

## Child-support payments rise

### Collection of funds jumps 132% under test program

By **AMY RINARD**  
Sentinel Madison Bureau

**Madison** — A two-county state test program in which non-custodial parents either pay the delinquent child support they owe or work at non-paying jobs has increased payments by 132%, state officials said.

In Racine County, people who were referred to the program stepped up their child-support payments by 237%; in Fond du Lac County, payments by program participants jumped 61%.

"This data indicates that many individuals can pay, and when their feet are to the fire, do," said Gerald Whitburn, secretary of the Department of Health and Social Services.

"It appears this model is working and making a significant difference."

The program, called "Children First," was implemented in Fond du lac and Racine counties in 1990. In January it was expanded to Dane, Dunn, Florence, Outagamie, Shawano, Waukesha and Waupaca counties.



"This data indicates that many individuals can pay, and when their feet are to the fire, do."

— **GERALD WHITBURN**  
secretary,  
Department of Health and Social Services

More than 75% of program participants are men.

Whitburn said too many men father children with no intention of fulfilling their obligation to see to their children's needs.

"These data demonstrate that, when nudged by a program like this, significantly higher levels of payments are forthcoming," he said.

Under the program, an unemployed or underemployed parent who is delinquent in child support payments is referred to a court by a county child support agency.

The parent then is ordered into the Children First program and given the choice of paying full child support for three consecutive months or completing 16 weeks of assigned work without pay; 77% start making their payments.

When a parent is determined to be in need of job training, a case manager enrolls the parent in training, education or job search activities if the parent does not make child-support payments immediately.

Failure to comply with program requirements can land the delinquent parent in jail.

Counties administer the program and receive \$200 for every person enrolled in it.

This year, the state is expected to pay \$212,400 to the counties under the program.

An evaluation of the Children First program Whitburn released shows that non-custodial parents in Racine County paid an average of \$107 during a six-month period before entering the program, compared with an average of \$361 in the six months after they started the program.

In Fond du Lac County, the six months of average payments rose from \$206 before the program to \$333 after.

Whitburn said the program is succeeding in "putting more money into the hands of poor families," most of which are headed by single women.

Children First and other state efforts to step up the rate of child-support payments are needed to help "knock down the \$1 billion in arrears we have in Wisconsin" in support payments, Whitburn said.

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^AM-WI--Pay or Paint, Bjt, 730<

^Wisconsin Makes Parents Work or Pay; Washington Paying Attention<

^Eds: Also on national news lines.<

^By JENNIFER DIXON=

^Associated Press Writer=

WASHINGTON (AP) — Parents who fall behind on child support get a choice in Wisconsin: Pay up or paint park benches for 16 weeks.

Nearly four out of five come up with the money. The rest do painting or other maintenance or clerical work, attend parenting classes, spend time with their children and look for jobs. Those who refuse or backslide may be jailed.

Known as Children First, Wisconsin's get-tough experiment has brought results in two counties and has caught the eye of experts in Washington as the Clinton administration tries to overhaul the nation's welfare system.

President Clinton has promised to make child support enforcement a linchpin of his welfare reform plan, due by the end of the year. Only one-third of single parents now get any court-ordered child support, and billions of dollars ordered to be paid never are, says Clinton welfare adviser David T. Ellwood.

That money, Ellwood argues, could be used to lift single parents and their children out of poverty and off the welfare rolls.

"Non-custodial parents need to pay, they need to pay more, and they need to pay more frequently," insists Jean Rogers, Children First's administrator.

Wisconsin officials say their modest experiment, now in its fourth year in Racine and Fond du Lac counties, is paying off financially.

Gerald Whitburn, the state's secretary of health and social services, says it may ultimately make men and women think twice before having children.

"We have too many dads who father children without any real plans to look out for the financial responsibilities associated with parenting. And that's wrong," he says.

Robert Rector, a policy analyst for welfare issues at the conservative Heritage Foundation, agrees the program could discourage people from having children out of wedlock if they know "someone is going to seriously come after them for child support."

Fathers should be responsible for supporting their own children. This is the first serious program to make that a reality," Rector says.

And it could play a role in the debate over welfare reform. Whitburn discussed it with Ellwood last summer, before Ellwood was named assistant secretary for planning and evaluation at the Department of Health and Human Services.

Most parents — 77 percent — assigned by the courts to Children First decided to pay child support.

The rest spend one day a week looking for jobs and 32 hours a week cleaning up parks, painting picnic tables or doing other maintenance or clerical jobs for a government agency or non-profit organization — work that would otherwise be done by volunteers. Racine County participants may also attend parenting classes and are expected to spend time with their children.

A few who refuse to pay or work end up behind bars. Rogers said she found eight in jail in Racine County during a recent visit.

Child support payments there have increased by 237 percent and the number of parents paying child support has increased by 52 percent. In Fond du Lac, child support payments are up 51 percent and the number of parents paying is up 37 percent. Earlier this year, seven additional Wisconsin counties adopted Children First.

The program, however, is not a panacea. It applies only to parents who have been ordered to pay child support. Nationally, only 60 percent of single parents have an order.

And some children's advocates caution against focusing only on the money owed.

"People are not going to be reduced to an absentee cash register," says David L. Levy, president of the Children's Rights Council, a Washington advocacy group. "We say support your children in two ways — financially and emotionally. Let's have states recognize the value of both to children."

Rogers, however, says Wisconsin's program has done more than increase collections. It's also brought absent parents into their children's lives.

"One of the things they teach in Racine," she says, "is that it's not necessary for a father to have a romantic relationship with the mother of his child to have a parenting relationship that's positive with the child."

For some, she says, "this is a revelation."

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WL-CS Work

PUBLIC LIVES

By Joe Klein

'Make the Daddies Pay'

Once, during a wonderfully rowdy lunch with Daniel Patrick Moynihan, I asked how he'd begin to attack the social pathologies that lie at the heart of chronic welfare dependency. "Make... the daddies... pay!" he replied, in an inimitable burst of pyrotechnic syncopation. The senator had isolated the most obvious—and most frequently overlooked—moral imperative of the welfare-reform debate. A great deal of attention is paid the moms; they are the subject of endless scrutiny and demagoguery and sermonizing. They are asked to be both mother and father, to raise children responsibly in often dangerous neighborhoods while finding some way to become self-sufficient.

But what about the dads? It's almost as if all these unfortunate conceptions were immaculate. The fathers, in most (66 percent of all out-of-wedlock) cases, are never identified. And, if identified, they are almost never forced to be responsible for their acts. Only 18 percent pay child support. This is a remarkable scandal. "Anything we expect of the mothers," says David Ellwood, a noted welfare-reform expert now working in the Clinton administration, "we have to be able to expect from the fathers."

If we can find them. In Racine, Wis., they are working hard at it, and making progress—but it's not easy. Racine is one of two counties in the fourth year of an experiment launched by Gov. Tommy Thompson, one of the rare public officials who take welfare reform seriously. It is called Children First. The governor summarizes it succinctly: "If you can't pay child support, we put you to work doing community service [without pay]. If you're not willing to do that, we put you in jail." And they do. Last week in Racine, eight men were sitting in the county jail for failure to pay child support. "We've got some slow learners," said County Executive Dennis Kornwolf. "But the word's beginning to get around that we're serious."

Indeed, most—77 percent—of the deadbeat dads sent into the program simply choose to pay up. For those who can't, community service is loosely defined. It can include job training, job searching or parental-responsibility classes. Few actually wind up shagging litter for the county without pay; the emphasis is on finding work. "We have three goals," says Jean Rogers, the program administrator. "To get them to pay, to pay more and to pay more frequently." Pay they have. A recent study shows that Children First has increased the number of child-support payers by 83 percent and the amount paid by 237 percent. This is, at once,

impressive and modest: most child-support offenders in Racine still manage to beat the rap. "In Wisconsin, we'll find a third and get them to pay, and there's a third we'll never find," says Kevin Van Kamp, a Racine Family Court commissioner. "This program gives us a shot at the other third."

Wisconsin works harder at this than most other states. Its 33.4 percent enforcement rate ranks second in the nation. Children First is succeeding in Racine only because the county already had an unusually assiduous "daddy locating" apparatus in place—with a population of about 175,000, it initiated 972 nonsupport hearings last year, which required an average of about 350 hearings of one sort or another each week, which, in turn, required the full-time attention of 35 employees (as well as a sophisticated computer system and a sympathetic state law that automatically garnishees the payments from the father's salary). Most communities in most states don't have the will or the wherewithal to make that sort of effort; most politicians would rather spend money on schools and highways than on welfare reform.

**Paternity pool:** Tommy Thompson has tried a half-dozen different (some quite controversial) approaches to the problem and managed to reduce his state's caseload by 17 percent since 1987—but the out-of-wedlock birthrate is soaring and there is a sense of swimming against the tide. The welfare system pays for one out of every three births in Wisconsin; a recent study of major welfare hospitals showed that paternity was established in less than 40 percent of the births. Remember, the state

collects from only a third of the fathers it can find: one third of two fifths is, hmm, very depressing—maybe 13 percent of all "welfare fathers" in a state that really works at making the daddies pay.

Even if the paternity pool could somehow be enlarged, the hordes of public employees necessary to bring a program like Children First to a city the size of, say, Milwaukee, would be staggering. Which may be why no one talks about child-support enforcement very much; coercing the mothers who receive the checks is much easier. But unless something is done to reach the dads, the immaculate conceptions will continue—indeed, out-of-wedlock births have exploded nationally, from 544,000 in 1978 to 1.1 million in 1990, each bringing with it a greater likelihood of criminal behavior, ill health and welfare dependency. Children First gives a hint of where the solution to this disaster may lie, but also of the enormous resources that will be required to get there.



IRA WYMAN FOR NEWSWEEK

Where's Papa? 'Wanted': deadbeat dads

WR -  
Child Support  
Work  
Programs

WISCONSIN'S  
COMMUNITY WORK EXPERIENCE PROGRAM  
FOR NONCUSTODIAL PARENTS

**CHILDREN** *1st* **FIRST**

**THE CHILDREN FIRST PROGRAM**

**A Report to the Administrator**

**John A. Wagner**

**Division of Economic Support**

**June 1993**

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## INTRODUCTION

The Community Work Experience Program for Noncustodial Parents, also referred to as the Children First program, has operated in Racine and Fond du Lac counties since January 1, 1990. Effective January 1, 1993, seven additional counties have begun to implement the Children First program. With the expansion of the program, there has been a heightened interest in the impact the Children First program may be having. This report examines three fundamental results of the program: the effect of enrollment in the Children First program on child support payments, on the number of participants actually paying some child support, and on the frequency by which noncustodial parents pay some amount of child support.

In order to measure the impact of the Children First program on these variables, a "pre-/post-" test was designed, allowing a comparison of child support payments made by noncustodial parents during six months prior to their enrollment in Children First to payments made during six months after their enrollment. The research design and methodology will be explained in further detail later in this report.

This analysis of child support payments is limited to Fond du Lac and Racine counties. Obviously, the seven counties that began operating the Children First program January 1, 1993, have not had enough time to establish adequate payment histories for noncustodial parents enrolled in their programs.

It should be noted that the Children First program in both Fond du Lac and Racine counties was the subject of a study by the Office of Policy and Budget (OPB) done in May, 1991. This report will provide updated information as a basis of comparison to the study conducted by OPB. Similarities and differences between the two studies (to my knowledge the only studies available on the Children First program) will be noted where appropriate.

## RESEARCH DESIGN

For the purposes of this report, a simple research design was constructed in order to compare the three variables or outcomes affected by enrollment in the Children First program. Two time periods were compared. The first or "pre-enrollment period" is defined as six full months prior to the day before enrollment in the Children First program. The second or "post-enrollment period" includes the date of enrollment for each client and six full months subsequent to that date. The division of child support payments into these two time periods allows one to compare actual payments before and after enrollment in Children First.

It should be pointed out, however, that the post-enrollment payment will not capture completely the effect of Children First, for two reasons. First and most obvious, this definition and analysis will not measure what long-term effects enrollment in the Children First program may have. Does the amount of or frequency of child support payments continue to increase or taper off after a period of time? This question is beyond the scope of this report.

Secondly, during the compilation of payment data, it became evident that the act of bringing to court a noncustodial parent who is delinquent in the payment of child support seems to coincide with some child support payment being made around the time of the court date. Many records indicate that the child support agency receives some payment around the time that a parent is scheduled to appear in court. The beneficial impact (i.e., child support payments) of bringing the parent before the court for referral into Children First is attributed to the program only when payment is made during the post-enrollment period. When a parent is notified in advance of a court date for referral into the program and payments are made prior to that referral date, they are not included in post-enrollment payments in this report (and thus appear as regular pre-enrollment payments, discounting any effect of Children First). In other words, there may be some "spill-over" effects that underestimate the true impact the Children First program is having on child support payments.

## METHODOLOGY

As mentioned in the Introduction, a comparison between the pre-enrollment and post-enrollment periods will be made for the following three variables:

1. Child support collections. This is measured by the total amount of child support collected from Children First participants before and after referral to the program. This total is the average for the two six-month periods. As a result, it represents the average paid during six months, not a monthly average;
2. The number of parents paying child support. This number looks at the Children First participants for each county and compares the total number of parents who made any child support payment at all during the pre- and post-enrollment periods;
3. The frequency of child support payments. The frequency by which payments are made is measured by counting the number of months each parent made any amount of payment during the pre- and post-enrollment periods. It identifies whether a payment was made in a given month; therefore multiple payments in one month count only once. As a result, this measurement only captures monthly frequency and does not take into account the amount paid or whether payments were made on more than one occasion during the month.

Each of the two counties in this report were analyzed separately. Data for Racine County was compiled and verified by the author. The data for Fond du Lac County was provided by staff of the county's child support agency and Children First program. It is important to note that most of this data was collected and calculated by hand, with the inherent risk of human error. This section will explain in detail the process by which this data was gathered and calculated for the two counties included in this study.

## Racine County

The first step in gathering data for Racine County was to contact Goodwill Industries of Racine, the subcontractor for Children First case management services. Goodwill generated a list of all individuals who were referred by the court to the Children First program at any time during 1992. This totalled 426 individuals. From this were subtracted 10 individuals referred to but not enrolled in the program during 1992, for a subtotal of 416 persons enrolled in 1992. In addition, there were 155 referrals who had not been in the program long enough to accumulate six month's worth of child support payment history (i.e., they had been referred after August 3, 1992, which was less than six months before the cutoff date on which the child support payment records were printed for this analysis, February 3, 1993).

This left a subtotal of 261 individuals who were referred to and enrolled in the Children First program during 1992, who had at least six months of child support payment data (six months after the date of enrollment).

From this adjusted total of 261 participants a random sample was drawn. This process was done with the assistance and advice of OPB, which generated a table of random numbers. Based on the numbers in this table, the payment histories of 80 individuals were selected. After obtaining hard-copy printouts of these payment histories from the Racine County Child Support Agency, it was found that 8 individuals had insufficient data to be included in the sample. (In effect, their child support orders had not been established six full months prior to their enrollment in Children First, thus underestimating their total pre-enrollment payments.) These individuals were excluded from the sample, for a final sample size of 72 Children First participants. This sample represents 28 percent of the population of the 261 individuals referred to and enrolled in the program during 1992, with complete payment data.

The following is a summary of this selection/exclusion process:

### UNIVERSE

- 426 Total number of individuals referred to the Children First program during 1992;
- 10 Individuals who were referred to the program but did not enroll in Children First during 1992;
- 155 Individuals who had been enrolled after August 3, 1992, and who consequently did not have a full six months of post-enrollment payment history at the date this study began;
- 261 Adjusted total

## SAMPLE

- 80 Cases randomly selected from the 261 adjusted total;
- 8 Cases had to be excluded, due to insufficient pre-enrollment payment history;
- 72 Adjusted sample (28 percent of 261)

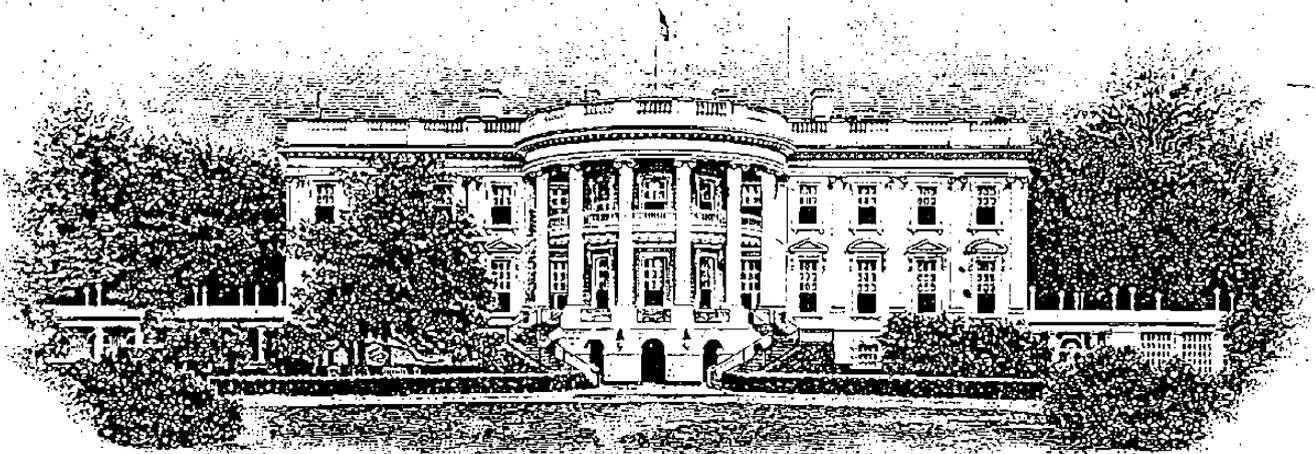
After the 72 individuals were identified for the sample, their payment records were printed for six months prior to and six months after their enrollment in the Children First program. A record was printed for every case in which an order was established. Many individuals had more than one established paternity case and/or child support order, all of which were then summed based on the date of referral and the pre-enrollment, post-enrollment criteria cited above.

After totals for each case with the payment data for the 72 individuals had been calculated, the results were reviewed by the Compliance Supervisor of the Racine County Child Support Agency. Each individual case was examined, with some adjustments made. The major adjustment included the subtraction of all child support payments received through the federal and state tax intercept programs. These payments are not always coded in the payment records and there was no way to identify them except to go through each case individually. It was determined that because these payments do not represent a willful payment from the parent (not even coming from the parent) and are not a function of any Children First activity or action, they should not be counted as a result of the Children First program. This view was shared by the directors of the child support agencies in both Racine and Fond du Lac counties. Therefore all tax intercept payments were excluded from the payment data for both counties.

Purges are another type of lump-sum payments that are recorded on a noncustodial parent's payment history. Often times, a noncustodial parent who is delinquent in child support is ordered by the court to pay an amount, i.e., a purge, instead of being sent to jail. They are a response to noncompliance with the requirements of the child support order, including enrollment in the Children First program. It is through the Children First program that these parents are actually brought before the court for the issue of noncompliance. Although all parents delinquent in their child support payments can be ordered to pay a purge, these amounts are included in this analysis for both time frames--the pre-enrollment period and the post-enrollment period--because the Children First program is a factor in their being monitored and brought before the court.

After totals had been calculated for each of the 72 individuals in the sample, they were then entered into a spreadsheet to obtain a grand total of pre-enrollment and post-enrollment data. Also counted was the total number of parents making child support payments and the frequency of the payments.

THE WHITE HOUSE  
WASHINGTON, DC 20500



FAX COVER SHEET

DATE:

TIME:

TO:

*Paul Seeger*

PHONE:

FAX #:

FROM:

*Bruce Reed*

PHONE: (202) 456-

PAGES AFTER COVER:

COMMENTS:

## Fond du Lac County

As previously mentioned, Fond du Lac County compiled and tabulated their own data. They provided a list of all individuals who had been enrolled in the Children First program during 1992. This list included the child support order date, the referral date into Children First, the total amount of child support received six months prior to the referral date, and the total amount of child support received six months after referral. The list included 85 individuals who had been enrolled in Children First during 1992.

From this were excluded 30 individuals with insufficient payment histories (i.e., their order had not been established six full months before enrollment leaving them with insufficient pre-enrollment data or they were enrolled in the program late in 1992 providing insufficient post-enrollment data). This provided an adjusted total of 55 individuals, all of whom were included in this analysis. No sample was used.

The following data on the 55 Children First participants was then entered into the spreadsheet: participant's name, the total amount of child support received six months prior to the enrollment date, and the total amount of child support received six months after enrollment. No data on the frequency of payments was obtained.

## RESULTS

Several measurements illustrate the positive impact the Children First program is having on the three variables analyzed in this report.

As previously mentioned, a fundamental impact that this report has set out to measure is the effect of the Children First program on child support payments of noncustodial parents who participate in the program. Although the experiences in both counties vary, both Fond du Lac and Racine counties registered increases in the amount of child support collected from Children First participants:

In 1992 in Racine County, the average six-month child support payment by noncustodial parents who participated in Children First jumped 237% after enrollment, as compared to the average of their payments six months before enrollment in the program. Prior to enrollment in Children First, the average of the total child support collected during six months from parents who participated in the program was \$107.11. After their enrollment in Children First, the average total payment was \$360.89. (Both amounts represent an average of the total paid during the six-month time frames identified above.)

18/mo  
\$60/mo

In 1992 in Fond du Lac County, the average six-month child support payment by noncustodial parents who participated in Children First jumped 61% after enrollment, as compared to the average of their payments six months before enrollment in the program. Prior to enrollment in Children First, the average of the total child support during six months from parents who participated in the program was \$206.43. After enrollment in Children First, the average total payment was \$332.50. (Both amounts represent an average of the total paid during the six-month time frames identified above.)

In 1992, the weighted average of total six-month child support payments for both counties combined increased 132% for Children First participants, increasing from an average of \$150.12 before enrollment to \$348.59 after enrollment. (See Table I.)

25/00  
↓ 60/00

Given the above data, some observations can be made. First of all, it is evident that Racine County witnessed a much higher increase in the six-month average child support payment after enrollment in Children First, compared to Fond du Lac County's increase. This supports the finding of the Children First evaluation conducted by the Office of Policy and Budget (OPB, May, 1991). Perhaps some of this difference may be due to the enhanced services (additional motivational classes and support groups) that are offered in Racine County, although currently this remains conjecture. It is important to point out that the initial average payments of Fond du Lac Children First participants are significantly higher than those in Racine. The average monthly pre-enrollment payment is \$107.11 in Racine compared to the \$206.43 average monthly pre-enrollment payment in Fond du Lac--almost double Racine's average. One could argue that there is more "room for improvement" in Racine.

Interestingly, the payment differences in the two counties are less apparent when looking at their post-enrollment averages. Racine's average is slightly higher, at \$360.89 compared to Fond du Lac's \$332.50. Whether this can be attributed to Racine's Children First services, however, needs further analysis and is beyond the scope of this study.

A second and important observation can be made on the average payments for both counties. For Racine and Fond du Lac counties combined, the average of six month's child support payments after enrollment is \$348.59, compared to a pre-enrollment average of \$150.12, for an average net dollar increase of \$198.47 per participant. All things being equal, the average noncustodial parent would pay an extra \$198.47 in child support over six months if s/he enrolled in the Children First program. In other words, the state's \$200 cost it reimburses counties for each Children First participant is, on average, offset with a nearly identical increase in child support payments within six months after enrollment.

In addition to the effect Children First has on the amount of child support payments received from program participants, other observations can be made. One is the effect of Children First on the total number of noncustodial parents who make no payments at all or, conversely, the number of parents who make any child support payments:

In Racine County in 1992, the number of parents paying child support increased 83% after they had been enrolled in Children First. During the pre-enrollment period, 29 (or 40%) of the sample of 72 parents had made at least one payment during the six months; during the post-enrollment period, 53 (or 74%) of the sample of 72 parents had made at least one payment during the six months.

In Fond du Lac County in 1992, the number of parents paying child support increased 37%--from 30 out of the 55 parents during the pre-enrollment period, to 41 out of the 55 parents during the post-enrollment period. (See Table II.)

Given that many of the custodial parents and children receiving child support payments tend to be at or near the poverty level, the receipt of child support becomes an important component in financial planning. Being able to count on regular child support payment becomes more acute; sporadic payments make it difficult for financial planning. As a result, the frequency with which child support payments are made is an important, and therefore was the third effect of the Children First program to be analyzed in this report. This variable--the average number of months during the defined six-month periods before and after program enrollment during which some child support is paid--was obtained only for Racine County:

Before enrollment in Children First, noncustodial parents paid some amount of child support on average less than one month (.875 month) during the six-month, pre-enrollment period. After enrollment in Children First, child support payments were received during an average of 2.44 months during the six-month post-enrollment period. In other words, the frequency of child support payments in Racine County increased 179% after enrollment in the Children First program.

All three of these variables (amount of child support collected, number of parents paying child support, and the frequency of child support payments) were included in the Office of Policy and Budget's evaluation of the Children First program in 1991. As a comparison, OPB's findings and those of this report are summarized on the following page:

## Summary of Findings from OPB and DES Evaluations

	<u>OPB Evaluation 5/91</u>		<u>DES Report 6/93</u>	
	<u>Racine</u>	<u>FDL</u>	<u>Racine</u>	<u>FDL</u>
Average Total Child Support Payments:	+145%	+28%	+237%	+61%
Number of Parents Paying Child Support:	+94%	+44%	+83%	+37%
Average Number of Months Each Parent Paid during 6-month Period:	+154%	+132%	+179%	NA

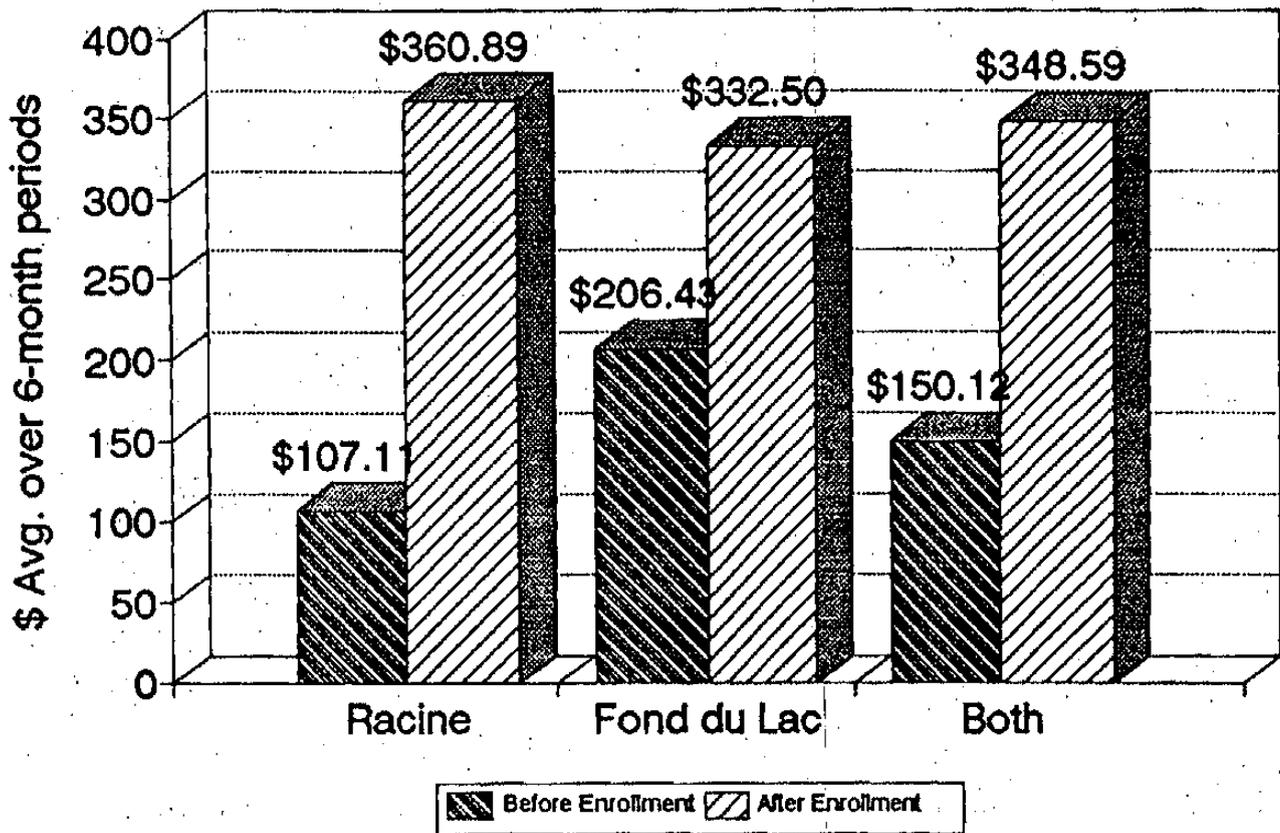
### CONCLUSION

The data analyzed in this report shows that enrollment in the Children First program seems to increase the amount of child support collected, increase the number of parents who pay support, and increase the frequency by which child support payments are made. These observations are for noncustodial parents who enroll in the Children First program, comparing their child support payment histories six months before to six months after their enrollment in the program.

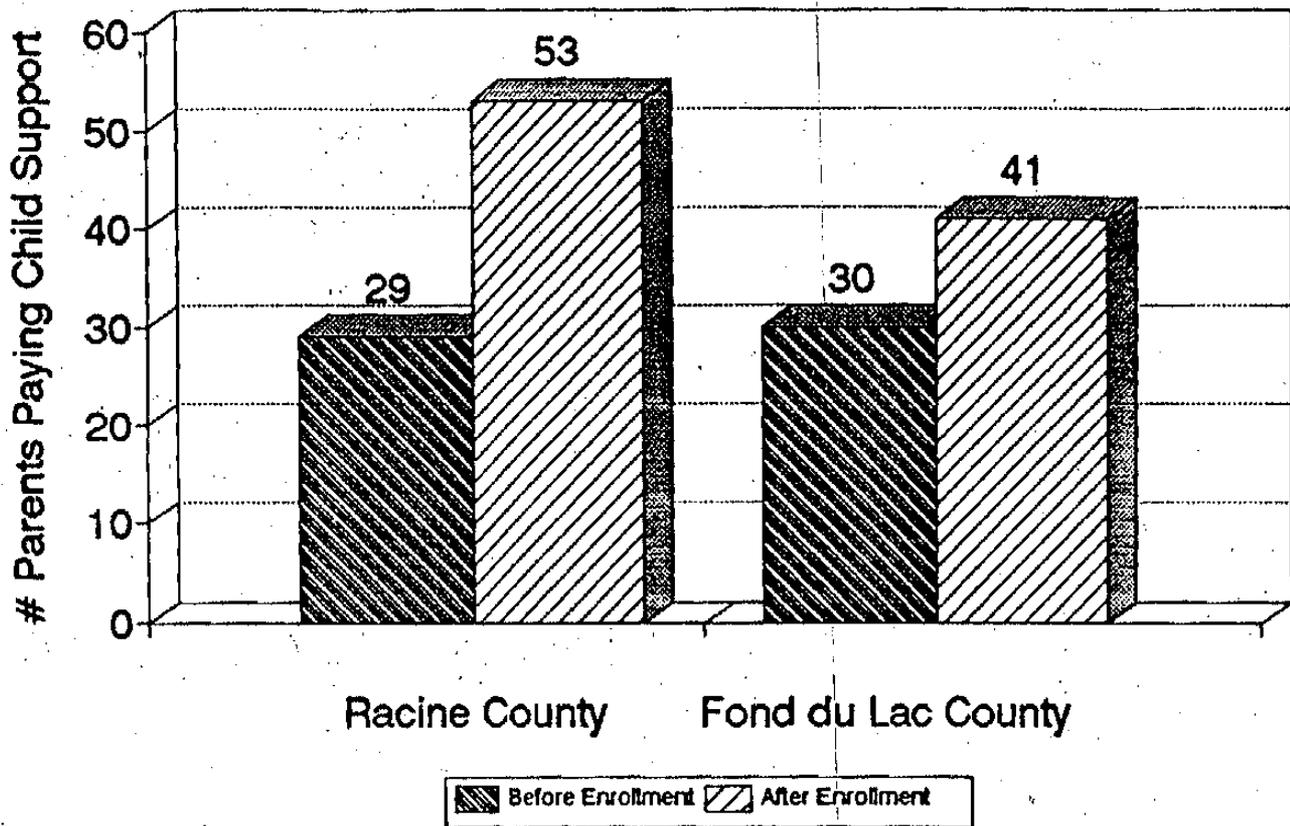
An interesting point of these findings is the extent to which they mirror the earlier findings of the Children First evaluation conducted by OPB. While the measurements of all variables identified above increased for the post-enrollment period, the rates of increases differed between Racine and Fond du Lac counties. In all cases, these differing rates were identified in both the OPB evaluation and this current DES report. Also, the increase in child support collections in both counties is even more substantial comparing the data from 1991 to 1993, perhaps a reflection of the counties having had a longer period of time to implement the Children First program.

Refer to the following pages for tables that summarize the findings of this report.

**TABLE I**  
**Avg. Paid Before/After Enrollment**



**TABLE II**  
**Parents Paying Before/After Enrollment**



Tommy G. Thompson  
Governor  
Gerald Whitburn  
Secretary



Mailing Address  
1 West Wilson Street  
Post Office Box 7850  
Madison, WI 53707-7850  
Telephone (608) 266-9622

State of Wisconsin  
Department of Health and Social Services

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February 28, 1994

Mr. Bruce Reed  
Deputy Assistant to the President  
Domestic Policy Council  
The White House  
Washington, D.C. 20506

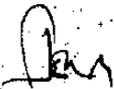
Dear Bruce:

I enjoyed our conversation on Friday.

Enclosed is the information we discussed on  
Wisconsin's Children First program.

Best regards.

Sincerely,

  
Gerald Whitburn  
Secretary

Enclosure

*Please let me know  
where our Family Care  
lower is.*

*Thank*

WR- Child  
Support Work  
Programs

**Office of Policy and Budget**  
**Wisconsin Department of Health and Social Services**  
**Madison, Wisconsin**

**Children First:  
Community Work Experience  
Program for  
Non-Custodial Parents**

**Evaluation Section  
Office of Policy and Budget  
Department of Health and Social Services  
Sandra Cleveland, Analyst  
May, 1991**

## Summary

Children First, or the Community Work Experience Program for Non-Custodial Parents (CWEP-NCP), was designed to provide unsubsidized work experience to unemployed non-custodial parents who are delinquent in their child support payments. The purpose of the program is to motivate these non-custodial parents to find a job and pay their support.

The program was authorized by 1987 Wisconsin Act 413 and has been operating as a pilot in Fond du Lac and Racine counties since the beginning of 1990. The Governor's budget recently proposed expanding the program to more counties, with the eventual goal of implementing Children First in all counties in the state.

### Program Design

The program uses two strategies to increase the amount of child support paid by unemployed non-custodial parents. First, the program uses participation in an unsubsidized work experience and the threat of a jail sentence for non-compliance as a motivation to non-custodial parents to pay their support. Second, the program is designed to help some clients develop skills so that they may find a job and pay support.

The program was designed to provide a basic unsubsidized work experience similar to the one provided in the Community Work Experience Program (CWEP). According to the statutes, clients may not be required to participate for more than 32 hours per week or for more than 16 weeks per year. The Division of Economic Support (DES) further restricted the number of hours that a client may be required to participate in work experience to a percent of a work week. Under DES guidelines, the number of hours a client is required to participate in work experience is determined by the number of children he or she is obligated to support.

### Program Implementation

Fond du Lac and Racine counties implemented the program differently. Fond du Lac followed DES guidelines closely when it implemented the program and provided clients with a basic work experience with few additional services. Racine, on the other hand, provided clients with a broad range of services to help address employment barriers. Racine County also integrated a work search requirement into its Children First program. Under this requirement, clients were expected to conduct a work search, record their activities and report to the case manager.

## **Program Outcomes**

Two analyses were conducted to identify the impact of Children First on child support payments. First, an analysis was conducted which focused on changes in child support payments made by clients six months before and after referral to the program. Second, an analysis was conducted of child support payments made by calendar year for both Children First clients and a comparison group.

- Both Racine and Fond du Lac experienced an increase in total collections after clients were referred to the program. Racine experienced a 145 percent increase, while Fond du Lac experienced a 28 percent increase.

- The number of clients who were making payments after referral also increased. In Racine, 31 of the clients were making payments before referral to the program, with 60 making payments after referral for an increase of 94 percent. Likewise, Fond du Lac experienced an increase from 18 clients paying before referral to 26 clients paying after referral, for an increase of 44 percent.

- The average amount of money paid by those clients who made payments increased in Racine County by 27 percent, but decreased in Fond du Lac by 12 percent. This indicates that Racine County was able to achieve increases not only by impacting the number of clients paying, but also by increasing the amount each client pays. Racine County may have accomplished this by providing a broader range of services designed to impact barriers to employment.

- Children First clients appear to be more successful at making their child support payments than are those non-custodial parents who did not participate in Children First. Increases in child support payments also appeared to be less temporary for Children First clients than for those non-custodial parents who received no services. Based on estimated payments for 1991, Racine County appeared to be the most successful at maintaining increases in child support payments over time.

## **Recommendations**

The goal of the Children First program is to increase child support payments. Several recommendations were made to enhance that goal.

The program should be modified to allow counties to provide clients with a broader range of services in order to better address the barriers to employment that some clients possess. Clients should be monitored by a case manager until they find employment and pay their child support. Currently, it is possible for a client to "successfully complete" the program without making any child support payments.

Options to place clients into paid work experience should be developed so that child support can be collected while the client builds job skills. Finally, the percent of a work week restriction established by DES should be eliminated allowing counties to refer clients to work experience for up to 32 hours per week. This change would provide clients with a more realistic work experience.

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## Introduction

Children First, or Community Work Experience Program for Non-Custodial Parents (CWEP-NCP), was authorized by Wisconsin's 1987 Welfare Reform Act to provide work experience to non-custodial parents who have not made regular child support payments and who claim to be unemployed. The purpose of the program is to use unsubsidized community work experience to motivate clients to find a job and pay their child support obligations. Clients who participate in unsubsidized work experience are not paid for their work.

Under sections 46.253 and 767.295 of 1987 Wisconsin Act 413, the Department of Health and Social Services was authorized to establish CWEP-NCP as a pilot in two counties. A copy of this legislation is included in Appendix A. An effort was made to select one rural and one urban county, each with a low unemployment rate, to serve as pilots for the program. Because the program was designed to use resources available under work experience programs developed for public assistance recipients, an additional effort was made to target counties with a strong reputation for administering existing work experience programs efficiently.

Children First has been operating as a pilot in Racine and Fond du Lac counties since the beginning of 1990. The program is entirely funded by the state. The counties receive a reimbursement of \$200 from the state for each client served. In 1990, Racine was reimbursed \$80,000 for serving approximately 400 clients and Fond du Lac was reimbursed a little over \$12,000 for serving about 60 clients.

The Governor's 1991-1993 budget recently included a proposal to expand Children First to include more counties. The goal is to eventually implement the program in all counties in the state.

The administrator of the Division of Economic Support requested that the Office of Policy and Budget conduct an evaluation of Children First. The primary purpose of the evaluation is to describe how each of the pilots has implemented the program, to determine whether or not the program has been successful in increasing the amount of child support paid and to identify strategies for increasing the effectiveness and efficiency of the program.

## Program Description

**The goal of Children First is to increase child support payments.**

The goal of Children First is to increase the amount of child support collected by the counties and to increase the number of non-custodial parents who pay their child support obligations. In particular, Children First is supposed to increase child support payments made by unemployed non-custodial parents.

To accomplish this goal, the program incorporates two strategies. The first strategy is primarily punitive in nature. The program was designed with the belief that by requiring clients to participate in unsubsidized work experience and presenting them with the threat of a jail sentence for non-compliance, they would be motivated to either find a job or pay their support obligations from "hidden income".

The second strategy focuses on helping some clients develop job skills so that they may find a job and pay their support obligation. Work experience is supposed to help them develop these skills.

The original intent of the legislation was to emphasize the first strategy and take a more punitive approach to motivate clients to pay their support obligations. To accomplish this, the program was designed to provide a basic work experience to the client: Orientation, placement in an unsubsidized work experience and monitoring for compliance.

Non-custodial parents have a legal obligation to support their children. A major challenge of the Children First program is to balance this legal obligation against the desire to help non-custodial parents who need assistance in acquiring a job.

The original planning document submitted to counties by the Department of Health and Social Services outlined the basic program components of Children First. According to the document, clients were to be referred to the program by the courts, receive an orientation and assessment, and then be referred to a work site where they were to be monitored for compliance.

**Children First is different from traditional work experience programs.**

Traditionally, work experience programs are designed for public assistance recipients who need skills to acquire paid employment to become self-sufficient. However, unemployed non-custodial parents do not necessarily receive public assistance. As a result, Children First clients might be expected to be more likely than regular work experience clients to already have job skills and be prepared to find work.

The goal of the Children First program is not only to make clients employable and self-sufficient, but also to make them willing to accept financial responsibility for their children. In fact, this goal may be more difficult to achieve than making the client more employable. According to program staff, many of the parents referred to the program have refused to meet their child support obligations not because they are unable to work, but rather because they do not feel responsible for their children.

**The statutes identify how the program should impact child support obligations.**

Although the work experience in this program is unsubsidized, the legislation stipulates that the client will continue to accrue arrearage on his or her child support obligation while he or she is enrolled in the program at the rate of the minimum wage for a forty hour work week multiplied by the percentage standard applicable to the client.<sup>1</sup>

Under the percentage standard, the amount of support a non-custodial parent is required to pay is determined by the number of children he or she is required to support. For example, if a non-custodial parent supports one child, his or her support obligation is set at 17 percent of the parent's income, for two children the level of support is set at 25 percent of total income, 29 percent for 3 children, 31 percent for 4 children and 34 percent for 5 or more children.

After a client successfully completes the program, the court then establishes a support order based on the actual earnings of the client multiplied by the percentage standard.

If the custodial parent has accrued an Aid to Families with Dependent Children (AFDC) liability while caring for children covered under this program, then the non-custodial parent's participation also impacts that liability. Technically, any person in the state of Wisconsin who receives AFDC is liable for repaying those grants under certain circumstances.<sup>2</sup> Under Children First, the custodial parent's liability is reduced by the amount of the federal minimum hourly wage for each hour the non-custodial parent participates in the program.<sup>3</sup>

**Participation requirements were established in both the statutes and in Department of Health and Social Services guidelines.**

Section 46.253 of Wisconsin State Statutes stipulates that non-custodial parents who have failed to pay child support and who are ordered by the court into the Children First program "shall participate in a community work experience program if a job placement is available."<sup>4</sup>

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<sup>1</sup> Wisconsin State Statutes, Wisconsin Act 413, s. 767.295 (2) (c), 1987.

<sup>2</sup> Wisconsin State Statutes, s. 49.195

<sup>3</sup> Wisconsin Act 413, s. 46.253 (2) (g)

<sup>4</sup> Wisconsin Act 413, s. 46.253 (3) (a)

According to the statutes, non-custodial parents are to be referred to this program if they are residents of the county in which the program is operating, are able to work full time, are employed for less than 32 hours per week, are not participating in another employment or training program and are earning less than forty times the federal minimum hourly wage each week.<sup>5</sup> The court can determine exemptions for good cause.

The legislation further stipulates that clients may not be required to participate in a work site for more than 16 weeks out of a year, nor may they be required to work for more than 32 hours per week. If a person is required to participate in another work or training program, the hours he or she is required to participate in a Children First work site cannot exceed 32 hours less the number of hours he or she participates in the other program.<sup>6</sup>

The Department of Health and Social Services further restricts the number of hours that a client can be required to participate. Department guidelines apply the percentage standard used to establish support obligations to the work week to restrict the number of hours per week that a client can be required to participate in a work experience. For example, if the court order covers one child, a client is only required to participate in work experience for 17 percent of a work week or about 6.5 hours per week. Table A outlines the number of hours per week and the total hours that a client can be required to participate over the 16 week period of the program.<sup>7</sup>

**Table A  
Participation Requirements for Children First Clients<sup>8</sup>**

Number of Children Covered by the Order	Hours/Week of Participation	Total Hours of Participation Over 16 Week Period
1	6.5	104
2	10.0	160
3	11.5	184
4	12.5	200
5 or more	13.5	216

<sup>5</sup> Wisconsin Act 413, s. 767.295 (2) (a).

<sup>6</sup> Wisconsin Act 413, s.46.253.

<sup>7</sup> Division of Economic Support Guidelines, Memo sent from Division of Economic Support to Counties, Department of Health and Social Services, Madison, Wisconsin, May 17, 1989.

<sup>8</sup> DES Guidelines, pg.2

Both the statutes and Division of Economic Support (DES) guidelines stipulate that a client may fulfill participation requirements by either successfully completing a work experience or by paying the full amount of ordered support for three consecutive months.<sup>9</sup>

**Division of Economic Support guidelines outline a process for resolving non-compliance cases.**

According to DES guidelines, a non-custodial parent may be considered to be in non-compliance with the program "if he or she refuses, or fails, without good cause, to cooperate with CWEP-NCP requirements. Non-compliance falls into two categories: 1) refusal or failure to enroll; 2) refusal to comply with the requirements of the program."<sup>10</sup>

If a client fails to appear for enrollment and orientation, then a second appointment is to be scheduled within two weeks to conduct a fact-finding session.

If the fact-finding session does not resolve the issues surrounding the non-compliance, then the child support agency, the clerk of courts and the non-custodial parent are notified and the client may face prosecution for contempt of court.

The client has the right to pursue an administrative hearing, if he or she requests it within 10 days of receipt of a notice of non-compliance. If a client requests a hearing, no further action will be taken until a hearing decision is rendered.

According to the guidelines, courts will "consider cases in non-compliance to be in contempt of court and will take appropriate action."<sup>11</sup> This action is usually a jail sentence.

### **Participant Flow: Fond du Lac County**

**Fond du Lac County's Children First Program closely reflects the guidelines established by the Department of Health and Social Services.**

Based on interviews with staff from Fond du Lac County and on the program planning document submitted by the county to Department of Health and Social Services, Fond du Lac County implemented the Children First program so that it closely reflects the requirements established in DES guidelines.

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<sup>9</sup> Wisconsin Act 413, s. 767.295 (2) (c) and DES Guidelines, pg.2.

<sup>10</sup> DES Guidelines, pg.4.

<sup>11</sup> DES Guidelines, pg. 5.

The existing child support caseload in Fond du Lac was reviewed to identify individuals who were physically able to work, who earned less than the equivalent of the federal minimum wage multiplied by a forty hour work week and who were not in compliance with an existing court order for support. Priority was placed on selecting those individuals whose children were being supported by AFDC grants, but the program is not restricted solely to this population. Additional cases are to be referred on a case by case basis as they come before the court.<sup>12</sup>

Once the child support agency identifies a potential Children First client, they schedule a hearing before the Family Court Commissioner. The court commissioner hears the case and, if he deems it appropriate, refers the non-custodial parent to the Children First program.

During enrollment, clients in Fond du Lac County are given general information about their responsibilities under the program and the case manager collects information to help him identify an appropriate work experience for the client.

Clients are then referred to a three day orientation session. In Fond du Lac County, the orientation program was originally developed to serve participants of the Job Opportunity and Basic Skills (JOBS) program. Clients of Children First attend the sessions with clients of JOBS. The orientation sessions include motivational components designed to help improve the self-image of the clients. In addition, the sessions provide practical advice in finding a job, including resume writing skills and interviewing techniques.

Once clients have completed enrollment and orientation, they meet with the case manager to identify a work experience appropriate for the client. In a few cases, clients have been referred to educational programs in lieu of placement at a work site.

There are a variety of work sites available. In general, clients may be referred to clerical, construction or maintenance jobs for local non-profit agencies. Clients are expected to develop basic job skills such as good attendance, how to follow directions and how to dress appropriately for a job.

Work site supervisors provide day to day monitoring for those clients who participate in a work experience. One work site supervisor in Fond du Lac said that he initially attempts to address minor problems such as tardiness himself. If these problems become persistent or if a more serious problem occurs, then he reports them to the case manager.

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<sup>12</sup> Fond du Lac's Planning Document for Children First, Planning Document submitted to the Department of Health and Social Services by Fond du Lac County's Employment, Training and Assistance Department, Fond du Lac, Wisconsin. November, 1989.

Most non-compliance cases involve failure to enroll or failure to show up at a work site. The client is usually given a second chance to comply. However, once it is clear that the client is not going to comply, the client is referred back to the child support agency. The child support agency schedules the client to go before a judge on contempt of court charges.

If found guilty, the client may be either sent to jail or re-ordered to participate in the program.

Both Fond du Lac and Racine counties reported that it was not unusual for a client to be found in non-compliance several times before he or she takes the program seriously and begins to participate. Sometimes it was necessary for a client to be found in non-compliance several times, his or her case reported to the child support agency and for the client to be scheduled for court before indicating a willingness to cooperate.

### **Participant Flow: Racine County**

**Racine County offered clients a broad range of services.**

Racine County implemented Children First differently from Fond du Lac. Clients were referred to a wider variety of services than in Fond du Lac.

Prior to implementation of Children First, unemployed non-custodial parents in both Fond du Lac and Racine counties were most frequently ordered to conduct an independent job search, record their employment contacts and report this information back to the court. Racine County integrated this activity into the Children First program. In addition, the case manager has the option of referring clients to any combination of basic education courses, a parental responsibility class or work experience.

As in Fond du Lac County, the child support agency identifies potential clients to be referred to the program. A hearing before the Family Court Commissioner is scheduled for the non-custodial parent.

If the court commissioner finds sufficient evidence that a non-custodial parent qualifies for Children First, he or she orders the parent to participate in the program. The case manager for Children First is usually present at the hearing to provide new clients with information about the program and to schedule an appointment for intake.

Racine County's Children First program is operated by Goodwill Industries, who holds a subcontract from the county's department of human services. Goodwill has employed a case manager specifically for handling Children First clients. In addition, they are responsible for administering other employment programs for the county and have utilized these resources to process clients for Children First.

Clients report to the case manager at their scheduled time to fill out assessment forms. The case manager uses the information he collects on these forms to refer clients to program components.

Racine County has integrated the following program components into its Children First program:

- Parental Responsibility Class - A class designed to provide clients with a sense of responsibility for their children. The philosophy of this class is that non-custodial parents must understand and accept their responsibility to support their children before they are likely to be motivated to pay their support obligations. During the course of the program, clients are confronted and must deal with their feelings about the custodial parent and their children. At one point in the program, clients must write their own obituaries as they would be written by their children. The class lasts one week.
- Job Seeking Skills - A class to help the client develop basic job seeking skills such as learning to write a resume and how to conduct an interview.
- Work Assessment - An activity to determine the work abilities of the client.
- Educational Center - An activity to provide basic education to the client.
- Work Search - Clients conduct a work search, record their employment contacts and report to the case manager.
- Job Club - A group to help clients find work. Clients may use telephones to call about job prospects and may be provided with transportation to and from interviews.
- Work Experience - Clients are placed in an unpaid work experience.

Clients are referred to any combination of these program components by the case manager. The Parental Responsibility course was not developed and implemented until after Children First began. When it was designed, the staff at Racine County intended to refer all Children First clients to the component prior to referral to a work site. However, this was not possible because of the large number of Children First clients. As a result, the case manager has established priorities for referral to this component and is more likely to refer clients with young children.

Clients' cases are reviewed regularly to determine whether or not they are in compliance with the participation requirements assigned to them by the case manager. A compliance report is submitted to the child support agency at this time. If a client has been found to be out of compliance, the case is scheduled in court. A client who is found guilty at a trial is usually either given another opportunity to comply or sent to jail.

## Client Characteristics

**Children First clients in Racine and Fond du Lac counties are similar in many ways.**

Clients provide a variety of information on their assessment form in Fond du Lac including information about their age, education, race, sex and marital status. This data was analyzed for those clients who were referred to the program between January and October of 1990.

In addition, the case manager of the Children First program in Racine County provided demographic data he had collected for 168 early participants in his program.

The average age of clients in both counties was very similar. In Racine, the average age of clients was 29 years old. In Fond du Lac, the average age was 30 years.

In both Fond du Lac and Racine, clients had an average of approximately 11 years of education. In Fond du Lac, only 56 percent of the clients referred to the program had a high school diploma or a GED.

There was a significant difference in the racial composition of participants in the two pilot counties. In Fond du Lac, about 91 percent of the clients were white. In Racine, 21 percent were white, 62 percent were black and 17 percent were Hispanic.

Most non-custodial parents are male. For example, in Fond du Lac 89 percent of all clients were male.

In Racine, 10 percent reported that they were married, 25 percent reported that they were divorced and 65 percent reported that they were single. In Fond du Lac, 18 percent were married, 24 percent were divorced and 58 percent were single. Racine reported that its clients had responsibility for supporting an average of 2 children. In Fond du Lac the average was 1.4 children.

The case manager in Racine identified other characteristics in his analysis. He found that 20 percent of his clients reported they had felony convictions, 10 percent reported having had alcohol and other drug abuse treatment and 11 percent reported having disabilities. His clients reported having had an average of 14 months of unemployment prior to enrollment in the program.

## Participation Patterns

**There was a high rate of non-compliance in both Racine and Fond du Lac counties.**

Both Racine and Fond du Lac counties reported that there was a high rate of non-compliance among Children First participants. Most commonly, clients failed to show up for orientation and assessment or at a work site once referred to the program.

In Fond du Lac County, 83 percent of all clients were found in non-compliance at least once during participation. In Racine, 85 percent of all clients were found in non-compliance at least once.

Clients were found in non-compliance an average of 1.6 times in Fond du Lac and an average of 1.2 times in Racine.

Often clients are given a second chance to comply with the program once they are out of compliance. As a result, clients may be referred to the program more than once. In Fond du Lac, clients were referred to the program an average of 1.2 times. In Racine the average number of referrals was 1.5 per client.

Clients who are in non-compliance may be referred to the courts to be tried on contempt of court charges. If found guilty, a client may then be sentenced to serve jail time.

In Fond du Lac, for example, an analysis of 48 clients<sup>13</sup> referred to the program between January and October of 1990 revealed that 54 percent were scheduled or will be scheduled shortly to go before a judge on contempt of court charges. A total of 35 percent have had at least one hearing before a judge. Six clients, or 12.5 percent, have served time in jail.

Although similar data was not readily available from Racine, it is clear that several clients have been referred to court and sentenced to jail terms as a result of non-compliance with the program. According to county child support staff, anyone who is found in non-compliance is referred to court for litigation and a jail sentence is imposed on those who they find in non-compliance. The court then issues a stay of the jail sentence which remains in effect as long as the client is in compliance with the program or is making payments. If the client falls out of compliance again, the stay is lifted and the non-custodial parent is sent to jail.

County child support staff note that Racine County has a strong judicial system which does not hesitate to impose a jail sentence for non-payment of support. In their opinion, this has been a crucial factor in helping them collect child support.

#### **Most clients were not referred to work experience.**

An analysis of 47 known cases who were referred to Children First in Fond du Lac County between January and October of 1990 revealed that only 23 or 49 percent were ever referred to a work site. Of those referred, only five clients or 11 percent of the total, actually successfully completed the 16 week work experience.

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<sup>13</sup> Clients with missing data were excluded from analysis. As a result, the total number of clients analyzed for both Fond du Lac and Racine will vary from analysis to analysis to reflect the extent to which information was available on the clients.

In Racine, the number of clients referred to work experience was much lower. In an analysis of 74 cases, only four or 5 percent were ever referred to work experience.

In Fond du Lac, the low number of work experience referrals is attributed to high rates of non-compliance prior to orientation and assessment. In addition, people who find full-time paid employment are exempt from work experience participation.

In Racine, clients were primarily referred to alternative program components in lieu of work experience. Based on an analysis of 74 clients referred to Children First between January and October of 1990, the following table illustrates referral patterns for Children First in Racine County:

**Table B**  
**Referrals to Children First Program Components:**  
**Racine County**

<u>Program Component</u>	<u>Number of Clients Referred</u>	<u>Percent*</u>
Parental Responsibility Class	6	8%
Job Seeking Skills	16	22%
Work Assessment	1	1%
Education	16	22%
Work Search	59	80%
Job Club	45	61%
Work Experience	4	5%

\*Percent will total more than 100 because clients are usually referred to more than one program component. Percents were rounded to the nearest whole number.

**Most clients did not successfully complete all of the requirements for Children First.**

According to the statutes and DES guidelines, clients may successfully complete the program by either paying their child support obligations for three consecutive months or by successfully completing participation in their work experience.

Of 45 cases examined from Fond du Lac County, only 35 percent have successfully completed one of these two requirements. Of 16 clients who had successfully completed the requirements for the program, 11 had done so by paying while five had completed the program by participating in a work experience.

In Racine, 39 percent of a sample of 89 clients who had been referred to the program between January and October of 1990 had successfully completed the program by either paying their child support obligations or completing participation requirements.

Table C outlines the current status of all Fond du Lac clients who had been referred between January and October of 1990.

**Table C**  
**Current Status\* of Children First Clients**  
**in Fond du Lac County**

<u>Status</u>	<u>Number of Clients</u>	<u>Percent**</u>
Completed Program:		
By Paying	11	24%
By Participating	<u>5</u>	<u>11%</u>
Total Completing Program	16	35%
Did Not Complete Program:		
Currently Paying	6	13%
Scheduled for Court	10	22%
Served Jail Time	6	13%
Currently in Work Experience	3	7%
Other	<u>4</u>	<u>9%</u>
Total Not Completing Program	29	64%
Total Number of Known Cases Analyzed:	45	

\*Status for clients referred to the program between January 1, 1990 and October 1, 1990. Status as of April, 1991.

\*\*Percent column does not total 100 due to rounding. Percents were rounded to the nearest whole number.

## Impact on Child Support Payments

**Child support payments from Children First clients increased after they were referred to the program.**

To identify whether or not the program increased the number of people paying child support and the amount of child support paid, two analyses were conducted of child support payments made by Children First participants.

The first analysis compares payments made by participants six months prior to referral to the program and six months after referral.

Data were analyzed for both Racine and Fond du Lac counties. Table D outlines the results of this analysis. The dollar amounts identified for total collections, collections per client, and average amount paid per paying client reflect child support collections for the entire six month period.

From this data, it appears that there was a significant increase in the number of clients paying support, as well as the total amount of child support collected from this group. Racine appeared to experience the greatest increase in total child support collections and the average amount of child support collected per client. Both counties experienced an increase in the number of clients paying.

Racine experienced an increase not only in the total collections and the number of clients who made payments, but also in the average amount of money paid by those who made payments. However, in Fond du Lac the average amount of money paid by those who made payments decreased.

This increase in Racine in the average amount paid by those clients who made payments may have occurred because of improvements in the local economy. However, since Racine County implemented the program more broadly and offered clients more services, the increase may have occurred because Racine County was effective at dealing with some of the underlying barriers to employment faced by their clients.

Fond du Lac, on the other hand, implemented their program according to Division of Economic Support guidelines. Clients were offered fewer services. As a result, increases in the average amount of money paid by those clients making payments might not be expected to increase as much as in Racine.

**Table D**  
**Comparison of Child Support Payments Made by Clients**  
**Six Months Before and After Referral**

	<u>Six Months Prior to Referral</u>	<u>Six Months After Referral</u>	<u>Percent Change*</u>
<b>Racine County</b>			
Total Cases Analyzed:	104	104	
Total Collections:	\$9608	\$23,583	+145%
Collections Per Client:	\$92.38	\$226.76	+145%
Average Number of Months Each Client Paid During Six Month Period:	.69	1.75	+154%
Number of Clients Paying:	31	60	+94%
Average Amount Paid Per Paying Client:	\$309.94	\$393.05	+27%
<b>Fond du Lac County</b>			
Total Cases Analyzed:	48	48	
Total Collections:	\$6334	\$8086	+28%
Collections Per Client:	\$131.96	\$168.46	+28%
Average Number of Months Each Client Paid During Six Month Period:	1.46	3.38	+132%
Number of Clients Paying:	18	26	+44%
Average Amount Paid Per Paying Client:	\$351.89	\$311.00	-12%

\*Percents were rounded to the nearest whole number.

**The impact of Children First on child support payments was significant even when compared to a control group.**

A second analysis compared child support payments made by Children First clients to payments made by a group of clients who had been referred to the Jail Alternatives program in Racine. This analysis included payment data for calendar years 1989, 1990 and projected payments for 1991.

The Jail Alternatives program operated in Racine County prior to Children First. The program basically involved placing unemployed, non-custodial parents into a job search monitored by the courts. Clients conducted a job search and reported their employment contacts to the court. The search was not monitored by a case manager and non-custodial parents were not offered additional services to assist them in their efforts to find a job. This strategy is similar to that used by most counties to try to motivate unemployed non-custodial parents to pay support.

Several files for the Jail Alternatives program were transferred to Children First, but none of these parents were enrolled or received any services from the Children First program.

Payment histories for 24 clients of the Jail Alternatives program were collected, analyzed and compared to the payment histories of both Racine and Fond du Lac Children First clients. Child support data for each group of clients from the three calendar years was compared.

The data from 1989 represents a period of time before Children First was implemented. Calendar year 1990 represents a period of time when clients were being referred and began participating in the program. Counties should have begun to experience the effects on child support payments during this period of time.

Projections were made to develop an estimate of child support payments made in 1991. Actual child support payment data was collected for the first two months of 1991 in Racine and for the first three months of the year in Fond du Lac. This data was then used to estimate the total amount of money and the number of months clients are expected to pay in 1991. Table E presents the findings for this analysis.

Although the projections are somewhat crude, the estimates for 1991 provide some indication of how child support payment patterns may change after clients complete participation in Children First. All clients in this analysis were referred to the program between January and October of 1990. As a result, almost all clients had the opportunity to complete enrollment, orientation and a 16 week work experience by the time 1991 data was collected. Although actual payment data should be collected and analyzed at the end of the year before a final determination can be made about the long-term impact of the program on child support payments, the estimates for 1991 can provide some indication of whether or not increases achieved during participation in either Children First or the Jail Alternatives program were temporary or whether they are likely to be maintained on a longer term basis.

**Table E**  
**Comparison of Child Support From Children First and**  
**Racine County Jail Alternative Clients**  
**by Calendar Year**

	<u>Fond du Lac</u> <u>Children First</u>	<u>Racine</u> <u>Children First</u>	<u>Racine Jail</u> <u>Alternatives Clients</u>
Known Cases	41	104	24
<b>1989</b>			
Total Collections:	\$13,697	\$33,007	\$6,500
Amount Per Client:	\$334.07	\$317.38	\$270.83
Average Number of Months Each Client Made Payments:	2.5	1.6	1.5
<b>1990</b>			
Total Collections:	\$17,813 (+30%)	\$44,375 (+34%)	\$8,379 (+29%)
Amount Per Client:	\$434.46 (+30%)	\$426.68 (+34%)	\$349.13 (+29%)
Average Number of Months Each Client Made Payments:	3.6 (+44%)	3.2 (+100%)	2.7 (+80%)
<b>1991 Estimates**</b>			
Total Collections:	\$17,665 (-1%)	\$61,296 (+38%)	\$4,511 (-46%)
Amount Per Client:	\$430.85 (-1%)	\$589.38 (+38%)	\$187.96 (-46%)
Average Number of Months Each Client Made Payments:	3.7 (+3%)	4.4 (+38%)	1.5 (-44%)

\*Amount in parenthesis indicates percent change from previous year.

\*\*Estimates were developed using actual payment patterns established for the first two months of 1991 in Racine and the first three months in Fond du Lac. Estimates assume these payment patterns will continue throughout 1991.

From this table, it is clear that in 1990 there was an increase in total collections, average collections per client and the number of months in which collections were made for all three groups.

However, in 1991, the projected total amount paid by the Jail Alternatives control group actually declined by 46 percent. Fond du Lac County's collections also declined slightly, but only by 1 percent. Racine County's collections, on the other hand, are projected to increase by 38 percent.

Similar trends were apparent in the average number of months each client paid during the calendar year. The average number of months that each client made payments during the year increased for all three groups between 1989 and 1990. In 1991, however, the average number of payment months is expected to increase for both Children First groups while the average number of months Jail Alternatives clients are expected to pay their child support is expected to decline dramatically.

In fact, according to these estimates, the average number of payment months, total collections and the average amount paid by each of the Jail Alternatives clients is expected to drop to their 1989 level or below.

Although the estimates are crude, this analysis suggests that Racine County's model for implementing Children First may be successful at not only increasing child support payments during participation, but also at maintaining those increases after clients complete their participation requirements.

Fond du Lac County was also successful at increasing child support payments while clients participated in Children First. Although they may experience a slight decline in the amount of support collected from these clients in 1991, it will be a significantly smaller decline than that anticipated for those clients in Racine County who received no Children First services.

## Summary of Findings

### **Children First motivates some non-custodial parents to pay their support obligation.**

Children First was designed to either motivate clients to pay their support obligations or to help them build job skills so that they could find a job to pay their child support. There are two ways in which the program was supposed to motivate non-custodial parents to pay support. Clients were expected to pay their support obligations either from "hidden income" or they were expected to find a job and begin paying support rather than participate in unsubsidized work experience.

In fact, in Fond du Lac County, over twice as many people completed their participation requirements by making payments than did by completing participation in a work experience. Staff in both counties could only identify a few isolated cases where clients produced these payments from "hidden income." Most of those clients who were motivated to pay support did so by finding a job and by making their payments from their income. In that sense, Children First was successful as a motivation to clients to pay their support.

**Many non-custodial parents face barriers to employment.**

While the program motivated some clients to find a job, many of the parents who were enrolled in the program faced barriers to employment. Although these clients were expected to have more job skills than participants in work experience programs designed for public assistance recipients, the demographic analysis from both counties revealed that many non-custodial parents faced serious barriers to employment. For example, the demographic analysis from the pilot counties reveal that many of the unemployed non-custodial parents referred to Children First did not have a high school diploma. In Fond du Lac, for example, only 56 percent of all clients had either a high school diploma or a GED. In Racine, 20 percent of the parents referred to the program had felony convictions.

Staff in both counties feel strongly that they need to be able to offer some clients more than work experience to overcome their barriers to employment. In fact, both Fond du Lac and Racine counties have made efforts to integrate more services into their Children First program than was initially mandated.

For example, Fond du Lac incorporates a motivational element into its orientation session for Children First clients. Racine took an even broader approach and developed a wide range of services to which clients may be referred.

**The two counties implemented the program differently.**

Of the two counties, Fond du Lac implemented its program most closely to legislative intent. Clients who attended orientation and assessment meetings were referred directly to work experience. Clients successfully completed the program by either completing their work experience or paying their support obligation.

Racine County referred most of its clients to alternative activities. Most commonly, they referred clients to job search activities which were monitored closely by the case manager. Few clients were referred to a work experience.

### **Both counties were successful in increasing child support payments.**

Although Racine's model does not fit neatly with the legislative intent for the program, data reveals that this approach was very successful in increasing both the total amount of money collected for each client and the average amount collected for each client who made payments. In addition, Racine County was successful in maintaining that increase in payments beyond the time when most of these clients would have completed their participation requirements. These trends hold up even when Children First clients are compared to a control group from the same county.

Fond du Lac County's approach, which follows the legislative intent for Children First, was also successful in increasing the number of clients who made payments and the number of payments made by each client. Fond du Lac also experienced increases in the amount of support collected in 1990. This increase is not projected to continue to grow for 1991. Also, the average amount of money paid by those clients who made payments did not increase, suggesting that the program, when implemented according to legislative intent, may not increase the average wage received by participants.

### **One strength of this program is that it assigns a case manager to particularly difficult child support collection cases.**

One of the strengths of this program is that it assigns a case manager to follow-up and monitor unemployed non-custodial parents. Previously, clients were required to report their job seeking activities to the court. By recording and reporting whether clients are complying with the program requirements, the case manager helps to hold clients accountable to the court. In one county, the case manager is referred to as the "eyes and ears of the court" in child support cases. Children First has helped to establish this important role.

## **Recommendations**

### **Activities to help some clients build job skills should be provided.**

Racine County provided clients with a broad range of services closely associated with the Job Opportunity and Basic Skills (JOBS) program. That program provides public assistance clients with training in remedial education and job skills. The current statutory language for Children First only authorizes counties to use money from the program to provide a basic work experience for clients. It does not allow money to be used for other skill building activities like those associated with the JOBS program.

As mentioned earlier, both Racine and Fond du Lac counties were successful at increasing total collections and the total amount of support paid by those clients referred to Children First. However, only Racine County was successful at increasing the average amount of support paid by those clients who made payments. That is, not only were total collections increased in Racine County because more clients were paying, but also because each client paid more money. This increase may have occurred because Racine County was more successful in reducing clients' barriers to employment by providing them with a broader range of services.

It is clear from the demographics that clients do face barriers to employment. Staff in both pilot counties feel that it is important for them to be able to address these barriers. To achieve this goal, the current statutory language should be changed to allow counties to offer clients a broader range of services.

**Clients should be monitored until they find a job and start paying support.**

The goal of Children First is to increase child support payments. Children First was designed to achieve this goal by either motivating non-custodial parents to pay their child support or by helping them develop job skills. For either strategy, the most likely successful outcome is for a non-custodial parent to find a job and pay child support. However, the statutes and Department guidelines do not assure that Children First achieves this goal.

Currently, it is possible under existing guidelines for a client to comply, participate and successfully complete all elements of the program, including work experience, and still never pay any child support. In fact, of the five clients who completed the work experience in Fond du Lac County, only one client has ever made any child support payments.

Department guidelines should be changed to help assure that clients are monitored until they find a job and start paying support. Clients should not be given credit for "successfully completing" the program until they find employment and begin making payments.

Finding paid employment for these non-custodial parents, whether it's done by motivating them or by helping them build job skills, should take priority over all other activities. Even in cases where clients need additional skills, clients should be expected to conduct a job search for paid employment while they participate in skill building activities. This job search should be monitored by the case manager and should begin as soon as the non-custodial parent is enrolled. It should continue until the client has found a job and pays child support.

Racine County has taken steps in this direction. Clients are frequently referred to multiple activities designed to help them become "job ready". In addition, they are placed on a work search. Even clients who successfully complete the work experience requirements established in the guidelines are then required to conduct a work search monitored by the case manager. The primary goal of Racine County's approach is to assure that clients become employed and make child support payments.

**To further enhance the goal of the program, work sites that provide paid employment should be developed as an option for work experience.**

Currently, all work experience is unsubsidized. While unsubsidized work experience helps create a stronger motivation for people to find a job or pay rather than participate, it may actually detract from the goal of increasing child support payments for those who do end up in a work site.

Non-custodial parents who are not earning income are also not paying child support. The program would better serve its goals if, in addition to work sites designed to serve traditional CWEP participants who work in exchange for public assistance, options to place clients in paid work experience were developed so that they could pay their child support while they build job skills.

For example, if efforts were made to develop work experience in the private sector where clients were paid a wage, the non-custodial parent would have income which could be used to help meet his or her support obligations. One family court commissioner suggested that a cooperative effort should be developed between temporary employment agencies and the county to help develop work sites. Whatever approach is used, it is preferable for clients to be placed in paid employment so that child support can be collected.

**The restriction on the number of hours a client may be required to work per week should be expanded from a percent of a work week to 32 hours per week.**

Currently, Division of Economic Support guidelines restrict the number of hours a client may be placed in work experience to a percent of a work week. As mentioned earlier, DES translated the percentage standard used to establish support obligations to apply to the number of hours per week that a client may be required to participate in a work site. For example, if a client has only one child he or she may only be required to participate for 17 percent of a 40 hour work week, or 6.5 hours per week.

This limitation on the number of required work hours detracts from program goals. Since the required number of work hours is usually quite small, it does not provide a significant incentive for clients to pursue the alternatives of paying their child support or finding a job. In addition, the small number of hours severely restricts the ability of the program to provide realistic work experience and job skills to those who need this

assistance. In fact, the reason clients were not referred to work experience in Racine County was because staff felt the restrictions on work hours were unrealistic. The case manager reported that it would be difficult to find an employer willing to train someone for only 6.5 hours per week for 16 weeks.

**If the program is expanded to other counties, the Department should identify guidelines to assure cooperation between county child support agencies, the courts and the work experience program.**

This program demands a high level of cooperation between child support agencies, the courts and the income maintenance units that implement work experience programs in the county. Although both of the pilot counties achieved this cooperation, it may pose a greater problem in other counties if the program is expanded to other counties.

Staff from the pilot counties suggest that prior to implementation, agencies should conduct a meeting to discuss and agree upon program goals, who should be responsible for performing which tasks, what information should be collected and how information should be shared. According to staff, it is particularly important for judges and other representatives of the court to be present at these planning meetings so that a consensus can be built about who should be referred to the program.

### **Conclusion**

In general, Children First appears to be successful. This report has identified several strengths and weaknesses of the program.

Counties strongly support this program. They feel that it has given them the opportunity to address some of the underlying causes for non-payment of child support. Child support collection data from both counties suggest that the program has been successful in increasing child support payments from participants in Children First. The program has captured a target group that has historically been under-served.

Despite the strengths of this program, there are several issues which still need to be addressed. The goal of the program is to increase child support collections. Although the program has apparently been successful in increasing payments from unemployed non-custodial parents, there is room for improvement.

The recommendations outlined in this report identify some strategies to enhance the goal of increasing child support payments. These recommendations include modifying the program to allow counties to provide clients with more activities to help them develop job skills, increasing the amount of time case managers monitor clients to assure that they find a job and begin paying their support obligations, developing paid work experience options and lifting the current percent of a work week restriction on the number of hours a client may be required to work.

## Appendix A

967 89-90 Wis. Stats.

SOCIAL SERVICES 46.255

The department shall establish a formula for disbursing funds appropriated under s. 20.435 (7) (p) to carry out a contract under this subsection.

(7m) The department may contract with or employ a collection agency, attorney or other person to enforce a support obligation of a parent residing outside this state, or to appear in an action in federal court to enforce such an obligation, or both. To pay for the department's administrative costs of implementing this subsection, the department may charge a fee to counties, retain up to 50% of any incentive payment made to this state under 42 USC 658 for a collection under this subsection, and retain 30% of this state's share of a collection made under this subsection on behalf of a recipient of aid to families with dependent children.

(8) The department may charge other states and counties seeking collection of child and spousal support for any administrative costs it incurs in providing services related to interstate child support collections, the federal parent locator service under 42 USC 653, the interception of unemployment compensation under 42 USC 654 or the withholding of state and federal income tax refunds under s. 46.255 and 42 USC 664.

(9) The department:

(a) Shall adopt and publish a standard for courts to use in determining a child support obligation based upon a percentage of the gross income and assets of either or both parents.

(b) Shall establish guidelines for courts to consider in determining child support under ss. 767.25 (1m) and 767.51 (5), and shall submit the guidelines to any appropriate standing committee of the legislature for review prior to publication.

(c) Shall develop cost-of-living indices and earnings indices for courts to consider in ordering adjustments in child support under s. 767.33 (1).

(11) The department may, upon request, disclose to a consumer reporting agency, as defined under 45 CFR 303.105 (2), the amount of overdue child support owed by a parent. The department shall notify the parent prior to disclosing the information to the consumer reporting agency and inform the parent of the methods available for contesting the accuracy of the information.

(12) From the appropriations under s. 20.435 (7) (ch) and (nL), the department shall, if sufficient funds are available, pay a county \$100 for an action to establish paternity in which all of the following conditions are met:

(a) At the time of the child's birth the mother of the child is under the age of 20 and is not married.

(b) The attorney designated by that county under s. 767.45 (6) (a) represents the state.

(c) A judgment establishing the paternity of the child under s. 767.51 is entered before the child's first birthday.

History: 1975 c. 82; 1977 c. 26, 29, 203, 418; 1979 c. 196, 221; 1981 c. 20, 93; 1983 a. 27; 1985 a. 29 ss. 861m to 866, 2390 to 2399; 1987 a. 27; 1987 a. 332 s. 43; 1987 a. 399, 403, 413; 1989 a. 31.

**46.253 Pilot community work experience program for absent parents.** (1) In this section, "custodial parent" means a parent who lives with his or her child for substantial periods of time.

(2) The department may contract with up to 2 counties each with a population of less than 500,000 and with a low rate of unemployment to establish a pilot community work experience program for parents who are not custodial parents and who fail to pay child support. The department shall fund the program from the appropriation under s. 20.435 (7) (d).

(3) (a) Except as provided in par. (f), a person ordered to register under s. 767.295 (2) (a) shall participate in a community work experience program if a job placement is available.

(b) A person may not be required to work more than 32 hours per week in the program under this section.

(c) A person may not be required to work more than 16 weeks during each 12-month period in a program under this section.

(d) If a person is required by a governmental entity to participate in another work or training program, the maximum number of hours in a week which the person may be required to work in a program under this section equals 32 minus the number of hours he or she is required to participate in the other work or training program in that week.

(e) If a person is employed, the maximum number of hours in a week which the person may be required to work in a program under this section equals 80% of the difference between 40 hours and the number of hours actually worked in the unsubsidized job during that week.

(f) A person who works, on average, 32 hours or more per week in an unsubsidized job is not required to participate in a program under this section.

(g) If the person's child receives benefits under s. 49.19, the liability under s. 49.195 of a parent who is a member of the child's household is reduced by the amount of the federal minimum hourly wage under 29 USC 206 (a) (1) for each hour the person participates in a program under this section.

(4) When a person completes 16 weeks of participation in a program under this section, the county operating the program shall inform the clerk of courts, by affidavit, of that completion.

(5) A person participating in a community work experience program under this section in a county is considered an employe of that county for purposes of worker's compensation benefits only.

(6) A county shall reimburse a person for reasonable transportation costs incurred because of participation in a program under this section up to a maximum of \$25 per month.

(7) The department shall pay a county \$200 for each person who participates in the program under this section in that county. The county shall pay any additional costs of the program.

History: 1987 a. 413; 1989 a. 31.

**46.255 Certification of delinquent payments.** (1) If a person obligated to provide child support or maintenance is delinquent in making court-ordered payments the clerk of court, upon application of the county designee under s. 59.07 (97) or the department, shall certify the delinquent payment to the department.

(2) At least annually, the department of health and social services shall provide to the department of revenue the certifications that it receives under sub. (1) and any certifications of delinquencies that it receives from another state because the obligor resides in this state.

(2m) At least annually, the department of health and social services shall certify to the department of revenue any obligation owed to the department of health and social services under s. 46.10 if the obligation is rendered to a judgment.

(3) Receipt of a certification by the department of revenue shall constitute a lien, equal to the amount certified, on any state tax refunds or credits owed to the obligor. The lien shall be foreclosed by the department of revenue as a setoff under s. 71.93 (3), (6) and (7). When the department of revenue determines that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the obligor that the state intends to reduce any state tax refund or credit due the obligor by the amount the obligor is delinquent under the support or maintenance order or by the amount due under s.

**767.28 Maintenance, legal custody and support when divorce or separation denied.** In a judgment in an action for divorce or legal separation, although such divorce or legal separation is denied, the court may make such order for the legal custody of and periods of physical placement with any of the minor children and for the maintenance of either spouse and support of such children by either spouse out of property or income, as the nature of the case may render just and reasonable.

History: 1971 c. 220; 1979 c. 32 s. 50; Stats. 1979 s. 767.28; 1987 a. 355.

**767.29 Maintenance payments, clerk of court, family court commissioner, fees and compensation.** (1) All orders or judgments providing for temporary or permanent maintenance payments or support of children shall direct the payment of all such sums to the clerk of the court for the use of the person for whom the same has been awarded, except as otherwise determined by the department of health and social services under s. 46.257 (6). A party securing an order for temporary maintenance payments or support money shall forthwith file the order, together with all pleadings in the action, with the clerk of the court. The clerk shall disburse the money so received under the judgment or order and take receipts therefor. All moneys received or disbursed under this section shall be entered in a record kept by the clerk, which shall be open to inspection by the department of health and social services for the administration of the child and spousal support and establishment of paternity program under s. 46.25, the parties to the action and their attorneys, and the family court commissioner. If the maintenance payments or support money adjudged or ordered to be paid shall not be paid to the clerk at the time provided in the judgment or order, the clerk or the family court commissioner of the county shall take such proceedings as either of them deems advisable to secure the payment of the sum including enforcement by contempt proceedings under ch. 785 or by other means. Copies of any order issued to compel the payment shall be mailed to counsel who represented each party when the maintenance payments or support money was awarded. In case any fees of officers in any of the proceedings, including the compensation of the family court commissioner, at the rate of \$50 per day, unless the commissioner is on a salaried basis, is not collected from the person proceeded against, the fees shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the clerk of the court.

(2) If any party entitled to maintenance payments or support money, or both, is receiving public assistance under ch. 49, the party may assign the party's right thereto to the county department under s. 46.215, 46.22 or 46.23 granting such assistance. Such assignment shall be approved by order of the court granting the maintenance payments or support money, and may be terminated in like manner; except that it shall not be terminated in cases where there is any delinquency in the amount of maintenance payments and support money previously ordered or adjudged to be paid to the assignee without the written consent of the assignee or upon notice to the assignee and hearing. When an assignment of maintenance payments or support money, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 but solely for the purpose of securing payment of unpaid maintenance payments or support money adjudged or ordered to be paid, by participating in proceedings to secure the payment thereof. Notwithstanding assignment under this subsection, and without further order of the court, the clerk of court, upon receiving notice

that a party or a minor child of the parties is receiving aid under s. 49.19, shall forward all support assigned under s. 49.19 (4) (h) 1 or 49.45 (19) to the department.

(3) If maintenance payments or support money, or both, is ordered to be paid for the benefit of any person, who is committed by court order to an institution or is in confinement, or whose legal custody is vested by court order under ch. 48 in an agency, department or relative, the court or family court commissioner may order such maintenance payments or support money to be paid to the relative or agency, institution, welfare department or other entity having the legal or actual custody of said person, and to be used for the latter's care and maintenance, without the appointment of a guardian under ch. 880.

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 W (2d) 775; 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4); 1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176.

Public welfare agency is entitled to collect unpaid alimony and support money which had accumulated prior to the effective date of assignment under (2) and prior to assignor's receipt of welfare assistance. *Schiavo v. Schiavo*, 71 W (2d) 136, 237 NW (2d) 702.

Defense of laches is not available in an action or proceeding brought to secure enforcement of a child-support order in a divorce action. *Paterson v. Paterson*, 73 W (2d) 150, 242 NW (2d) 907.

See note to 785.03, citing *In Re Marriage of Biel v. Biel*, 130 W (2d) 335, 387 NW (2d) 295 (Ct. App. 1986).

Sub. (1) specifically authorizes family court commissioner to initiate contempt action to enforce child support orders pursuant to 785.06. *State ex rel. Siedman v. Rohner*, 149 W (2d) 146, 438 NW (2d) 585 (1989).

Commissioner acts in public interest, not as private advocate, when bringing remedial contempt proceeding to enforce existing order or judgment under (1). 76 Atty. Gen. 21.

**767.295 Community work experience program orders and child support orders in certain cases.** (1) In this section, "custodial parent" means a parent who lives with his or her child for substantial periods of time.

(2) (a) In an action for modification of a child support order under s. 767.32 or an action in which an order for child support is required under s. 767.25 (1) or 767.51 (3) in a county which contracts under s. 46.253 (2), the court shall order a parent who lives in that county and who is not a custodial parent to register for a community work experience program under s. 46.253, if all of the following conditions are met:

1. The parent is able to work full time.
2. The parent works, on average, less than 32 hours per week, and is not participating in an employment or training program which meets guidelines established by the department of health and social services.
3. The parent's actual weekly gross income averages less than 40 times the federal minimum hourly wage.

(b) Under this subsection, the parent is presumed to be able to work full time. The parent has the burden of proving that he or she is not able to work full time.

(c) Except as provided under par. (d), if the court determines that the conditions under par. (a) exist, it shall order the parent to pay child support equal to the amount determined by applying the percentage standard established under s. 46.25 (9) (a) to the income a person would earn by working 40 hours per week for the federal minimum hourly wage under 29 USC 206 (a) (1). The child support obligation calculated under this paragraph continues until the parent makes timely payment in full for 3 consecutive months or until the person participates in the program under s. 46.253 for 16 weeks, whichever comes first. The court shall provide in its order that the parent must make child support payments calculated under s. 767.25 (1j) or (1m) or 767.51 (4m) or (5) after the obligation to make payments calculated under this paragraph ceases.

(d) An order is not required if the court determines, based on written findings, that there is good cause not to issue the order.

History: 1987 a. 413.

**767.30 Enforcement of payments ordered.** (1) If the court orders any payment for support or maintenance under s. 767.08, child support, family support or maintenance under s. 767.23, child support under s. 767.25, maintenance under s. 767.26, family support under s. 767.261, attorney fees under s. 767.262, paternity obligations under s. 767.51 or child or spousal support under s. 948.22 (7), the court may provide that any payment be paid in the amounts and at the times as it considers expedient.

(2) The court may impose liability for any payment listed under sub. (1) as a charge upon any specific real estate of the party liable or may require that party to give sufficient security for payment. However, no such charge upon real estate may become effectual until the order or judgment imposing liability or a certified copy of it is recorded in the office of the register of deeds in the county in which the real estate is situated.

(3) If the party fails to pay a payment ordered under sub. (1) or to give security under sub. (2), the court may by any appropriate remedy enforce the judgment, or the order as if it were a final judgment, including any past due payment and interest. Appropriate remedies include but are not limited to:

(a) Execution of the order or judgment.

(b) Contempt of court under ch. 785.

(c) Money judgment for past due payments.

(d) Satisfaction under s. 811.23 of any property attached under ch. 811.

(e) Garnishment under ch. 812.

History: 1971 c. 220; 1975 c. 401 s. 4; 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196, 221; 1979 c. 257 s. 17; 1979 c. 355; Stats. 1979 s. 767.30; 1983 a. 27; 1985 a. 29; 1987 a. 332 s. 64.

A court is justified in requiring the creation of a trust to secure the payment of support money where the husband has a record of failing to obey prior court orders. *Foregger v. Foregger*, 48 W (2d) 512, 180 NW (2d) 578.

See note to 767.25, citing *State ex rel. v. Reible*, 91 W (2d) 394, 283 NW (2d) 427 (Ct. App. 1979).

Court had power to order father to look for additional or alternative employment or be held in contempt. Proper contempt procedures discussed. *Marriage of Dennis*, 117 W (2d) 249, 344 NW (2d) 128 (1984).

**767.305 Enforcement; contempt proceedings.** In all cases where a party has incurred a financial obligation under s. 767.23, 767.25, 767.255, 767.26, 767.261 or 767.262 and has failed within a reasonable time or as ordered by the court to satisfy such obligation, and where the wage assignment proceeding under s. 767.265 is inapplicable, impractical or unfeasible, the court may on its own initiative, and shall on the application of the receiving party, issue an order requiring the payer to show cause at some reasonable time therein specified why he or she should not be punished for such misconduct as provided in ch. 785.

History: 1977 c. 105; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; 1979 c. 257 s. 17; Stats. 1979 s. 767.305.

Contempt is appropriate means to enforce child support arrears after child has reached majority. *Marriage of Griffin v. Reeve*, 141 W (2d) 699, 416 NW (2d) 612 (1987).

**767.31 Trustee may be appointed.** The court may appoint a trustee, when deemed expedient, to receive any payments ordered, to invest and pay over the income for the maintenance of the spouse entitled thereto or the support and education of any of the minor children, or to pay over the principal sum in such proportions and at such times as the court directs. The trustee shall give such bond, with such sureties as the court requires, for the faithful performance of his or her trust.

History: 1971 c. 220; 1979 c. 32 s. 50; 1979 c. 196; Stats. 1979 s. 767.31.

**767.32 Revision of certain judgments.** (1) After a judgment providing for child support under s. 767.25 or 767.51, maintenance payments under s. 767.26 or family support payments under s. 767.261, or for the appointment of trustees under s. 767.31 the court may, from time to time, on the petition, motion or order to show cause of either of the parties, or upon the petition, motion or order to show cause of the department of health and social services, a county department under s. 46.215, 46.22 or 46.23 or a child support program designee under s. 59.07 (97) if an assignment has been made under s. 49.19 (4) (h) or 49.45 (19) or if either party or their minor children receives aid under ch. 49, and upon notice to the family court commissioner, revise and alter such judgment respecting the amount of such maintenance or child support and the payment thereof, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any judgment respecting any of the matters which such court might have made in the original action, except that a judgment which waives maintenance payments for either party shall not thereafter be revised or altered in that respect nor shall the provisions of a judgment with respect to final division of property be subject to revision or modification. Any change in child support because of alleged change in circumstances shall take into consideration each parent's earning capacity and total economic circumstances. A consideration of a parent's earning capacity under this subsection shall be based on each parent's education, training and work experience and the availability of work in or near the parent's community. In any action under this section, receipt of aid to families with dependent children under s. 49.19 or a substantial change in the cost of living by either party or as measured by the federal bureau of labor statistics may be sufficient to justify a revision of judgment, except that a change in an obligor's cost of living is not in itself sufficient if payments are expressed as a percentage of income.

(1m) In an action under sub. (1) to revise a judgment providing for child support, maintenance payments or family support payments, the court may not revise the amount of child support, maintenance payments or family support payments due prior to the date that notice of the action is given to the respondent, except to correct previous errors in calculations.

(3) After a final judgment requiring maintenance payments has been rendered and the payee has remarried, the court shall, on application of the payer with notice to the payee and upon proof of remarriage, vacate the order requiring such payments.

(4) In any case in which the state is a real party in interest under s. 767.075, the department of health and social services shall review the support obligation periodically and whenever circumstances so warrant, petition the court for revision of the judgment with respect to the support obligation.

(5) A summons or petition, motion or order to show cause under this section shall include notification of the availability of information under s. 767.081 (2).

History: 1971 c. 220; 1977 c. 105 ss. 38, 48, 49; 1977 c. 418; 1979 c. 32 ss. 50, 92 (4); Stats. 1979 s. 767.32; 1981 c. 20 s. 2202 (20) (m); 1981 c. 314 s. 146; 1983 a. 27; 1985 a. 176; 1987 a. 27, 355, 413; 1989 a. 212.

The fact that a child needs more support at 6 than at 2 is sufficient to justify an increase in payments if the father is able to make them. *Klipstein v. Klipstein*, 47 W (2d) 314, 177 NW (2d) 57.

Even though the mother took the children out of the state without court approval or letting the father know where he could visit them, the court may not suspend payment of a support allowance without a hearing as to the effect on the children. *Krause v. Krause*, 58 W (2d) 499, 206 NW (2d) 589.

Even assuming the parties' agreement as to child support gave rise to contractual obligations, these obligations remained subject to modification by the court under this section. *Vaccaro v. Vaccaro*, 67 W (2d) 477, 227 NW (2d) 62.

While a divorced party owes no duty of sexual fidelity to the former spouse, cohabitation by the party can be acknowledged as a change of circumstances affecting the former spouse's responsibility to provide alimony, with the man-