002 and 2003, respectively. (The amounts of incentive funding for year 2002 and 2003 are Division of Child Support Enforcement estimates. These amounts may change following federal validation of performance results.)

Recent Federal Audits of Mississippi's Performance Data

The federal Department of Health and Human Services' 2001 audit determined that Mississippi did not meet federal standards in two areas of paternity establishment data.

DHHS audited Mississippi's data in 1999, 2000, and 2001. While the 1999 and 2000 audits had no major findings, the 2001 audit determined that data in two areas of paternity establishment data (the number of children born out of wedlock and the number of children with paternity established) did not meet federal standards. The efficiency rate (or accuracy rate) of the data according to the federal officials was 92%, while the federal standard efficiency rate was 95%. The recommendation of the auditors was that the "agency develop procedures to ensure that case workers accurately maintain data on the automated system." Mississippi officials responded that a corrective action plan would be put in place. Federal officials wrote that corrective actions would be evaluated in a subsequent audit.

Exhibit 12: Federal Incentive Funds Earned by Mississippi's Division of Child Support Enforcement During Federal Fiscal Years 1998 through 2003



*The amounts of incentive funding for year 2002 and 2003 are Division of Child Support Enforcement estimates. These amounts may change following federal validation of performance results

**In 1998, the federal government changed methods of calculating performance scores and incentive payments using more results-oriented formulas. DHHS phased these new formulas in over a period of three years and fully implemented them in 2002.

SOURCE: DHS Office of General Accounting Recap of Child Support Incentive Payments 7/1/2003 and the Administration of Children and Families Office of Child Support Enforcement Annual Statistical Report FY

Mississippi's Success on Performance Measures

Mississippi is receiving the maximum amount of incentive payments possible in only one of five federal performance categories (cost effectiveness).

Exhibit 13 on page 36 shows Mississippi's performance measure scores for FY 2001 and 2002. The Office of Child Support Enforcement uses performance scores to calculate a percentage of credit that will be given to the state for that score when incentive funding is going to be calculated. As shown in the exhibit, Mississippi is only receiving the maximum amount of incentives possible, given its collections base, in the area of cost effectiveness. Mississippi received the minimum incentive possible in the proportion of cases with support orders, at 0% of the collections base. Mississippi earned 0% because its performance score was below the minimum score of 50 for the performance measure. If a state scores below the minimum, it does not receive any incentive funding for that area. In the other three performance areas, Mississippi scored between 60% and 80% for the corresponding performance score.

Exhibit 13: Mississippi's Federal Incentive Performance Measure Scores and Corresponding Incentive Weighting Percentage, FFY 2001 and 2002

Performance Measure	2001		2002	
	Score	%	Score	%
Paternity Establishment Percentage	69.22	79%	69.82	79%
Percent of Cases with Orders	49.29	0%	49.84	0%
Percent of Current Collections	50.02	60%	49.55	59%
Percent of Cases With Arrears Collection	60.43	70%	59.84	69%
Cost Effectiveness*	5.96	100%	7.12	100%

*In FY 2001, two-thirds of the actual incentive payment used the Child Support Performance and Incentive Act formula, while one-third consisted of the former cost-effectiveness formula. The 2002 federal data reliability results have not yet been released.

SOURCE: OCSE FY 2001 Annual Statistical Report State Box Scores, FY 2002 Preliminary Data Report Unaudited Performance Incentive Scores and Appendix.

Exhibit 14: Mississippi's Federal Incentive Performance Score Ranking Compared to Those of All Other States and Territories, FFY 2001 and 2002

Performance Measure	2001	2002
	Rank	
Paternity Establishment Percentage*	12 of 13	20 of 25
Percent of Cases with Orders	48 of 51**	50 of 54
Percent of Current Collections	34 of 48	41 of 54
Percent with Arrears Collection	21 of 46	33 of 54
Cost Effectiveness	9 of 53	26 of 54

*Federal regulations (45 CFR Ch.III § 305.33) allow states to choose between two methods of calculating paternity establishment. In this table Mississippi's rank is relative to states that calculate the same way

**2001 data have different total numbers of states because some states' data were not included in certain areas because the data were found to be unreliable by the federal government. At the time of this report, results of the 2002 federal data reliability audits were not yet available.

SOURCE: FY 2001 Annual Statistical Report and FY 2002 Child Support Enforcement Preliminary Data Report

If a state scores below a certain amount prescribed in federal code (45 CFR § 305.42) in three of the performance measures (paternity establishment, support order establishment, and child support collections) and does not increase by a certain amount for the next year, a penalty of a percentage of the state's TANF block grant funds will be assessed. Before a penalty is assessed, the state has the opportunity improve its performance during a one-year corrective action period. If the state improves performance during the corrective action period, the penalty will not be assessed.

While the 2002 performance data used to calculate incentives and assess penalties is still preliminary, the lack of significant improvement in Mississippi's paternity establishment score between 2001 and 2002 could result in a possible 1% to 2% TANF block grant funds penalty.

While the 2002 performance data used to calculate incentives and assess penalties is still preliminary (it has not been finalized by the Office of Child Support Enforcement after federal data reliability audits), according to federal code, the lack of significant improvement in Mississippi's paternity establishment score between 2001 and 2002 meets the criteria for a possible 1% to 2% TANF block grant funds penalty. Federal code requires a 3% improvement in a state's paternity establishment percentage if its score falls between 50% and 74% to avoid a penalty. If the penalty is assessed by the federal government, federal code allows for a one-year suspension of the penalty for corrective action in the year immediately following the performance year in which the penalty applies--in this case, the corrective action year would have been federal fiscal year 2003.

Federal performance data is not yet available for federal fiscal year 2003. However, PEER analysis of the Division of Child Support Enforcement's annual data report submitted to the federal Office of Child Support Enforcement on November 3, 2003 shows that the paternity establishment percentage score based on the data provided in that report is 66.79. This paternity establishment score has worsened since 2002 and, according to federal code, would not allow the state to avoid a penalty.

Because of the fixed amount of federal incentive funds available and the calculation of incentives relative to the performance of other states, it is important to look at Mississippi's relative performance in the five performance areas. As shown in Exhibit 14 on page 36, in 3/5, or 60% of the performance areas, Mississippi ranks in the bottom third of states and territories. Mississippi scored in the bottom half of the states in percent with arrears collection.

Seven of the nine states that had similar child support collections bases to Mississippi in federal fiscal year 2001 received more incentive funding than Mississippi due to better performance on federal measures.

However, Mississippi has scored well in cost effectiveness, which is measured as the total child support program dollars collected divided by the total child support dollars expended. Taking into account the lower scores in percent of current collections, Mississippi's high score in cost effectiveness could be more a product of lower child support expenditures than of higher collection rates.

Exhibit 15, page 38, shows a comparison of incentives received by Mississippi and nine other states with similar child support collections bases for FFY 2001. (The collections base is a calculation based on the amount of child support money collected

by each state.) As noted in Exhibit 15, seven of the nine states that had similar child support collections bases to Mississippi in federal fiscal year 2001 received more incentive funding than Mississippi due to better performance on the federal performance measures. The state with the most similar child support collections base and expenditures to Mississippi was West Virginia. West Virginia received over \$2,500,000 more incentive funding in 2001 than Mississippi.

Exhibit 15: Comparison of Incentives Received by States with Similar Child Support Collections Base, FFY 2001*

State	Collections Base**	Expenditures	Incentives Received
West Virginia	\$218,494,274	\$31,747,240	\$4,980,279
Alabama	\$285,634,262	\$54,278,956	\$3,754,562
Nebraska	\$230,968,278	\$48,599,097	\$3,541,623
Utah	\$186,582,064	\$37,350,946	\$3,500,081
Oklahoma	\$183,374,338	\$44,775,915	\$3,091,512
Kansas	\$196,276,975	\$55,208,471	\$2,997,169
South Carolina	\$242,253,410	\$47,831,468	\$2,642,119
Mississippi	\$213,760,198	\$28,152,230	\$2,479,599
Puerto Rico	\$203,243,077	\$36,812,176	\$1,875,374
Arkansas	\$171,287,928	\$47,569,896	\$1,758,844

*Federal fiscal year 2001 is the last year of data available

**Collections Base is computed by OCSE as (2 x collections for persons currently on public assistance) + (2 x collections for persons formerly on public assistance) + collections for persons never on public assistance

SOURCE: Administration for Children and Families Office of Child Support Enforcement FY 2001 Annual Statistical Report State Box

Special Improvement Project Funds

Mississippi's Division of Child Support Enforcement has not received any federal Special Improvement Project funds and has only applied for these funds twice in the last five years.

The federal government provides opportunities for child support agencies to obtain extra funding to improve performance by allowing agencies to compete for grant funding for special improvement projects. Special improvement projects have the potential to improve state child support enforcement agency performance and increase incentive funding. The federal Administration for Children and Families' (ACF) Office of Child Support Enforcement allows eligible applicants, including state child support enforcement agencies, to submit grant applications for special improvement projects that further the mission, vision

and goals of the agency. The office issues advertisements annually for specific designated projects designed to improve performance. The office gives preference to applicants representing child support enforcement agencies and applicant organizations that have cooperative agreements with child support enforcement agencies.

Mississippi's Division of Child Support Enforcement applied for two grants during a five-year period. The first application was for a FY 2001 proposed project entitled "Mississippi Child Support Enforcement Fatherhood Program," designed to assist unemployed and underemployed fathers to overcome barriers affecting their ability to participate in the financial and emotional support of their children. The second application was for a FY 2003 proposed project entitled "Child Support Education and Opportunity for Noncustodial Parents," designed to provide education and training to low-income noncustodial parents. Neither project proposal was funded by the federal government.

Performance Monitoring

While Division of Child Support Enforcement monitors its performance in several ways, none of the performance initiatives are comprehensive. The division's policy and procedure manual is not specific about performance monitoring procedures. The division's management does not communicate performance monitoring results effectively to all levels of staff in order to motivate performance improvement.

The Division of Child Support has three performance monitoring initiatives. Two of the three are mandated by the federal government--incentive performance measures and the federal self-assessment. The third was initiated by the division and includes state performance targets created by the division's Program Office staff. Exhibit 16 on page 40 compares the performance measures monitored by each performance initiative.

While some similarities exist in the performance measures (e.g., paternity and support order establishment are measured in all three initiatives), there is variation among the initiatives.

The guidance provided by the division's policy and procedure manual on performance monitoring only relates to the self-assessment and does not address the other two performance initiatives.

The policy manual for the Division of Child Support Enforcement directs staff to "conduct planned program compliance reviews in county offices on a regular basis." The Division Director reported that this is a directive to staff that they should perform the annual self-assessment as required by federal statute. The six staff members of the audit unit perform the federal self-assessment and assists with other audits as necessary. County supervisors assist with the review by reviewing a sample of cases across the state.

Exhibit 16: Comparison of Performance Measures by Three Performance Initiatives Monitored by the Division of Child Support Enforcement

Federal		State
Incentive Measures <i>expressed as a percentage or ratio</i>	Self Assessment Measures <i>expressed as a percentage</i>	DCSE Performance Targets <i>expressed as total number</i>
Paternity Established Support Order Established Amount of Collections Cases paying arrears Cost-effectiveness	Paternity Established Support Order Established Case closure Medical support established Review and adjustment of orders Provision of interstate services expedited processing of support orders in 6 and 12 months	Paternity Established Support Order Established Amount of Collections Absent parents located

SOURCE: 45 CFR 305.33, 45 CFR Ch.III § 308.1 et seq., and Division Established Performance Measures and Performance Data FY1998-2002

The section on monitoring in the division’s policy manual does not include specific instructions for ongoing monitoring of actual performance on all performance measures, including federal incentive performance measures, which are tied to federal funding.

The Division of Child Support Enforcement’s Program Office staff develops state performance targets without a formal methodology and the targets are not provided in a meaningful context.

The state’s performance targets measure the number of paternity and support orders established, the amount of child support collected, and the number of absent parents located each state fiscal year.

The state performance targets are reported by providing the target number of units of each measure, the actual number of units achieved, and the percentage of the target reached. However, they do not provide a context for how the target relates to the whole population. For instance, the total number of paternities established does not provide information about how many paternities needed to be established in that period.

The Division of Child Support Enforcement does not have a proper methodology for determining the yearly target. According to the Division Director, the target levels are developed annually in a meeting of senior management staff of the Division of Child Support Enforcement. Three of the four performance measures are areas of performance measured for federal incentive payments. It is not possible to directly compare the performance results of the state performance measures to Mississippi’s performance on federal incentive measures because they are collected according to different fiscal years.

The federal incentive performance measures do not set a target below the actual need for the service area. However, the division's program office staff state set targets at a level below 100% service provision.

The division has no uniform content or uniform reporting of performance throughout regions. Division program office staff do not routinely provide feedback and program results on all performance measures to all levels of operations in order to motivate improved performance.

When PEER inquired as to how the division's performance measures are used, the Division Director stated, "Performance measures are used by DCSE [Department of Child Support Enforcement] as goals for child support staff to accomplish for the fiscal year. They are communicated to all staff and emphasized throughout the year in regional and county staff meetings. The DCSE Audit Unit monitors performance and works with county staff in the development of action plans to achieve projected outcomes for any areas where deficiencies are found."

According to PEER interviews with the division's staff, county workers are often unaware of specific performance measures; however, they know getting paternities established in child support cases is always a top priority.

PEER interviewed a sample of child support enforcement officers, supervisors, and staff attorneys in fourteen counties, as well as regional directors, the Acting Bureau Director of Field Operations, and the Division Director regarding performance monitoring and results.

PEER determined that child support enforcement data, as well as the METSS system, is underutilized in the division's reporting and monitoring efforts.

From these interviews, PEER determined that on a county level, most supervisors monitor performance by monitoring individual child support enforcement officers using METSS reports of each staff member's activities. Many supervisors said that they provide weekly reports to their regional directors of activities such as paternities established, stipulated agreements signed, number of cases referred to attorneys, and other items. The items included in the report often differ among counties and/or supervisors, however. Regional directors compile these reports and send them to the Acting Bureau Director for Field Operations. According to staff, there is not an official form for this report, but it is often communicated electronically through e-mail or the METSS electronic management system. Two regional directors stated that, even though they submitted reports to the state office, no reporting is required. This means data, as well as the METSS system, is underutilized.

Regionally, some directors said they compile their counties' performance information and report consolidated results to each supervisor in their region. One regional director reported that he uses graphics to chart the performance of the counties in his region and provides the results to his staff to motivate them to improve performance.

Most of the supervisors and child support enforcement officers said that they regularly obtain paternity establishment results from the program office on statewide, regional, and county levels. However, many mentioned that paternity establishment is the only area of performance on which they receive results. Some mentioned getting this information monthly, while others reported receiving it quarterly. Some reported generating their own reports on the METSS system about paternity.

The division does not systematically monitor the performance of the Central Receipting and Disbursement Unit and does not fully utilize the tools available for performance monitoring.

Although information is available concerning the number of payments that the CRDU processes in a day and a log exists that tracks payments received, the CRDU supervisor does not use these tools to monitor timely processing.

The supervisor in charge of overseeing daily operations of the Central Receipting and Disbursement Unit reported that in order to monitor whether payments are being processed in a timely manner, he looks to see if there are any payments left to process at the end of the day. He reported that there are documents that could be generated to tell the number of payments processed in a day, and there is a log that tracks the number of payments received in a day. However, he reported that he does not use these tools to monitor timely processing.

The Division of Child Support Enforcement staff has the ability to track several different performance areas through METSS and to request the creation of “ad hoc” or impromptu reports. However, the Central Receipting and Disbursement Unit supervisor reported that since his hiring in January 2003, he has only asked for documents reporting the total amount of child support payments made and the total number of receipts entered three times (for the months of December 2002 and January and February 2003). The only standard report from METSS that he uses is the individual productivity reports. These reports track the performance of individual fiscal officers by collecting information such as the number of payments processed by individual fiscal officers.

Recommendations

Staffing

1. The Division of Child Support Enforcement should perform a thorough analysis of county and regional staffing levels regularly and redistribute existing staff according to caseload demands. The analysis should include distribution of child support enforcement officers, supervisors, attorneys, and clerical staff.

License Suspension

2. The Division of Child Support Enforcement should develop policies and procedures for working with all licensing entities that are not electronically connected to the department's database. If data cannot immediately be electronically connected, the Division of Child Support Enforcement should develop other procedures for collecting license information and protocol to suspend licenses from those entities.
3. The Division of Child Support Enforcement should change the METSS procedures to comply with state law requiring license suspension when a noncustodial parent is delinquent with child support payments unless the noncustodial parent pays the full amount of the arrears or signs an agreement to pay the arrears within the ninety-day notice period given to the noncustodial parent. The establishment of an income withholding order within the noncustodial parent's notice period that does not increase the payment of arrears should not exempt a noncustodial parent from license suspension. The Division of Child Support Enforcement should change the METSS system to send an alert notice to the child support enforcement officer at the end of the notice period informing the officer to review the case for license suspension even if an income withholding order was activated within the notice period.
4. The Division of Child Support Enforcement should change the METSS system so that alerts to child support enforcement officers at the end of the ninety-day notice period cannot be deleted until action has been taken on the case. Because supervisors can obtain a record of these alerts, changing the alerts would allow supervisors to monitor more easily whether the child support enforcement officers have taken action on the cases that have outstanding alerts regarding license suspension and whether the actions taken comply with policy.

5. The Division of Child Support Enforcement should develop procedures to monitor the effectiveness of license suspension as an enforcement tool. The Division of Child Support Enforcement should develop procedures to collect data regularly on the number and types of licenses suspended and reinstated. Instead of only collecting data on lump sums of arrears payments collected due to license suspension, the Division of Child Support Enforcement should also collect data on increased monthly arrears payments due to license suspension.

Central Receipting and Disbursement Unit

6. The Division of Child Support Enforcement should create a monitoring system for tracking the period between arrival and distribution of child support checks that includes stamping dates on checks upon arrival. The Central Receipting and Disbursement Unit's staff should stamp each check with the date received at the same time that it is stamped with the endorsement.
7. The Division of Child Support Enforcement should change cash handling procedures to comply with segregation of duties requirements. The Division of Child Support Enforcement should create a procedure that ensures that the person who accepts cash payments does not also post the payments in the computer system.
8. The Division of Child Support Enforcement should revise its policy and procedure manual to include specific instructions regarding the referral of employers who send returned checks to the CRDU to the district attorney's Bad Check Unit if the division's collection attempt is unsuccessful.

Performance Monitoring

9. The Division of Child Support Enforcement should create a unified performance monitoring plan that encompasses performance measures, data collection, and reporting responsibilities for state, regional, and county office staff. This plan should include incentive performance measures. The Division of Child Support Enforcement should include the plan in the policies and procedures manual.
10. The Division of Child Support Enforcement should improve communication of performance measures and results to county staff, including child support enforcement officers, by providing county, regional, and statewide results on all federal incentive, self-assessment, and state performance measures at least on a quarterly basis. The Division of Child Support Enforcement should communicate performance results

through written reports provided to all staff, as well as through discussion at county-level staff meetings.

11. The Division of Child Support Enforcement should report state performance targets as percentages instead of raw numbers to make them more meaningful. For instance, instead of measuring the dollars collected in current support, measure the support dollars collected as a percentage of the support dollars owed. The target, then, would be a percentage of collections owed, instead of a dollar amount that lacks context.
12. The Division of Child Support Enforcement should create a methodology for setting the amount of the yearly state target (e.g., creating a standard to increase targets perpetually by a certain percentage over the previous year).
13. The Division of Child Support Enforcement should create special improvement project ideas, eliciting input from state office, regional, and county staff and submit applications for federal Office of Child Support Enforcement Special Improvement Project funding yearly as it is available.

Appendix A: Requirements State Child Support Enforcement Programs Must Meet for States to Receive TANF Funds

How the 1996 Federal Welfare Reform Act Affects Child Support Enforcement

For several years, federal law has required states to attempt to collect child support payments owed to custodial parents who participated in the Aid to Families with Dependent Children (AFDC) program, now known as the Temporary Assistance to Needy Families (TANF) program.

Under the 1996 Federal Welfare Reform Act, amended Section 409 (a) (8) specifically provides that a state must operate its Title IV-D child support collection program in substantial compliance with federal requirements. Failure to do so may result in a sanction of not less than one percent or more than two percent of the grant payable to a state in quarters of a fiscal year before the program is found to be in substantial compliance with federal requirements. Penalties may go from two percent to three percent and three percent to five percent if successive reviews reveal a substantial lack of compliance.

Requirements for Collection of Child Support

In response to the Title III provisions of the 1996 Federal Welfare Reform Act, the Mississippi Legislature amended MISS. CODE ANN. §43-19-31 with SB 2164 in 1997. This legislation required the Department of Human Services to establish a Central Receiving and Disbursement Unit to receive and disburse child support payments.

The state is also required under federal law to establish a Directory of New Hires that will maintain employment information on recently hired workers from employers. The purpose of this directory is to collect information that will better assist the state in locating parents who are in arrears on their support payments.

Further requirements include:

- establishment of a federally required central locator registry;
- establishment of withholding orders in all support cases;

- Department of Human Services central registry personnel access to financial information and locator information obtained from financial institutions, utilities, and public bodies;
- a requirement that Social Security numbers be collected on applications and maintained by professional licensure agencies and other governmental bodies that issue licenses to local applicants;
- adoption of the Uniform Interstate Family Support Act;
- enforcement of support decrees as a judgment lien; and,
- transfer of cases without hearing or order between counties wherein judicial venue was proper at the time of filing.

Requirements for Paternity Determination

The Federal Welfare Reform Act also requires that the states establish expedited procedures for the establishment of paternity. Senate Bill 2164, 1997 Regular Session, includes provisions that:

- eliminate jury trial in paternity cases;
- allow the plaintiff to take default judgments in paternity cases;
- require the department to pay for genetic testing; and,
- establish procedures for selection of genetic test laboratories for use in paternity cases.

SOURCE: SB 2164 adopted in 1997 Regular Session

Appendix B: Glossary of Child Support Enforcement Terms

Accrual

A sum of child support payments that is due or overdue.

Alert

A notice that the Child Support Enforcement Division's computer system, METSS, generates to alert child support workers of actions taken or to be taken with clients.

Arrearage

Past due, unpaid child support owed by the noncustodial parent. If the parent has arrearages, s/he is said to be "in arrears."

Case

A collection of people associated with a particular child support order, court hearing, and/or request for IV-D services. This typically includes a Custodial Party (CP), a dependent(s), and a Noncustodial Parent (NCP) and/or Putative Father (PF). Every child support case has a unique case ID number and, in addition to names and identifying information about its members, includes information such as CP and NCP wage data, court order details, and NCP payment history.

Central Registry

A centralized unit maintained by every state IV-D agency that is responsible for receiving, distributing, and responding to inquiries on interstate IV-D cases.

Central Receiving and Disbursement Unit (CRDU)

The state of Mississippi's single, centralized site to which noncustodial parents and employers can send child support payments they have collected for processing. This centralized payment-processing site is called the State Disbursement Unit (SDU) and is responsible for collecting, distributing, and disbursing child support payments.

Child Support

Financial support paid by a parent to help support a child or children of whom they do not have custody. Child support can be entered into voluntarily or ordered by a court or a properly empowered administrative agency, depending on each state's laws. Child support can involve the following types of cases:

- **IV-D cases**, where the custodial party (CP) is receiving child support services offered by state and local agencies (such services include locating a noncustodial parent [NCP] or putative father [PF]; establishing paternity; establishing, modifying, and enforcing child support orders; collecting distributing, and disbursing child support payments).
- **IV-A cases**, where the CP is receiving public assistance benefits and the case is automatically referred to the State Child Support Enforcement Agency so the state can

recoup the cost of the benefits from the noncustodial parent (NCP) or defray future costs.

- **IV-E cases**, where the child(ren) is being raised not by one of its own parents but in the foster care system by a person, family, or institution and the case is also automatically referred to the CSE to recoup or defray the costs of foster care.
- **Non IV-D orders**, where the case or legal order is privately entered into and the CSE is not providing locate, enforcement, or collection services; often entered into during divorce proceedings.

The support can come in different forms, including:

- Medical support, where the child(ren) are provided with health coverage, through private insurance from the noncustodial parent or public assistance that is reimbursed wholly or in part by the noncustodial parent, or a combination thereof.
- Monetary payments, in the form of a one-time payment, installments, or regular automatic withholdings from the noncustodial parent's income, or the offset of state and/or federal tax refunds and/or administrative payments made to the NCP, such as federal retirement benefits.

There are many tools available to enforce a noncustodial parent's obligation.

Child Support Enforcement (CSE) Agency

Agency that exists in every state that locates noncustodial parents or putative fathers (PF), establishes, enforces, and modifies child support, and collects and distributes child support money; operated by state or local government according to the Child Support Enforcement Program guidelines as set forth in Title IV-D of the Social Security Act. Also known as a "IV-D Agency."

Child Support Enforcement Officer (CSEO)

Child Support Enforcement caseworker. This is the individual that directly handles the child support cases.

Client

A term often used to refer to the recipient of a TANF grant or IV-D services.

Complaint

The formal written document filed in a court whereby the complainant sets forth the names of the parties, the allegations, and the request for relief sought. Sometimes called the initial pleading or petition.

[Court] Order

A legally binding edict issued by a court of law issued by a magistrate, judge, or properly empowered administrative officer. A court order related to child support can dictate how often, how much, what kind of support a noncustodial parent is to pay, how long he or she is to pay it, and whether an employer must withhold support from his or her wages.

Custodial Party (CP)

The person who has primary care, custody, and control of the child(ren).

Custody

Legal custody is a determination by a court that establishes with whom a child will live. Physical custody describes with whom the child is living regardless of the legal custody status. Joint custody occurs when two persons share legal and/or physical custody of the child(ren). Split custody occurs when two or more children from the same person are in the legal custody of different people.

Default Judgment

A decision made by the court or administrative authority when the respondent fails to respond or appear.

Enforcement

The application of remedies to obtain payment of a child or medical support obligation contained in a child and/or spousal support order. Examples of remedies include garnishment of wages, seizure of assets, liens placed on assets, revocation of license (e.g., driver's, business, medical), denial of U. S. passports, etc.

Genetic Testing

Analysis of inherited factors to determine legal fatherhood or paternity.

Guidelines

A standard method for setting child support obligations based on the income of the parent(s) and other factors determined by state law. The Family Support Act of 1988 requires states to use guidelines to determine the amount of support for each family, unless they are rebutted by a written finding that applying the guidelines would be inappropriate to the case.

IV-A ("Four-A")

Reference to Title IV-A of the Social Security Act covering the Federal-State Public Assistance Program.

IV-A Case

A child support case in which a custodial parent and child(ren) are receiving public assistance benefits under the state's IV-A program, which is funded under Title IV-A of the Social Security Act. Applicants for assistance from IV-A programs are automatically referred to their state IV-D agency in order to identify and locate the noncustodial parent, establish paternity and/or a child support order, and/or obtain child support payments. This allows the state to recoup or defray some of its public assistance expenditures with funds from the noncustodial parent.

Income Withholding

Procedure by which automatic deductions are made from wages or income, as defined in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), to pay a debt such as child support. Income withholding often is incorporated into the child support order and may be voluntary or involuntary. The provision dictates that an employer must withhold support from a noncustodial parent's wages and transfer that withholding to the appropriate agency (the Centralized Collection Unit or State Disbursement Unit, the CRDU). Sometimes referred to as wage withholding.

Interstate Cases

Cases in which the dependent child and noncustodial parent (NCP) live in different states or where two or more states are involved in some case activity, such as enforcement.

Judgment

The official decision or finding of a judge or administrative agency hearing officer upon the respective rights and claims of the parties to an action; also known as a decree or order and may include the "findings of fact and conclusions of law."

Locate

Process by which a noncustodial parent (NCP) or putative father (PF) is found for the purpose of establishing paternity, establishing and/or enforcing a child support obligation, establishing custody and visitation rights, processing adoption or foster care cases, and investigating parental kidnapping.

Mississippi Enforcement Tracking of Support System (METSS)

The computerized enforcement tracking of support system that administers the Mississippi Department of Human Services Child Support Enforcement Program. The system generates alerts and contains screens (including contact screens, action screens, etc.) tracking case information and actions.

Monthly Support Obligation (MSO)

The amount of money an obligor is required to pay per month.

Noncustodial Parent (NCP)

The parent who does not have primary care, custody, or control of the child, and has an obligation to pay child support. Also referred to as the obligor.

Obligation

Amount of money to be paid as support by a noncustodial parent (NCP). Can take the form of financial support for the child, medical support, or spousal support. An obligation is a recurring, ongoing obligation, not a one-time debt such as an assessment.

Office of Child Support Enforcement (OCSE)

The federal agency responsible for the administration of the child support program. Created by Title IV-D of the Social Security Act in 1975, OCSE is responsible for the development of child support policy; oversight, evaluation, and audits of state child support enforcement programs; and providing technical assistance and training to the state programs. OCSE operates the Federal Parent Locator Service, which includes the National Directory of New Hires (NDNH) and

the Federal Case Registry (FCR). OCSE is part of the Administration for Children and Families (ACF), which is within the Department of Health and Human Services (DHHS).

Order

Direction of a magistrate, judge, or properly empowered administrative officer.

Order/Notice to Withhold Child Support

The form to be used by all states that standardizes the information used to request income withholding for child support. According to the Uniform Interstate Family Support Act (UIFSA), this form may be sent directly from the initiating state to a noncustodial parent's employer in another state.

Paternity

Legal determination of fatherhood. Paternity must be established before child or medical support can be ordered.

Paternity Establishment

The process of proving paternity and/or obtaining a court or administrative order to put a child support obligation in place.

Public Assistance

Benefits granted from state or federal programs to aid eligible recipients (eligibility requirements vary between particular programs). Applicants for certain types of public assistance (e.g., Temporary Assistance to Needy Families or TANF) are automatically referred to their state IV-D agency to identify and locate the noncustodial parent, establish paternity, and/or obtain child support payments. This allows the state to recoup or defray some of its public assistance expenditures with funds from the noncustodial parent.

Referral

Request sent to a IV-D agency from a non IV-D agent or agency asking that a child support case be established.

Service of Process

The delivery of a writ or summons to a party for the purpose of obtaining jurisdiction over that party.

Support Order

A judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of a competent jurisdiction, for the support and maintenance of a child. This includes a child who has attained the age of majority under the law of the issuing state, or of the parent with whom the child is living. Support orders can incorporate the provision of monetary support, health care, payment of arrearages, or reimbursement of costs and fees, interest and penalties, and other forms of relief.

Subpoena

A process issued by a court compelling a witness to appear at a judicial proceeding. Sometimes the process will also direct the witness to bring documentary evidence to the court.

Temporary Assistance to Needy Families (TANF)

Time-limited public assistance payments made to low-income families, based on Title IV-A of the Social Security Act. TANF replaced Aid to Families with Dependent Children (AFDC--otherwise known as welfare) when the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law in 1996. The program provides parents with job preparation, work, and support services to help them become self-sufficient. Applicants for TANF benefits are automatically referred to their state IV-D agency in order to establish paternity and child support for their children from the noncustodial parent. This allows the state to recoup or defray some of its public assistance expenditures with funds from the noncustodial parent.

Uniform Interstate Family Support Act (UIFSA)

Laws enacted at the state level to provide mechanisms for establishing and enforcing child support obligations in interstate cases (when a noncustodial parent lives in a state other than his/her child and the custodial party). Based on model legislation that was drafted by the National Conference of Commissioners on Uniform State Laws to revise and replace URESA. The provisions of UIFSA supercede those of URESA, although some URESA provisions may remain in effect (some states have rescinded all of URESA, while others have left in place those provisions not specifically superceded by UIFSA). Among the law's provisions is the ability of state IV-D agencies to send withholding orders to employers across state lines (**see also Direct Income Withholding**). PRWORA mandated that all states adopt legislation requiring that UIFSA be adopted, without modification by the state, January 1, 1998.

Wage Withholding

A procedure by which scheduled deductions are automatically made from wages or income to pay a debt, such as child support. Wage withholding often is incorporated into the child support order and may be voluntary or involuntary. The provision dictates that an employer must withhold support from a noncustodial parent's wages and transfer that withholding to the appropriate agency (the Centralized Collection Unit or State Disbursement Unit). Also known as income withholding.

Acronyms

CP	Custodial Parent
CSE	Child Support Enforcement Agency
DHHS	United States Department of Health and Human Services
NCP	Noncustodial Parent
TANF	Temporary Assistance for Needy Families
UIFSA	Uniform Interstate Family Support Act

SOURCE: The U.S. Department of Health & Human Services: Administration for Children & Families' National Electronic Child Support Resource System (<http://csre.acf.hhs.gov/necsrspub>).

Appendix C: Case File Documents Requested and Counties Sampled for License Suspension Case Review

The following items were requested from county staff to document the license suspension process of the cases in the review sample.

Printed Screens from Computerized File

The following are computer screens printed from the METSS system that document the license suspension process.

Copy of A407 Notice
Copy of A431 Notice (if negotiation occurred)
Copy of A408 Notice
Copy of appointment letter to NCP
FBAL reflecting lump sum payment/\$0 balance
ORDR (current and history)
ORDR. APLD
APLI
APPD.ABSP (current and history)
Other Documentations/Contact Screen Entries:
Documentation that NCP contacted office within 95 days
Documentation of negotiation with NCP and amount agreed upon
Documentation that NCP had no other cases out of compliance at the time the license was reinstated
Documentation that case worker notified the Program Office for suspension of licenses
Documentation of previous license suspensions
Documentation that license was immediately suspended for the second offense (if applicable)
If APLI shows no action or void, then documentation of action or reason for no action

Documents from Case File

Copy of Stipulated Agreement

Counties in the PEER Review Sample

Coahoma
Grenada
Harrison
Hinds
Jones
Lincoln
Monroe
Newton
Noxubee
Pike
Sharkey
Tippah
Warren
Yazoo

Appendix D: Calculation Method for Federal Incentive Payments

The Child Support Performance and Incentive Act of 1998 (PL105-200) provided the current incentive measures and formulas for calculating the child support program incentives funding provided by the federal government to state child support agencies. It set forth a fixed amount of incentive funding available each year from 2000 to 2008 and contains instructions for calculating the amount in future years.

Total Incentive Funding Pool	
2000:	\$422,000,000
2001:	\$429,000,000
2002:	\$450,000,000
2003:	\$461,000,000
2004:	\$454,000,000
2005:	\$446,000,000
2006:	\$458,000,000
2007:	\$471,000,000
2008:	\$483,000,000

There are three areas taken into account when calculating the state’s share of the incentive funding pool:

1) The amount of child support collected by the state

The state’s share of the federal incentive funding pool depends on the state’s collections base. The collections base is calculated by adding together the total amount of child support collected on behalf of current and former public-assistance families and the total amount of child support collected on behalf of former public-assistance families and then multiplying the resulting number by 2 and adding the total amount of child support collected for non-public assistance families.

CHILD SUPPORT COLLECTIONS BASE
2(Current Assistance + Former Assistance Collections + Medicaid) + Collections for People Who have never received Public Assistance

2) The state’s performance on the five incentive performance measures

The actual amount of the incentive payment a state will receive also depends on the applicable incentive percentage for each of the five performance areas. First, each state is given a score in each area based on the formulas in the table below.

Incentive Measure Formulas
PATERNITY ESTABLISHMENT PERCENTAGE
Number of Children in the Caseload in the FY or as of the end of the FY Who Were Born Out-of-Wedlock with Paternity Established or Acknowledged divided by Number of Children in the Caseload as of the End of the Preceding FY Who were Born Out-of-Wedlock

SUPPORT ORDER ESTABLISHMENT
Number of Cases with Support Orders divided by Number of Cases
CURRENT COLLECTIONS
Amount Collected for Current Child Support divided by Amount Owed for Current Child Support
ARREARAGE COLLECTIONS
Number of Cases Paying Toward Arrears divided by Number of Cases With Arrears Due
COST EFFECTIVENESS
Total Dollars Collected divided by Total Dollars Expended

In each performance measure, a state has to achieve a minimum level of performance to earn any incentive funding. After this minimal performance level is met, the applicable incentive percentage gradually increases as performance improves. The tables that provide the percentages for each performance score level are written in federal code (45 CFR §305.33).

After the incentive percentage for each measure is determined, it is multiplied by the state's child support collections base. For the paternity establishment percentage, establishment of orders, and current support collected, the applicable incentive percentage is applied to the full collections base. For collecting arrears and for cost efficiency, the applicable incentive percentage is applied to 75% of the collections base. When the collections base has been multiplied with the appropriate weighting for each of the five measures, the five figures are then added together, resulting in the state's performance-weighted collections base.

3) *The relative performance of other states in the other two areas: collections and incentive performance measures*

The state's share of the federal incentive payment pool in a given year also will depend on how successful other states are in making collections. The federal Office of Child Support Enforcement adds the collections base (weighted by the five performance measures) of each state to create a national collections base. Then, OCSE divides each state's base by the national base. This percentage is then applied to the amount of available incentive funds set by federal statute for that year and the resulting figure is the amount of incentive funding that the state earned.

SOURCE: 45 CFR 305.2-33, OCSE Training Module V: IVD Financial Management and Budget Training Participant Guide

Agency Response



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
DEPARTMENT OF HUMAN SERVICES
THELMA W. BRITTAIN
EXECUTIVE DIRECTOR

December 18, 2003

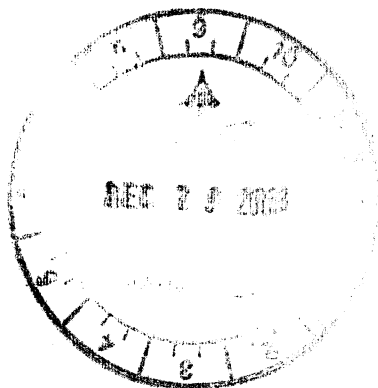
Mr. Max K. Arinder, Ph. D.
Executive Director
Performance Evaluation &
Expenditure Review
Post Office Box 1204
Jackson, Mississippi 39204-1204

Dear Mr. Arinder:

The Mississippi Department of Human Services (MDHS) has reviewed a draft of the PEER Committee Review of the Division of Child Support Enforcement, along with the Executive Summary. MDHS has cooperated in providing information requested and making staff available for interviews to complete this Review.

Enclosed is the Response of MDHS to the above-referenced Review. While the Department may not concur with the specific findings stated, we do acknowledge that there is always a need to strive for improved performance and will utilize the recommendations contained in the Review toward that end. MDHS is committed to providing the best services possible to children and families in Mississippi.

Thank you for your consideration of this Response. We look forward to receiving the final PEER Committee Review.



Sincerely,

Thelma W. Brittain

Thelma W. Brittain
Executive Director

TWB:AM:lbn

Enclosure

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD SUPPORT ENFORCEMENT

RESPONSE TO

**JOINT COMMITTEE ON PERFORMANCE EVALUATION AND
EXPENDITURE REVIEW**

SUBMITTED: DECEMBER 18, 2003

THELMA W. BRITTAIN, EXECUTIVE DIRECTOR

750 NORTH STATE STREET

JACKSON, MISSISSIPPI 39202

(601) 359-4509

**JOINT COMMITTEE ON PERFORMANCE EVALUATION AND
EXPENDITURE REVIEW**

PEER COMMITTEE

RESPONSE OF

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

TO

**A REVIEW OF THE MISSISSIPPI DEPARTMENT OF HUMAN SERVICES'
DIVISION OF CHILD SUPPORT ENFORCEMENT**

Introduction

The Peer Committee Review (“Review”) indicates in its Introduction that the Review was conducted in response to a citizen’s complaint. While the specific facts of the complaint were not set forth, the Mississippi Department of Human Services (“MDHS”) is committed to its goal of increasing the quality of life for children and families in need of the services that we administer. Therefore, MDHS has been and remains ready and willing to address the citizen’s complaint which resulted in this Review.

Conclusions and Recommendations

In response to the specific findings, conclusions and recommendations contained in the Review, MDHS would state the following:

Conclusion 1:

Does the Division of Child Support Enforcement allocate personnel based on caseload demand?

No, the Mississippi Division of Child Support Enforcement does not allocate its personnel based on caseload demands. As could be expected, counties with higher caseloads per officer perform more poorly on federal incentive performance measures than counties with smaller caseloads per officer. Thus, in these counties, the division may not be as effective in collecting the funds to which children and custodial parents are entitled.

Response: DO NOT CONCUR.

MDHS performs annual, as well as, ongoing periodic analyses of staffing and caseload processing requirements to ensure that cases are processed in accordance with federal standards. Although staff

are not “redistributed” according to caseload demands, as recommended in the Peer Review, supervisory staff reassign county staff as necessary to handle the caseloads of counties in which staff are lacking until such time as sufficient staff can be hired.

The Peer Review recommendation of redistribution of staff poses some logistical and funding issues which would need to be addressed to implement effectively. The physical relocation of staff, if necessary, could result in :

- (1) The possible loss of experienced staff who are unable or unwilling to relocate;
- (2) Loss of time and good will with customers in processing cases if new staff have to be hired and trained to replace those staff who are unable to relocate to counties where PINS are redistributed;
- (3) Additional travel expenses for staff who don’t relocate but are permanently assigned to counties based upon caseload distribution.

As noted in the PEER Review, in Exhibit 1, funding for the Division of Child Support Enforcement (“DCSE”) has continued to decrease from FY 2000. There has been a corresponding loss in staff positions which has resulted to some extent in the disparities regarding caseload distribution cited in the Review. If current staff are redistributed according to caseload demands, there would remain staff shortages due to the loss of funding and positions over the last several years. If cases are to be processed in accordance with federal standards, and penalties avoided for not achieving performance measures, the funding of sufficient staff positions is absolutely necessary, and is something that the legislature should consider when funding the agency.

Conclusion 2:

Does the Division of Child Support Enforcement comply with laws, policies, and procedures governing license suspension?

No. Some of the Division’s policies and procedures are inconsistent with state laws regarding license suspension and the Division’s staff often does not comply with the Division’s own policies and procedure regarding license suspension. In 73% of the cases in PEER’s sample (208 of 286 total cases), the Division did not enforce license suspension according to policy. Also, the Division’s Program Office does not formally and routinely monitor license suspension actions to determine compliance with policy and the extent to which license suspensions are effective.

Response: DO NOT CONCUR.

The Review concluded that DCSE’s exclusion of cases with active income withholding orders does not comply with State law regarding license suspension, as written. In Section 93-11-157 of the Miss. Code (1972), it is provided: the division “shall determine if a licensee is out of compliance

with an order for support.” Excluding cases with active withholding orders from license suspension is not precluded by the statute, nor inconsistent with the general intent of the law. Based upon the fact that a noncustodial parent (NCP) with an active withholding order does pay his/her current support obligation and an arrearage amount for delinquency, DCSE has made a determination that such an NCP would not be “out of compliance” for purposes of license suspension. These withholding orders generally provide for withholding from 20 to 25 percent of the amount of the monthly child support obligations to be applied toward arrearages, in addition to the full amount of the monthly obligation. Moreover, the statute contemplates that license suspension cases are to be treated individually based upon the facts and circumstances of the case, i.e., the licensee may request negotiations to establish a payment schedule for arrearage. Section 93-11-157 (2) and (3).

The Review cited 208 cases in which staff did not comply with some aspect of policy or law. Without specific case data to review these cases, MDHS cannot confirm or deny such noncompliance. However, with regard to the 90-day notice provisions in the law, it should be noted:

- (1) Any time an order is modified, the license suspension process starts over based on the new financial data. This may constitute the sending of another 90-day notice even if a prior one had been previously sent based on the old financial obligation(s) and balances.
- (2) A NCP must have at least one active (open or arrears only) case meeting the criteria for license suspension for a 90-day notice to be sent. Therefore, the date of any 90-day notice should be considered in conjunction with the case status and order history for each of his or her cases to determine the case status at the time of the 90-day notice.

MDHS currently has license suspension agreements with about half of the State licensing entities defined in the statute. Several attempts and contacts have been made over the years with those agencies for which agreements have not been entered, to no avail. However, the State law only provides that MDHS “shall seek to reach agreements” with these licensing agencies when “technologically feasible”, and if not feasible, for the agencies to provide licensing information “in the discretion of the licensing entity.” [Section 93-11-155(1) of the Miss. Code (1972)] Additionally, the statute provides no penalty for any licensing entity which does not enter into agreements with MDHS for license suspension in the enforcement of child support obligations.

MDHS does maintain documentation of the number and types of licenses suspended for child support delinquencies. These statistics are included in a weekly report to the Executive Director and maintained by staff in the Program Operations Unit. To capture and generate reports of child support payments directly resulting from license suspension, as recommended in the Review, may be more problematic due to the fact that NCPs do not always indicate that a payment sent is to be applied toward arrearages for license suspension.

MDHS supervisory staff regularly review and monitor cases to be submitted for license suspension.

The Department will consider possible enhancements to the child support automated system to generate reports which may be beneficial in monitoring the effectiveness of license suspension as a child support enforcement tool.

Conclusion 3:

Does the Division of Child Support Enforcement comply with laws, rules, and regulations governing operation of its Central Receipting and Disbursement Unit?

The Division of Child Support Enforcement's Central Receipting and Disbursing Unit does not follow all laws, rules, and regulations governing the receipt and disbursement of child support payments. Internal control weaknesses, such as lack of segregation of duties in cash handling, could result in misappropriation of child support payment collections.

Response: DO NOT CONCUR.

The Review makes findings regarding bad checks prosecutions, segregation of duties and internal control weaknesses in CRDU. The Division does comply with federal laws regarding receipt and distribution despite staff shortages in the unit.

MDHS has proactively sought to recover funds from bad checks and has been successful in recovering the vast majority of these funds. In view of this success, the Department has not routinely referred such checks to district attorneys for criminal prosecution and restitution. However, federal laws regarding recoupment of claims for bad checks and/or erroneous payments have imposed greater restrictions. Referrals of such checks to district attorneys may become more of a necessity as a result of these restrictions on recoupment. It should be noted, however, that such referrals to district attorneys may limit the Department from being able to collect amounts due on arrearages once the case is referred.

The new policy restricting acceptance of personal checks from NCPs to pay child support will substantially reduce losses from bad checks. Although, a significant number of such checks comes from employers, the likelihood of success in recovering these funds from employers is greater than recovering from individual NCPs. Moreover, the employer's privilege of submitting payments by check may be terminated after one bad check is returned, thus limiting the potential for further losses.

With regard to internal control weaknesses, it should be noted first and foremost that the lack of sufficient staff significantly compromises the ability of CRDU to maintain desired segregation of duties. Consider, for example, the State of Arkansas which has 88 employees in its state disbursement unit, in addition to scanning equipment to process payments. The MDHS CRDU has only 23 employees and no such equipment, while processing a higher amount of collections, i.e., from \$500,000 to \$700,000 daily.

Nevertheless, the unit has remained current in disbursements of child support payments within two business days of receipting as required by federal law. Date stamping of payments is being set up in each of the CRDU units to provide greater controls and accountability; but without additional staff, this process will likely reduce effectiveness in disbursing payments in a timely manner within federal requirements.

CRDU does maintain segregation of duties relating to the receipting and posting of payments. The child support automated system has been enhanced to ensure this segregation by restricting accesses for various functions. In particular, fiscal officers who are responsible for receipting payments are restricted from posting the payments. Additional procedures and systems enhancements are being considered to provide even greater safeguards and to monitor the processing of payments.

Conclusion 4:

Is the Division of Child Support Enforcement receiving the maximum amount of federal performance incentive payments available and is it using all available tools for improving its performance?

In federal fiscal years 2001 and 2002, Mississippi received the maximum federal incentive funding in only one out of five performance areas (cost effectiveness). In one area (percent of cases with child support orders), Mississippi received no performance incentive funding. The performance in another area may result in a penalty of 1% to 2% of federal TANF block grant funds. Also, the Division of Child Support Enforcement is not using all of the tools available to improve its performance in these areas.

Response: DO NOT CONCUR.

MDHS acknowledges the PEER Review findings regarding the awards of incentive funding in 2001 and 2002, and in particular, that the only area in which maximum incentives were received was for “cost-effectiveness”. The formula for calculating this measure is:

**Total Dollars Collected
Divided by
Total Dollars Expended**

(See Appendix D of the Review.)

One of the primary reasons that MDHS has been cost-effective in collecting child support is that the total dollars expended for child support enforcement (Exhibit 1) have continued to decrease annually, while the total annual collections have increased for the past several fiscal years, as follows:

2003	-	\$195,621,754
2002	-	\$191,423,389
2001	-	\$178,496,714

2000 - \$165,097,357
1999 - \$145,191,817

In effect, it has cost the State less funds to collect greater amounts of child support.

However, this reduction of funding and loss of child support staff positions does impact overall performance on the other federal performance measures, as noted in the Review. To the extent that the necessary funding is provided, sufficient staff may be hired to improve performance in these areas and avoid federal penalties. For instance, the shortage of child support attorneys directly impacts the number of cases with orders for support, as well as, paternity establishment.

MDHS utilizes the enforcement tools available to effect and improve child support enforcement. As relates specifically to Recommendations 9-13 of the Review, the Department would note the following:

- (1) The METSS automated system generates monthly reports of performance on paternity establishment, order establishment and collections, which are available to all staff in the counties and regions.
- (2) County supervisors have regular staff meetings to discuss policies and procedures and administrative matters, which includes discussions of performance and ways to improve on the federal performance measures. Additionally, supervisors regularly review the case work and enforcement actions taken by case workers to ensure compliance with federal requirements.
- (3) The Federal child support regulations require that strategic plan performance data be submitted as raw numbers rather than percentages. While MDHS does capture and consider the overall performance data in relation to the raw numbers, percentages are not reported as targets. However, the Department does provide targeted percentages on performance measures as part of its annual State budget submission, which also includes a statement of external factors, outside of the control of the Department, which may affect performance.
- (4) The Division of Child Support Enforcement has applied for various improvement and demonstration grants offered through the Federal Office of Child Support Enforcement (OCSE). Generally, OCSE only awards a very limited number of such grants each year (ranging in amounts from \$100,000 as a one time grant), and Mississippi has not received one thus far. However, the Division still seeks to implement innovative methods of improving child support operations utilizing both automated and cost-saving measures. For example, since MDHS does not have sufficient funding to purchase scanning equipment for CRDU (as in Arkansas), the Divisions of Child Support Enforcement and Management Information Systems worked together to develop a template process to receipt payments of large employers

who submit child support payments on behalf of hundreds of non-custodial parents. This process significantly streamlines and expedites the receipting and disbursement of child support payments.

- (5) MDHS has never failed a Data Reliability Audit which is necessary for awards of incentive funds. The “efficiency rates” cited in the PEER Review did not result in a failure to meet performance standards for purposes of the audits.
- (6) The PEER Review made a finding that the State with the most similar child support collection base and expenditures to Mississippi is West Virginia, which received \$2,500,000 more incentive funding in 2001 than Mississippi. Although the Review did not set forth the collection base and expenditures that it considered, MDHS would submit the following caseload and staffing comparison of the two (2) states:

<u>FY 2001</u>		
<u>State</u>	<u>Caseload</u>	<u>Employees</u>
West Virginia	131,166	516
Mississippi	282,257	539

<u>FY 2002</u>		
<u>State</u>	<u>Caseload</u>	<u>Employees</u>
West Virginia	115,466	517
Mississippi	290,044	504

The above statistics reveal that MDHS processes over twice the number of cases as West Virginia, with approximately the same number or fewer employees. As noted in the PEER Review in Exhibit 7, page 16, counties (and correspondingly, states) with smaller caseloads per worker, on average, perform better on federal incentive measures than those with larger caseloads. That conclusion would appear to hold true as between these two states.

Conclusion

The MDHS Division of Child Support Enforcement strives to provide quality services in spite of reductions in funding and staff during the past several years. The Division allocates and assigns its personnel in the most effective way possible to ensure that cases are processed as expeditiously as possible in accordance with state and federal laws and regulations. While there is always room for improvements, such improvements may be difficult or impossible without adequate funding and staff, even with the implementation of innovative processes and cost-saving measures.

PEER Committee Staff

Max Arinder, Executive Director
James Barber, Deputy Director
Ted Booth, General Counsel

Evaluation

Sam Dawkins, Division Manager
Linda Triplett, Division Manager
Pamela O. Carter
Kim Cummins
Sara Evans
Barbara Hamilton
Kelly Kuyrkendall
Karen Land
Joyce McCants
Charles H. Moore
John Pearce
David Pray
Brad Rowland
Sara Watson
Candice Whitfield
Larry Whiting

Editing and Records

Ava Welborn, Editor and Records Coordinator
Tracy Bobo
Sandra Haller

Administration

Mary McNeill, Accounting and Office Manager
Jean Spell
Gale Taylor

Data Processing

Larry Landrum, Systems Analyst

Corrections Audit

Louwill Davis, Corrections Auditor