Business Process Re-engineering
Kansas Child Support Program

Submitted to:
Child Support Services
Kansas Department for Children and Families
Topeka, Kansas

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## Table of Contents

**Executive Summary** ............................................................................................................................ 1

**I. Introduction** ........................................................................................................................................ 4

Child Support Mission ................................................................................................................................. 4

Kansas Child Support Program: Key Performance Statistics ................................................................. 5

Methodology .................................................................................................................................................. 7

**II. State Level Functions and Program Structure** .................................................................................. 8

New Hire Reporting and Employer Database ......................................................................................... 8

New Hire Reporting in Kansas .................................................................................................................. 8

New Hire Reporting Contracts ................................................................................................................ 9

New Hire Outreach ..................................................................................................................................... 10

Employer Database .................................................................................................................................... 11

Enhanced Technological Links with Employers ....................................................................................... 12

Administrative Adjustment of Arrearages ................................................................................................. 13

FIDM and Bank Garnishments .................................................................................................................. 14

Organizational Responsibilities for Enforcement ..................................................................................... 15

Voluntary Paternity Acknowledgment ....................................................................................................... 16

Conversion of Non-IV-D Cases .................................................................................................................. 17

Initiate Replacement of KAECSES .......................................................................................................... 18

Develop Low-cost Incremental Improvements in System Efficiency ..................................................... 19

Macros .......................................................................................................................................................... 20

Document generation ................................................................................................................................. 20

Imaging ........................................................................................................................................................ 21

Dashboards .................................................................................................................................................. 22

**III. District Office Process Improvements** ............................................................................................ 25

Application/referral process ....................................................................................................................... 25

Case referrals ............................................................................................................................................... 25

Medicaid referrals ....................................................................................................................................... 26

Non-cooperating Medicaid-Only Cases ...................................................................................................... 28

Simplify and Standardize Legal Forms and Enforce Their Use ................................................................. 29

Improve Locate Tools ................................................................................................................................ 30
Streamline Establishment Process ........................................................................................................... 31
Sequential Consent and Legal Process ........................................................................................................ 31
Retroactive Support and Recouping of Birthing Expenses ................................................................. 33
Improve Enforcement Effectiveness ........................................................................................................ 35
End Duplicate Annual Reviews of Enforcement Cases ......................................................................... 36
More Effective Income Withholding ........................................................................................................ 36
Faster Response to Delinquencies .............................................................................................................. 38
Early Intervention for New Orders ............................................................................................................ 38
Expand Use of License Restriction and Suspension .............................................................................. 39
Improve New Hire Reporting Follow-up ................................................................................................ 39

IV. Conclusion ........................................................................................................................................ 401
Executive Summary

The Kansas Child Support Services’ (CSS) vision is to improve service delivery to child support customers. These improvements must be measurable through the program’s performance in the federal child support incentive measures (cases under order, paternity establishment percentage, percent of current support collected, percent of cases paying on arrears, and cost effectiveness). In an effort to develop a roadmap towards this vision, CSS contracted with Veritas HSS to conduct a business process review designed to identify key opportunities for business process reengineering and to execute on some of those recommendations. This report provides the results of the business process re-engineering (BPR) study of the Kansas child support program.

The principals of Veritas HHS have a combined sixty years of experience in the child support enforcement program, both in the public and private sector. Their range of experiences includes management consulting in thirteen states, operating local child support programs, managing state level program components, and developing business intelligence tools to aid in program monitoring and improvement.

The overall picture of the Kansas child support program painted by performance statistics is that the state is performing at an average level in establishing paternity and support orders, but lags other states in enforcement effectiveness. In addition, the State’s cost-effectiveness ratio is well below average. This reflects in part the relatively low collections for its caseload size, but it also strongly suggests that efficiency could be improved.

Recognizing that many positive changes have already been made, our analysis of policies and operations confirms that there is ample opportunity for further program improvements which we detail in the remainder of this report. Here are some of our key findings summarized by functional area of the program.

1. **Intake.** The intake process is compromised by two major impediments to efficiency. First, the child support program receives many inappropriate referrals from the economic assistance programs. These are cases that are sent to the child support program by the eligibility system as if they were mandatory referrals, but do not in fact have assignments of support rights. Intake staff spend inordinate time sorting through these referrals and closing those that have been referred in error. Second, the child support program receives many referrals of Medicaid-only cases. The level of cooperation for such cases is quite low, and the chances of obtaining reimbursement for Medicaid expenditures is also low, yet these cases are time-consuming to process. They also compromise program statistics because large numbers remain on the case rolls even though they cannot be worked. We recommend that the State make a concerted effort to close non-cooperating cases, and explore whether referral of such cases should be
stopped altogether.

2. Establishment. The establishment process is needlessly lengthy and labor-intensive. Our perception is that it is also unnecessarily burdensome and intimidating for the custodial and non-custodial parents. However, the change toward in-office genetic test swabbing by child support staff and the emphasis on genetic testing consents seems to be working well.

We recommend that order establishment be streamlined by initiating a legal action at the same time as a consent process. While parents would be encouraged to agree on paternity (or genetic testing) informally and subsequently agree to a consent order as well, the legal process would be running in the background, and would proceed with no delay if there is no agreement. This will improve efficiency and expedite order establishment.

We also recommend that the forms be simplified as much as possible and the amount of information collected be reduced to the minimum needed to effect case actions. In addition, the State should review policies on recovery of birthing expenses and retroactive support to make the establishment process fairer, facilitate voluntary agreements on support amounts, and encourage subsequent compliance with orders.

3. Enforcement. Enforcement can be made more efficient by eliminating duplicative processes between the Department for Children and Families (DCF) and contractors, and also by re-focusing on administrative remedies. Re-allocating resources to income withholding, centralizing execution of bank liens and levies, and promptly following up on delinquencies and income withholdings will make enforcement more effective. The State can reduce costs by contracting out operation of the new hire reporting program currently administered by the Department of Labor. Improved outreach and compliance activities for new hire reporting would also increase the number of income withholdings, and the collections that result from this remedy.

4. Structure and organizational responsibilities. In its district offices, Kansas has an unusual division of organizational responsibilities with contractors. Rather than making the contractors responsible for a discrete function, such as enforcement, the contractors are responsible for only part of enforcement. The demarcation of responsibility between DCF and contractors in district offices is not clear. This leads to duplicative activity and lack of accountability for results. We recommend that coordination be improved between DCF and contractors at the district office level and that responsibilities be more clearly delineated.
In certain counties with Court Trustees, there are significant numbers of child support cases being provided child support services outside the IV-D program. This is wasteful of local tax dollars because administration of these cases could be reimbursed at the 66 percent federal match if they were converted to IV-D. The cases would also have access to better location tools and enforcement remedies if they were converted. Because these cases tend to be more compliant, incorporating them into the IV-D program would also contribute to improved performance outcomes statewide.

We provide detail on these and other recommendations in the remainder of the report. Within its existing staff complement, Kansas can make significant improvements in its performance that will yield important benefits to children and their custodial parents that are served by the child support program.
I. Introduction

This report provides the results of a business process re-engineering (BPR) study of the Kansas child support program. Conducted by Veritas HHS, the study’s objective was to identify changes to the program that would improve efficiency and program outcomes.

The child support program is administered by the Kansas Department for Children and Families through its own district offices and through contracts with private companies (State Disbursement Unit and statewide call center), law firms, and court trustees. As of the end of federal fiscal year 2011, the program:

- Served 132,770 cases
- Collected $185,920,000
- Had 593 total FTEs (including contractors)

Few programs in the state serve as many children as child support. With 38 percent of all Kansas children born to unmarried parents\(^1\), an important function of child support services is paternity establishment, determining a legal father for the child. Child Support Services (CSS) also locates parents, establishes financial and medical child support orders, modifies child support orders, and enforces child support orders.

Child Support Mission

The child support program has a dual mission:

- Recover expenditures made by the State through Temporary Assistance to Families (TAF) and Medicaid
- Assist welfare and non-welfare parents in achieving and maintaining self-sufficiency.

Of the more than $185 million collected in FFY 2011, $10 million represents repayments to the State for TAF assistance. Another $94 million represents payments to former recipients, which are important to maintaining self-sufficiency. Finally, $85 million represents payments to families who have never received TAF assistance, but contribute directly to the self-sufficiency and financial well-being of children and their custodial parents.

The figures on welfare repayment do not include the financial impact of medical coverage obtained for children through their non-custodial parents. While data are not available, medical support for children receiving medical assistance directly reduces expenditures for those children while on Medicaid.

With its dual mission, child support is unique among human service programs in being a revenue-producing program, as well as a program providing financial benefits to families. The revenue derives from three sources: 1) reimbursement by custodial parents for assistance provided under the TAF program; 2) recovery of Medicaid payments on behalf of children who receive health insurance coverage from non-custodial parents; and 3) program incentives received from the federal program based on program performance (see below).

**Kansas Child Support Program: Key Performance Statistics**

In the U.S., the performance of child support programs is measured by five key metrics:

- **Paternity establishment percentage:** the percentage of children born-out-of-wedlock with paternity established (there are two alternate methods for computing this metric)
- **Obligation rate:** the percentage of cases with child support orders
- **Current support rate:** the proportion of support that is collected in a given month relative to the amount that is due
- **Arrears payment rate:** the proportion of cases with arrears who make at least one payment toward arrears during the year
- **Cost-effectiveness rate:** the ratio of collections to expenditures.

States earn monetary incentives from the federal government based on their performance on these metrics. An additional measure, total collections per ordered case, gives a broader view of enforcement performance.

As shown in Exhibit 1, below, Kansas has mixed performance based on these measures. For paternity establishment and order establishment, Kansas is close to the national average. For the statewide paternity establishment percentage Kansas is at 94 percent compared with 96 percent for the U.S. Similarly, Kansas has 80 percent of its cases under order compared with 81 percent for the U.S.

Kansas lags significantly in enforcement, however, with the exception of the arrears collection rate. Kansas collects only 55 percent of current support due, compared with 63 percent for the U.S. While Kansas’ arrears collection rate is similar to that of the U.S., 63 versus 62 percent, respectively, the U.S. collects 28 percent more per ordered case: $2,231 per ordered case in the U.S. versus $1,741 per ordered case in Kansas.

The most striking difference in performance relates to program cost-effectiveness. The cost-effectiveness ratio (collections per dollar spent) is only $3.45 in Kansas, compared with $5.10 in the U.S. This is a basic measure of program effectiveness. In part, this rate seems to reflect inefficiencies in case processing, i.e. costs that are high for the results that are achieved.

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2 Data are unofficial federal fiscal year 2011 statistics compiled from the states by Policy Studies Inc. The most recent official federal data are for federal fiscal year 2009.
However, it also reflects low collections rates, which can be caused by ineffective enforcement remedies, or ineffective use of the remedies that exist.

Exhibit I-1
Kansas and National Average on Federal Performance Measures and Metrics

- Statewide Paternity Establishment Percentage: 94% (KS), 96% (US)
- Cases Under Order: 80% (KS), 81% (US)
- % Current Support Paid: 55% (KS), 63% (US)
- % of Cases Paying on Arrears: 63% (KS), 62% (US)

Cost Effectiveness:
- KS: $3.45
- US: $5.10

Collections per ordered case:
- KS: $1,741
- US: $2,231
Methodology

This study entailed a thorough review of the policies, procedures, and administrative practices of the Kansas child support program. The Veritas HHS team:

- Examined statutes and regulations
- Reviewed available performance data
- Interviewed State program managers and analyzed central office functions (excluding the call center and state disbursement unit)
- Interviewed local management and line staff at all levels concerning district office procedures and administrative practices
- Observed line staff performing their functions

The team conducted site visits to district operations in the three largest counties (Wyandotte, Johnson, and Sedgwick), a medium-sized district office (Topeka), and two smaller district offices (Salina and Hays). These provided an operational view of most of the caseload plus a range of office sizes.

In Sections II and III of this report, we provide our observations and recommendations for program improvement relating to state office functions, program organization and district office processes.
II. State Level Functions and Program Structure

To a significant degree, performance of the child support program is determined by the policies, procedures, technologies, and structures established at the state level. In addition, the state performs certain operational functions at the state level that complement delivery of services at the local level. In this section, we assess state-level functions and program structure, and we provide recommendations for improving program effectiveness, especially in enforcement, and program efficiency, as measured by the cost-effectiveness ratio. As discussed above, these are areas in which the Kansas child support program is in the greatest need for improvement.

New Hire Reporting and Employer Database

Income withholding is the lifeblood of the child support program, accounting for two-thirds of all collections nationally. In turn, income withholding is driven primarily by new hire reports from employers. Under federal and state law, all employers are required to report newly hired employees within 20 days of their start date. These reports update a state database of new hires, and are forwarded within five more days to the federal Office of Child Support Enforcement, where they update the National Database of New Hires (NDNH).

Data on new hires is matched against state and national databases of child support obligors (in the IV-D program), and new hire matches result in most cases in the automatic initiation of income withholding orders (IWOs) for child support collections. Because non-custodial parents change jobs frequently, nationally the median length of an income withholding is only five months. As a result, the effectiveness of the new hire reporting in tracking non-custodial parent changes in employment has a major impact on income withholding and collection rates.

New Hire Reporting in Kansas

New hire reporting in Kansas is administered by the Department of Labor. In FFY 2011, there were 441,847 new hire reports filed in Kansas, representing a steady decline over five years from 542,817. This generally mirrors a decline in national reports of new hires due to economic conditions, except that national reports increased in 2011 by almost four percent whereas Kansas reports declined by almost 10 percent. Kansas new hire reporting volumes were at, or slightly above, the national average in 2010 when measured as ratios of total employees and total employers, respectively. However, statistics on employer compliance suggest that Kansas performs somewhat less well than other states in getting employers to report, ranking in the lower one-third of all states. These statistics are based on a comparison of new hire reports with quarterly wage reports of employees in two successive quarters.

In 2011, the Kansas child support program reimbursed the Department of Labor $178,160 to operate the new hire reporting program. This amounts to approximately $.40 per new hire report when divided by the 441,847 new hire reports that were filed.

**New Hire Reporting Contracts**

In approximately half of the states, new hire reporting is contracted out to one of two contractors: Maximus or Stellarware. Contracted costs tend to be considerably lower than costs for state-administered programs. Contracted new hire reporting rates for seven smaller to mid-size states range from $.1875 per transaction in Arizona to $.42 per transaction in Kentucky. Eliminating the highest and lowest rates, the remaining five are in the range of $.21 to $.25 per new hire report. The average for all seven states is $.25. If Kansas were to contract out its new hire reporting program at the $.25 rate (which we believe is a conservative number, i.e. on the high end of the range), it would save almost 40 percent of its administrative costs for the program.

Contractors tend to be more efficient partly because they spread their technology costs across many states and typically achieve economies of scale by aggregating processing for multiple states into a single service center. More importantly, however, they offer a range of electronic reporting options and they proactively encourage employers to report electronically rather than by mail or fax. As a result, typically they achieve 85 – 90 percent electronic reporting rates. This results in:

- Faster reporting
- Higher accuracy rates
- Lower processing costs for employers
- Lower processing costs for states

In contrast, the Kansas Department of Labor still receives a large proportion of new hire reports through the mail or via fax. We have not received statistics from DOL on the electronic reporting rate, but its current rate is likely to be in the 55 – 60 percent range based on staff estimates of the number of reports that are manually key-entered each day.

Typically contractors are able to drive higher volumes of new hire reports because: 1) they include some outreach services in their offerings; 2) they are focused on new hire reporting as a single function; and 3) they are incentivized to increase reports because they are paid based on transactions processed.
The benefits of contracting out this service would be:

- Approximately 40 percent lower costs
- Faster reporting by employers due to greater use of electronic reporting technologies
- Lower costs for employers due to increased electronic reporting
- Increased volume of reports due to higher compliance rates

Kansas should preserve a significant strength of the current program, which is an employer option for consolidated reporting of quarterly wage data and new hire reports through the same website. This option could be maintained by having new hire reports made through this website diverted to the contractor in cooperation with the DOL.

**New Hire Outreach**

Based on most national statistics, the Kansas DOL appears to be doing a credible job in terms of volumes but may be lagging somewhat in terms of reporting compliance. However, there appears to be little focus on promoting new hire reporting *per se*; rather most outreach for new hire reporting is coupled with other employer responsibilities, such as quarterly wage reporting. Improved outreach either through a contractor or funded separately from the savings achieved from contracting would likely result in a significant increase in reporting.

Performance of new hire reporting program can be improved by the following kinds of components:

- **Monthly Proactive Compliance Mailings**: notifying employers who have demonstrated a sporadic reporting history
- **EPP/Quarterly Wage Compliance Mailings**: non-compliance letters to employers with new hires in quarterly wage data, but without new hire reports
- **Annual Mailings**: targeted mailings to selected employers, primarily new employers, as identified by the Secretary of State or Department of Labor
- **Seasonal Industry Mailings**: Based on seasonal industry hiring practices, send letters to employers identified within specified industry codes
- **Targeted Phone Contact with Employers**: phone calls to various employers who are reporting manually, reporting sporadically, or reporting incorrectly, to encourage electronic and consistent reporting

**Recommendation.** We recommend that Kansas contract out administration of its new hire reporting program. The Kansas DOL may need to be in charge of the contract given its statutory responsibilities for new hire reporting, but Child Support Services could help provide guidance since it would be the funding agency.
• **Partnerships with Industry Associations, Professional Organizations**: electronic/e-mail contact with industry associations and organizations to promote distribution of educational information

• **General Outreach**: reach out to local newspapers and other general publications to include free advertisements or editorial letters promoting the new hire reporting program

• **Government Partnerships**: maximize exposure through and partnerships with various state agencies such as the state’s small business office, Secretary of State, or Department of Labor, including mailings, newsletters, email communications, and training events.

**Recommendation.** We recommend that Kansas expand its outreach to employers for the new hire reporting program. These outreach efforts for new hire reporting could be coordinated with enhanced employer outreach for other employer reporting and payment functions.

Employer outreach can yield substantial dividends for the child support program. Additional new hire reports translate directly into more income withholdings.

**Employer Database**

The income withholding process is triggered by new hire reports, or manually entered reports of a new employer based on information received directly from the non-custodial or custodial parent, or some other source. The child support program maintains information on employers in a single statewide database maintained by central office staff. Caseworkers in the field are not allowed to update this database because of the potential for errors resulting from conflicting information.

When a new hire hit or some other source of information is received that the NCP has a new employer, KAECSES queries the employer database to retrieve information on where to send the automated income withholding order (IWO). Thus, while the new hire hit may report that John Smith is now employed at the Acme Pallet Manufacturing Company, the employer database stores the information on Acme’s address, phone number, email if available, and contact person.

Through the years, this database has accumulated a surfeit of information about employers that is no longer valid. There are numerous duplicate entries and there is a substantial amount of obsolete information. This has raised questions about its efficacy, and whether Child Support Services should mount a major clean-up effort.
While there is no doubt that the employer database could benefit from a thorough scrubbing, we found no convincing evidence in our study that the duplicate entries and obsolete information had detrimental effects on the program. That is, field staff did not identify any significant pattern of errors in issuing IWOs that stemmed from inaccuracies in the employer database. Nor did we detect any other evidence that IWOs were compromised by issues with the database. We confirmed this through a statistically valid review of 60 new hire matches. Of the 47 matches on enforcement cases, three failed to generate due to employer table issues. In one of these cases, the worker immediately generated the IWO to the correct address. In the other the worker generated the IWO over a month after the match, and in the third the worker sent an employer verification letter rather than an IWO.

Instead, it appears that there is a great deal of extraneous information, but that its presence does not appear to interfere materially with the accuracy of IWOs that are issued because of the quality control exerted by central office staff. Even though it may make sense in the long run to re-visit this issue, at this point we believe that Child Support Services has higher priorities than revamping the employer database.

**Enhanced Technological Links with Employers**

The child support program’s interaction with employers extends beyond new hire reporting to an array of other information requests and transmissions of official documents. Including new hire reporting, the most significant of these are:

- New hire reports (submitted to DOL in Kansas)
- Employment verification requests
- National medical support notice (NMSN)
- Income withholding orders
- Medical support orders
- QDRO’s (qualified domestic relations order) – pension withholding
- Child support payments

While contractors have made great progress in moving employers onto electronic new hire reporting technologies, many of the other interactions are still paper-based.

There are obvious advantages to developing more comprehensive electronic links between the child support program and employers. These include:

- Lower costs for the State
- Lower costs for employers
- Greater timeliness
- Fewer errors
A few states, most notably Iowa, have put into place expanded electronic links between the child support agency and employers. The federal Office of Child Support Enforcement has, over the past several years, rolled out a national initiative for electronic transmission of income withholding orders. While this initiative has achieved some positive benefits, it requires a significant amount of IT development by employers, so this has limited its acceptance.

**Recommendation.** We recommend that Kansas initiate development of a program for interactive links between the Child Support Services agency and employers. This program would encompass, at minimum, employment verification, new hire reporting, NMSNs, income withholding orders, and medical support orders.

The Kansas child support program would gain important benefits from developing expanded electronic links with employers, and such links would greatly reduce the compliance burden for Kansas employers.

**Administrative Adjustment of Arrearages**

Once an income withholding order (IWO) is established for current support, it can be moved between employers with no further court action required. This allows for automation of IWO issuances and facilitates fast and efficient administration of income withholding.

The same is true for income withholding for arrearages, provided that the amount to be withheld remains consistent. If Child Support Services acts to change the amount of income withholding for arrearages, it must 1) obtain approval from the Court and 2) serve a Notice of Intent (NOI) upon the non-custodial parent. The most frequent reasons for changing the amount of withholding include: non-payment of current support that causes arrears to accrue and termination of current support obligations leaving only arrears to be paid.

The process for modifying income withholding to increase or decrease payments on arrears is unnecessarily cumbersome and time-consuming. The necessity for court approval may conflict with federal regulations that require withholding to occur “…without the need for any amendment to the support order involved or any other action by the court or entity that issued it….”4 The requirement for service of process can defeat reasonable collection of arrears if the non-custodial parent cannot be located.

In our experience, it is unusual for a state to require court approval for amendments to the income withholding order and to require personal service upon the obligor for a notice of

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4 45 CFR 303.100 (a)(4).
intent. Kansas should explore amending its statutes if necessary to provide that the child support agency have administrative authority to adjust income withholding amounts to reflect changes in arrearages. In addition, service by first class mail should be sufficient to notify the non-custodial parent because he or she has already been notified of the requirement to keep his or her address updated with the agency, and further notified that notices may be sent via first class mail.

An equitable mechanism for adjusting income withholding to collect arrears is to implement a formula. For example, the agency could be given authority to collect arrears through income withholding at the rate of 25 percent of current support. This type of formula balances the need to collect arrears over a reasonable time period while preserving a substantial portion of the obligor’s income for his or her living expenses. When there is no current support to be collected, the formula could set child support at the level of the most recent current support order. This type of formula can provide a structure for exercise of agency discretion. In addition, it can be implemented via automated means, thereby contributing to the efficiency of the child support enforcement function.

**Recommendation.** We recommend that DCF explore the potential for legislation that would authorize administrative setting of arrearage amounts under income withholding, and further that the agency develop a formula that would be used for such purpose.

**FIDM and Bank Garnishments**

Under federal and state statutes, Child Support Services has the authority to garnish bank accounts of NCPs with arrearages of at least $500. The trigger for such garnishments is a quarterly match of bank accounts with lists of NCPs with the requisite level of arrears, which is called the Financial Institution Data Match (FIDM). This quarterly match is supposed to take place for all financial institutions doing business in the State. In practice, the U.S. Office of Child Support Enforcement conducts the match for all multi-state financial institutions, while the State is supposed to conduct the match for remaining intra-state financial institutions. The State has not in fact been performing such a match and has been investigating a contractual vehicle to do so.

Even without the intra-state bank matches, the federal multi-state FIDM generates a large number of “hits” (identified bank accounts for NCPs in arrears), but only a fraction of these are being worked. During this past quarter, there were 28,595 hits, but KAECSES only recorded 272 bank garnishments. Contractor staff have indicated that they have actually executed more bank garnishments because not all are recorded in the system. Also, not all of these “hits” should in
fact be worked, because in many cases the account balances are too low, there are multiple names on the account, or other issues are present that preclude taking action. Notwithstanding these factors, it is apparent that only a fraction of the potential opportunities are being worked.

Certain other states have improved their results with bank garnishments by centralizing the enforcement process. By comparison, the State of Michigan’s centralized FIDM unit, working on approximately 72,000 quarterly matches issues over 3,000 liens quarterly. This team of seven collected over eight million dollars in the last fiscal year.

If responsibility for bank garnishments remains in the field, staff do not use them often enough to become comfortable with the requirements and processes. In contrast, if responsibility is centralized, specialized staff become very efficient at reviewing cases and generating the necessary paperwork. They also develop personal relationships with bank staff that facilitate effective execution of bank garnishments.

Recommendation. We recommend that Kansas establish a central unit for identifying appropriate cases and executing bank garnishments. This would require an initial staff of approximately four specialists, which can be adjusted once the ongoing workload demands become more clear.

The value of such a centralized unit should greatly exceed the costs. While this would result in a small reduction to the workload in the field, any court contest of a bank garnishment would still need to be handled by district office attorneys, in coordination with the central bank garnishment unit.

Organizational Responsibilities for Enforcement

Kansas is unique among states in dividing local responsibilities for enforcement between DCF and contractor staff. Although a few districts are staffed entirely with State staff, the mix of DCF and contractor staff is the predominant model, being used in 26 of 31 judicial districts. The contractors include private law firms and court trustees.

In jurisdictions with both DCF and contractor staff, the division of responsibilities does not lend itself to clear lines of authority, nor does it permit efficient allocation of resources or accountability for results. Of the offices visited for this study, most suffered some confusion between the entities concerning their respective responsibilities. There was considerable duplication of effort and neither contractor nor DCF had clear accountability for the overall success of the enforcement function. There is no doubt that this problematic division of organizational responsibilities contributes to the State’s shortfalls of performance with respect to metrics for enforcement of child support orders.
Over time, Kansas should restructure enforcement responsibilities and give a single organization responsibility for all local enforcement functions within a local district. Thus either DCF or a contractor would have full responsibility for enforcement within a district. Pending such a restructuring, Child Support Services should continue to implement clear rules for dividing work between DCF and contractor enforcement units, and should encourage close collaboration between these units at the district office level.

**Voluntary Paternity Acknowledgment**

A core mission of the child support program is establishing the paternity of children born to unmarried parents. For such children, this is the first step in obtaining financial and medical support from the father. It also establishes a legal link between child and father that is needed for a full range of economic, social and health benefits. These include establishing a relationship between the child and the father’s family, custody and visitation rights for the father, economic benefits such as inheritance and eligibility for governmental payments (e.g. Social Security), and health history for both of the parents.

At 38 percent, the Kansas rate of non-marital births is slightly lower than the national average of 41 percent, but still approaching four out of every ten births.\(^5\) For children born to unmarried parents, Child Support Services can establish paternity through legal means, generally through genetic testing and a court process to obtain a legal paternity order. Both federal and state law provide an alternative mechanism to establish legal paternity through a voluntary paternity acknowledgment process that is administered primarily through the hospitals. Since the statute requires that an unmarried father’s name cannot be added to the birth certificate without completion of a legally binding acknowledgment of paternity, hospital staff (normally birth registrars) provide unmarried parents the opportunity to complete such an acknowledgment (the Paternity Consent Form).

Each paternity that is acknowledged voluntarily establishes a legal link between the child and its unmarried father without resort to a legal process and all the costs attendant thereto (e.g., service of process, genetic testing, legal representation). This process works very well in Kansas. Informal figures provided by KDHE indicate that Paternity Consent Forms are completed for 75 percent of all children born to unmarried parents. This is testament to the efficacy of KDHE Vital Statistics staff in working with the birth registrars to ensure the collection of accurate and timely birth records.

Given how well this program is working, we have only modest recommendations. These would entail improved collaboration between Child Support Services and Vital Statistics, which is

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already underway, and improved outreach to non-marital parents. Our specific recommendations are as follows:

- Collaborate on providing improved information to birth registrars concerning the voluntary acknowledgment process and the rights and responsibilities of unmarried parents
- Develop a training handbook for birth registrars on the voluntary paternity acknowledgment process
- Develop improved brochures for parents concerning rights and responsibilities of unmarried parents (already underway)
- Develop an updated and Kansas-specific educational video for unmarried parents
- Implement a broader outreach program to reach unmarried parents in pre-natal clinics, obstetrical offices, community health centers, and other feeder institutions to educate them concerning the voluntary acknowledgment process so that they are better prepared to make informed decisions in the hospital

These steps will provide additional assurance that parents are prepared to make such a critical decision when presented to them in the hospital, and it will help make the program even more successful than it already is.

Conversion of Non-IV-D Cases

Currently certain court trustees provide public enforcement services outside of the Title IV-D child support program to substantial numbers of child support cases. Most states have eliminated such non-IV-D enforcement services, for two major reasons.

First, providing non-IV-D services places an unnecessary burden on local taxpayers which fund them. For cases in the Title IV-D program, the State or county receives federal reimbursement for two-thirds of the administrative costs. The State also earns performance incentives based on program outcomes achieved for such cases.

Second, cases receiving child support services outside the Title IV-D program do not have access to the powerful locate and enforcement tools available to cases within the program. For example, such cases do not benefit from data in the state and federal new hire reporting databases or quarterly wage reporting through the Kansas DOL and the federal National Database of New Hires (NDNH). For enforcement, they do not have access to the full range of remedies available under the IV-D program, including federal and state income tax offset.
In Kansas, some cases gravitate to non-IV-D services because trustee fees are lower in some counties than processing fees charged to IV-D cases (e.g. 2.5 percent instead of 4.0 percent). The result is detrimental to local taxpayers because of the need to fund such services from local sources. It is detrimental to custodial parents and children because of the lesser effectiveness of remedies. It is detrimental to the State because cases returning to the IV-D program when they need enforcement services require significant administrative effort to re-create. In addition, the loss of higher-paying, more compliant cases from the IV-D program has an adverse impact on performance statistics, and therefore revenue from federal incentives.

Child Support Services should work with the trustees to achieve voluntary conversion of non-IV-D cases to the IV-D program to the extent possible. The Trustees could send a letter to their cases recommending conversion and requesting an application for IV-D cases. This application could be very simple since the Trustees could provide data from their systems that would be needed to establish cases within KAECSES. Applications could be made directly to the Trustees to avoid any resistance to receiving services as a DCF client. The entire process would be facilitated by equalizing the processing fees charged by Child Support Services and the Trustees, or making the IV-D fees even lower.

Converting these cases would be beneficial both to the counties and the non-custodial parents and their children currently receiving child support services outside the IV-D program.

**Recommendation.** We recommend that Child Support Services collaborate with Court Trustees to convert non-IV-D child support cases to the IV-D program voluntarily. Cases transferred to the IV-D program would be eligible for the full range of enforcement services, and the Trustees should receive additional IV-D funding to provide services for such cases.

**Initiate Replacement of KAECSES**

The Kansas child support enforcement system (KAECSES) has its root in the development efforts of the 1990s, in response to the requirements of the Family Support Act of 1988. It has seen major modifications during the years, to meet the requirements of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Child Support Performance and Incentive Act of 1998. As with all state child support systems, KAECSES was developed in an environment that did not necessarily deliver flexibility and that frequently required improvements after federal certification was achieved.

While the system contributed to improvements in program performance immediately after implementation, the gains from those enhancements have long-since reached their maximum return and the system can now best be described as antiquated. For example, field staff are
mired in inefficient document processing that takes up to 15 minutes per legal petition, manual approaches to moving common monthly overpayments to “futures” so these payments will process in the following month (which is automated in most states), and ineffective case management and enforcement monitoring that delays worker intervention for an unacceptable length of time.

Many states are now well into system modernization efforts, designed to improve program efficiency and effectiveness. For example, these modernized systems increase child support enforcement program participants’ level of access to information and program services, improve the tools, resources and technology used by child support staff, incorporate predictive modeling to target worker efforts and incorporate document imaging and associated workflow management to minimize the need for paper handling.

Kansas clearly needs to march ahead with system planning efforts. The advanced planning process is a time-consuming process and prescriptively governed by federal requirements. It can take upwards of five years to move from the planning process through procurement, development and implementation.

A state seeking federal funding above the regulatory threshold of $5,000,000 for the development and implementation of information systems must prepare and submit a planning Advance Planning Document (APD) for approval by HHS. Once this is approved, the state moves forward with the planning process, including a needs assessment, feasibility study, alternatives analysis, and cost/benefit analysis. These efforts are then documented in the Implementation APD, which is the written plan of action that States use to request Federal financial participation (FFP) in the costs of designing, developing, and implementing the system.

**Recommendation.** We recommend that the State move forward as soon as possible with the planning APD and the associated feasibility study.

**Develop Low-cost Incremental Improvements in System Efficiency**

Recognizing that the timeframe for replacing or modernizing a child support system can take upwards of five years, there are still a number of low-cost incremental improvements the program can pursue that will aid in near-immediate efficiency gains.
Macros

Macros are recorded keystrokes that allow for simplification of repetitive processes. These processes can be simple or complex. Macros can serve as a bridge to improve efficiencies while working towards more expansive system solutions. For example, offices can create macros that automatically print necessary screens for court files; standardize certain case narrative entries, to ensure consistency and accuracy; assist in productivity tracking, as a low-cost solution to expensive system changes; automatically reassign cases within the state system; and generate common letters along with case narrative updates.

Every KAECSES user desktop is equipped with the terminal emulation solution Attachmate Reflection®. Attachmate Reflection® supports Microsoft Visual Basic for Applications® (VBA), which is the standard scripting language for desktop applications. By incorporating this powerful programming language, Reflection® gains programmability features that make it customizable and able to integrate with other applications and data throughout an organization. For Kansas, this means integrating KAECSES functionality with Microsoft Excel, Word, Access, and even web-based applications.

Through our experience using macros in child support offices, we have seen dramatic time-savings with just simple macros. For example, the time for one clerical staff to print system screens for court would take at least four hours for a full docket. By automatically generating the screens off Excel docket lists, this time was reduced to thirty minutes. Likewise, typical processes to generate forms and update the case narrative can be reduced from three minutes to ten seconds.

Local staff with strong analytical skills can easily grasp the concept of macros and serve as champions in the office. In fact, our experience shows that the most proficient creators and users of macros are not technical staff, but rather “technically-oriented” case managers, who with limited technical support quickly learn simple VBA programming language.

**Recommendation.** Initiate a macros workgroup to identify opportunities for the use of macros, identify macro leads in each office, program and test the macros and develop a roll-out plan for the macros.

Document generation

KAECSES has significant shortcomings in document generation. Part of this is system-driven and part user-driven. It is not uncommon for an HSS or SAA to spend fifteen minutes generating one petition. This is crippling productivity.
On the system side, there are certain KAECSES fields that are not mapped to the document, or legal language is missing, thus requiring manual entry. Some forms even populate with training language (e.g. “When you generate this form, also generate form XXX”) which the user must delete before generating the document.

On the user side, local attorneys or judges insert their own demands (unique captions, margin requirements, unique language, names and phone numbers, etc.) that slow down the process.

Ideally there should be no customization of petitions. The system should have sufficient petitions to address the majority of case facts. For example:

- TAF case requiring paternity and support
- TAF case only requiring support
- Foster care with mother as NCP
- Foster care case with father as NCP requiring paternity and support
- Foster care case with father as NCP requiring support
- Non-TAF case requiring paternity and support
- Non-TAF case only requiring support

Of course there would be more scenarios, but the generally rule is that all offices must use these forms. There is no customization allowed. This may require some collaboration with the office of Judicial Administration (OJA) and subsequent communication with the local judiciary. Under no circumstances should customization be allowed to meet the specific desires of a program attorney.

**Recommendation.** Collaborate with OJA to devise standard forms to be used by the child support program. Convene a forms workgroup comprised of CSS state and contractor attorneys to develop the forms, taking into consideration IT support constraints. CSS should develop policy forbidding customization of forms to meet local wants.

**Imaging**

Under the best of circumstances the magnitude of legal and case management paperwork in child support programs is challenging. However, the organizational structure within the Kansas child support program magnifies this problem. In some jurisdictions there are three paper files per case (one for the case manager, one for the CSS legal staff, and one in the contractor’s office).

In our experience, electronic data management systems (EDMS) accelerate the speed at which child support services are delivered, reduce paper costs and allow for reduction in local office square footage over time. Where integrated with document workflow, management can more
effectively monitor customer service and response times to correspondence as well as increase operational efficiencies by proactively identifying bottlenecks or inefficient processes.

In our past experience overseeing the Kanawha County Bureau of Child Support in West Virginia, a pilot program studying the benefits of document imaging showed an increase in customer service resolution rates, a fifty percent reduction in document management activities, a seventy-five percent reduction in file storage space, and overall a more organized and professional work environment.

In environments where all documents exist electronically, multiple staff can concurrently access the file and also route the file immediately to an attorney or supervisor for review. In addition, supervisors can more efficiently perform quality assurance reviews, reviewing legal documents for sufficiency and consistency with KAECSES documentation. Optical scanning is also beneficial in conjunction with the statewide customer service call center, as it allows call center agents immediate access to documents that would otherwise be physically located in local offices across the state.

In Kansas, EDMS would be most beneficial when the system is available to all program partners, including the local CSS staff, local contractors, call center and state office staff. CSS should avoid a disjointed approach to EDMS, implemented at the discretion of local contractors or other program partners.

**Recommendation.** CSS should evaluate EDMS solutions and current use of EDMS by local contractors. Armed with this information, CSS can then formulate an EDMS implementation strategy that it can incorporate in future procurements, requiring successful bidders to implement this CSS-defined strategy that is accessible to all program partners.

**Dashboards**

Veritas HHS, in collaboration with Ummel Group, is currently developing management dashboards for CSS that provide federal incentive measures outcome data and key activity output data at the worker, judicial district and state level. The program historically has lacked the actionable data to compare performance across jurisdictions and effectively manage towards performance improvement.

While final design of the user view is underway, the following exhibit illustrates a proposed view of judicial district rankings on the federal incentive measures. Users will view these reports through the DCF SharePoint business intelligence portal dedicated to CSS area. Users can drill down to the regional and judicial district level.
At the judicial district level, users will see a visual representation of the district’s performance relative to established goals, as illustrated in Exhibit II-2, below.

### Exhibit II-2
Dashboard – Judicial District Detail

<table>
<thead>
<tr>
<th>Month</th>
<th>Cases Under</th>
<th>PEP FTEs</th>
<th>% of Cases Pending in</th>
<th>% of Current</th>
<th>Total Collections in-month Prior Year</th>
<th>Total Collections in-month Prior Year % Change</th>
<th>% of Accounts Distributed</th>
<th>% of Cases Disposition % Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 12</td>
<td>488,325</td>
<td>425,825</td>
<td>83.7%</td>
<td>91.9%</td>
<td>$488,325</td>
<td>$425,825</td>
<td>13.2%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Sep 12</td>
<td>473,152</td>
<td>427,422</td>
<td>85.7%</td>
<td>92.5%</td>
<td>$473,152</td>
<td>$427,422</td>
<td>13.7%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Aug 12</td>
<td>467,312</td>
<td>429,542</td>
<td>87.4%</td>
<td>93.1%</td>
<td>$467,312</td>
<td>$429,542</td>
<td>14.0%</td>
<td>3.2%</td>
</tr>
<tr>
<td>Jul 12</td>
<td>462,081</td>
<td>431,043</td>
<td>85.8%</td>
<td>93.3%</td>
<td>$462,081</td>
<td>$431,043</td>
<td>14.1%</td>
<td>3.4%</td>
</tr>
<tr>
<td>Jun 12</td>
<td>457,152</td>
<td>436,745</td>
<td>84.3%</td>
<td>93.5%</td>
<td>$457,152</td>
<td>$436,745</td>
<td>14.2%</td>
<td>3.5%</td>
</tr>
<tr>
<td>May 12</td>
<td>452,212</td>
<td>442,917</td>
<td>84.0%</td>
<td>93.6%</td>
<td>$452,212</td>
<td>$442,917</td>
<td>14.3%</td>
<td>3.6%</td>
</tr>
<tr>
<td>Apr 12</td>
<td>447,262</td>
<td>438,763</td>
<td>84.3%</td>
<td>93.7%</td>
<td>$447,262</td>
<td>$438,763</td>
<td>14.4%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Mar 12</td>
<td>442,322</td>
<td>440,227</td>
<td>85.5%</td>
<td>93.8%</td>
<td>$442,322</td>
<td>$440,227</td>
<td>14.5%</td>
<td>3.8%</td>
</tr>
<tr>
<td>Feb 12</td>
<td>437,382</td>
<td>446,437</td>
<td>84.9%</td>
<td>93.9%</td>
<td>$437,382</td>
<td>$446,437</td>
<td>14.6%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Jan 12</td>
<td>432,442</td>
<td>449,247</td>
<td>81.2%</td>
<td>94.0%</td>
<td>$432,442</td>
<td>$449,247</td>
<td>14.7%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Dec 11</td>
<td>427,502</td>
<td>457,826</td>
<td>77.1%</td>
<td>94.1%</td>
<td>$427,502</td>
<td>$457,826</td>
<td>14.8%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Nov 11</td>
<td>422,562</td>
<td>460,732</td>
<td>72.7%</td>
<td>94.2%</td>
<td>$422,562</td>
<td>$460,732</td>
<td>14.9%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Oct 11</td>
<td>417,622</td>
<td>465,012</td>
<td>73.6%</td>
<td>94.3%</td>
<td>$417,622</td>
<td>$465,012</td>
<td>15.0%</td>
<td>4.3%</td>
</tr>
</tbody>
</table>

Data through 31-Oct-12
Supervisors will also have the ability to view their staff’s individual performance and share this information with staff. Due to union considerations, individual staff performance will not be available to all users. The dashboards at the worker level will align to CSS’s performance management plans for all staff.

The current project plan calls for delivery of the final design and data mapping by the end of December 2012. Implementation will be addressed in a subsequent contract, following CSS approval of the design.

**Recommendation.** Assuming CSS’s approval of the final design, the program should continue with the implementation plans and incorporate change management activities to ensure adoption of the use of the data and development of a healthy competition among the judicial districts focused on continuous process improvement. It is also advisable to work with local contractors to establish worker-level goals, similar to the CSS approach, for dashboard incorporation.
III. District Office Process Improvements

Relative to other states, the Kansas child support program has processes that are unduly labor-intensive and time-consuming. Many of these are rooted in statute or court rule, but others can be addressed through administrative changes. In this section, we address district office process improvements, grouped by major program function.

Application/referral process

Case referrals

Pursuant to federal regulations, the child support program receives mandatory referrals for recipients of Temporary Assistance for Needy Families (TAF), recipients in certain Medicaid categories, foster care cases, and also child care cases. It is not unusual in child support programs that these referrals from Medicaid and economic services workers lack certain specificity on the location of the non-custodial parent. The referral process between the programs is often problematic. However, in Kansas, the referral challenges are not limited to training issues. In fact, the larger issue involves the inappropriate referral of cases between the ESS and KAECSES computer systems.

In our visits to every child support office workers complained of the large volume of inappropriate referrals received from ESS. Most offices estimated up to forty percent of referrals as inappropriate. To validate this, we gathered additional information and also met with an ESS worker to review the referral process.

We reviewed referral audit data collected in the Kansas City office for the period of December 2011 through September 2012. For the two workers included in the audit, each received an average of 368 and 410 referrals each month. Of these, the audit revealed inappropriate referrals at a rate of 54 percent for worker one and 32 percent for worker two.

We then reviewed a number of inappropriate referrals with a child support supervisor and an ESS supervisor to isolate the cause of the inappropriate referral. In the majority of cases we found that ESS is sending over referrals on cases where there was past history of TAF, but that TAF case has been long closed and the only current open programs are non-mandatory. There is also evidence that KAECSES is processing both referrals and alerts for the same EES trigger, causing double work. Generally referrals should only be created when a closed child support case actually needs to reopen based on a reopened TAF or mandatory Medicaid case. If the information is simply a change (not a reopen) on the ESS side, this should process as an alert to the case owner.
As further confirmation of the magnitude of the problem, the Kansas City office also reviewed a week’s result for the period October 15 – 19, 2012. For the 226 referrals received, 78 percent were inappropriate. The level of effort required to muddle through these referrals can range from a couple minutes to ten minutes. This is considerable waste of valuable staff time.

| Recommendation: | We recommend that DCF place effort in both current EES and the KEES development to correct the referral process, and work to differentiate between referrals and alerts in appropriate circumstances. |

We previously addressed the need to simplify the child support applications and custodial parent questionnaires. Related to this is the value of creating a more customer-focused and accessible intake process. To the degree that application and questionnaire issues can be resolved by phone contact, or even eliminated by an expanded phone or in-person interview process, the better equipped the case manager is to move the matter forward. Some states choose to minimize the need for an in-person interview, while others use it as the first step in developing a cooperative relationship with the custodial parent. The key is to find the right balance between information gathering, customer education and customer convenience. If forms are simplified and staff take a phone-first approach to problem resolution, the end result is shorter cycle time between intake and order establishment. In every aspect of customer service, not just intake, the CSS should encourage a phone-first approach to case management and customer service.

| Recommendation: | Reinforce a customer-centric approach to intake rooted in simplified forms, and a phone-first approach to interview and problem resolution. |

**Medicaid referrals**

Like most (but not all) states, Kansas requires adult recipients of Medicaid with dependent children to execute an assignment of child support rights. They are referred to the child support program and must cooperate in obtaining medical support (i.e. health insurance) for the children from the non-custodial parent. If the custodial parent does not cooperate with child support, he or she is sanctioned by denial of Medicaid coverage and removal from the case. The assignment of rights is authorized by federal law, specifically section 1912 of the Social Security Act. The objective for the referral process is to obtain reimbursement of Medicaid costs from non-custodial health insurance payments obtained through medical support obligations established by the IV-D program.
These Medicaid only referrals are troublesome to state child support programs because few of the referred custodial parents wish to cooperate in establishing child support orders, or even medical support orders. We have not been able to obtain a definitive estimate of the cooperation rate for med-only referrals, but some staff placed the rate as low as 10 percent. For the non-cooperating cases, the IV-D agency must establish a case on KAECSES, then request that a sanction be applied (removal of the custodial parent from the Medicaid case). Under current policies, the case must remain open as long as a Medicaid case is open for the children even though there is nothing that the IV-D agency can do to move the case forward. These cases distort case processing statistics and divert scarce staff time away from working more productive cases.

Although there is a widespread belief nationally that federal law requires referral of Medicaid only cases, a close reading of the statute and accompanying federal policy indicates that referral of such cases is actually a state option. If a state requires custodial parents applying for Medicaid to execute an assignment of rights, then cooperation with the IV-D program is mandatory. However, a state can choose not to require assignments of rights for such cases, in which case a referral to the IV-D program is not required.\(^6\)

The State does receive some benefit from these Medicaid only referrals in the form of recovered Medicaid costs. However, our analysis indicates it is unlikely that referring these cases to the child support program is cost-effective, even if the cooperation rate were much higher than it is currently reported to be. We built a simple model to assess cost-effectiveness at varying levels of cooperation, and the results are shown in Exhibit III-1.

### Exhibit III-1
Estimated Costs Versus Benefits for Medical Only Cases (per 1,000 cases referred)

<table>
<thead>
<tr>
<th>Cooperation Rate</th>
<th>Recovered Medical Costs</th>
<th>IV-D Case Management Costs</th>
<th>Benefit/Cost Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 percent</td>
<td>$36,000</td>
<td>$130,000</td>
<td>0.28</td>
</tr>
<tr>
<td>20 percent</td>
<td>$72,000</td>
<td>$160,000</td>
<td>0.45</td>
</tr>
<tr>
<td>30 percent</td>
<td>$108,000</td>
<td>$190,000</td>
<td>0.57</td>
</tr>
<tr>
<td>40 percent</td>
<td>$144,000</td>
<td>$220,000</td>
<td>0.65</td>
</tr>
<tr>
<td>50 percent</td>
<td>$180,000</td>
<td>$250,000</td>
<td>0.72</td>
</tr>
<tr>
<td>60 percent</td>
<td>$216,000</td>
<td>$280,000</td>
<td>0.77</td>
</tr>
<tr>
<td>70 percent</td>
<td>$252,000</td>
<td>$310,000</td>
<td>0.81</td>
</tr>
<tr>
<td>80 percent</td>
<td>$288,000</td>
<td>$340,000</td>
<td>0.85</td>
</tr>
<tr>
<td>90 percent</td>
<td>$324,000</td>
<td>$370,000</td>
<td>0.88</td>
</tr>
<tr>
<td>100 percent</td>
<td>$360,000</td>
<td>$400,000</td>
<td>0.90</td>
</tr>
</tbody>
</table>

Based on the model, referring Medicaid only cases to the child support program is not cost-effective at any level of cooperation, even if cooperation were 100 percent. If the cooperation rate is as low as 10 percent (as one office estimated), the benefit/cost ratio is only 0.28. But even at a 100 percent cooperation rate, the estimated benefit/cost ratio is only 90 percent. Our model is based on reported per-child Medicaid expenditures of $1,609 per year, which establishes a ceiling on the potential amount that can be recovered. Further, based on federal performance statistics, administrative costs per-case in the IV-D program are $406 per year. We have made plausible assumptions for the model, as follows: 1) administrative costs for med-only cases that cooperate are $406 per year, but only one-fourth that amount for cases that do not cooperate; 2) based on our experience in other states, non-custodial parents subject to medical support enforcement have access to employer-sponsored insurance at a reasonable cost in 25 percent of the cases; and 3) where there is available employer-sponsored insurance, recovery rate is likely to be 60 percent of Medicaid costs due to co-payments, co-insurance, and deductibles (note that 60 percent of estimated medical costs is the standard for adequacy of employer coverage under the Affordable Care Act. The model could be refined based on better data, but we believe that all of these assumptions are plausible.

**Recommendation.** Given these estimates, we recommend that Child Support Services work with the Kansas Department of Health and Environment to assess whether mandatory referrals of Medicaid only cases to child support should be continued. Even if mandatory referrals are discontinued, voluntary referral should be offered, and any such cases would be treated as non-TAF applicants for child support services.

**Non-cooperating Medicaid-Only Cases**

Because so many Medicaid only referrals refuse to cooperate, there is a substantial but indeterminate number of such cases that are kept open even though they cannot be worked by Child Support Services. The current policy, which mirrors the prevailing policy nationwide, is that such cases cannot be closed in child support as long as the Medicaid case remains open. As noted above, the presence of large numbers of unworkable cases distorts case processing statistics and diverts scarce caseworker resources from more productive work.

Federal regulations do, in fact, state that the IV-D case cannot be closed as long as a Medicaid case is open and an assignment of rights is in place. However, a seemingly obscure Medicaid policy indicates that there can be no assignment of rights in a case that has only children. When

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8 45 CFR 303.11.
a Medicaid only custodial parent is sanctioned for non-cooperation with child support, that parent is removed from the Medicaid case, leaving only the children. In that instance, the assignment of rights is effectively voided, meaning that the IV-D case can now be closed.9

Recommendation. We recommend that Child Support Services identify and close non-cooperating Medicaid-only cases. This will eliminate unnecessary administrative costs to manage these cases and improve the agency’s standing on cases under order.

Simplify and Standardize Legal Forms and Enforce Their Use

The child support process can be very intimidating. Programs and courts can ease that level of intimidation by making the process less cumbersome and easier to understand and navigate. By example, the current application for child support services is eleven pages long, excluding notices of legal rights and duties. If more than one child requires paternity establishment, then the custodian must complete two more pages for each child. Contrast this with the child support application from the State of Virginia, which runs five pages, and the State of Washington application of two pages.

As with the application, the Custodial Parent Questionnaire for TAF and Medicaid referrals is also longer than necessary, and certainly serves as a barrier to timely response.

Likewise, for new court actions, parents are required to complete a Domestic Relations Affidavit. Court practices currently require the use of the standard OJA DRA for divorce cases, which runs six pages, requires notarization, and requests information on bank accounts, creditors, monthly expenses and property. Rarely is this information, associated with division of property, ever used in the calculation of a child support obligation in CSS cases.

Recently, OJA has issued the shorter Post-Decree Domestic Relations Affidavit, which does not require notarization. CSS is allowed to use this form for modification of orders, though we found instances where the long form is still used in modification cases. This shorter form is more than adequate for all CSS order establishment purposes.

As mentioned previously in the discussion on document generation, the legal forms used by CSS can benefit from a state-wide standardization and ‘lock-down’ to prevent any local customization to meet the specific desires of local attorneys or judges. The current level of customization and associated shortcomings in the KAECSES document generation module cripples caseworkers, resulting in a fifteen minute process to generate one legal petition packet.

9 U.S. Office of Child Support Enforcement, Action Transmittal 08-08, also Dear Colleague Letter 00-122.
**Improve Locate Tools**

It is not uncommon for child support programs to place less emphasis on improving locate within their systems and processes. Many states have relied on the automated locate interfaces to “handle” the locate activities. However, as child support systems have improved in automated enforcement, the remaining non-compliant cases have highlighted the inadequacy of the system to deal with the “hard-to-locate” NCPs. For these individuals who often work under the table and are practiced at evasion, if we wait for the automated processes to find them, we will be waiting a long time.

Child Support Services is already moving ahead with implementing Accurint locate tools in all offices, which will provide a much-needed boost to locate resources for the program. One office has suggested a very creative approach to utilizing social media resources for locate. Naturally there are concerns about providing all staff with broad internet access on government computers, both from a security and a productivity perspective. However, this office has suggested equipping each office with one closely-monitored work-station that allows access to the internet for purposes of search social media sites to track down non-custodial parents. Many states have experimented with this locate approach, with considerable success. It is amazing what people will share to their friends via social media.

There are also other locate avenues available for child support programs that deserve consideration. Carefully monitored automated matching with TALX Corporation, The Work Number, can provide valuable employment information, and can also be used to fuel outreach to employers on new hire reporting requirements. In previous projects, Veritas HHS staff conducted a pilot study of batch matching against The Work Number, and determined there is a sizable return on investment when matching against non-paying cases.

**Recommendation.** To make the program more accessible to customers and efficient for staff, CSS should work internally and with OJA to simplify forms completed by parties, eliminate the need for notarization, and standardize legal documents and petitions to streamline their generation.

**Recommendation.** Provide staff monitored access to internet locate resources, including social media, and after implementation of Accurint, review other industry-leading locate services.
Streamline Establishment Process

As noted in Section I, Kansas performs approximately at the national average with respect to paternity establishment (as measured by the statewide PEP) and cases under order. However, the processes for paternity and support order establishment are time-consuming, labor-intensive, and not friendly to the parents who are involved. Some positive work has been done in streamlining these processes, particularly the provision for in-office genetic testing with the swabbing done by DCF staff. Greater emphasis on consent processes has also been positive because this lays the groundwork for more administratively oriented procedures that are faster and less intimidating to the parents.

While both paternity and support order establishment exceed the maximum rates for federal performance incentives, the lack of efficiency and the time required for these processes undoubtedly contribute to the State’s low ranking on cost-effectiveness. Following are the primary factors that are the root causes of the inefficiency and customer unfriendliness of these processes.

- Sequential process for consent and legal proceedings
- Policies on birth expense recovery and retroactive support which deter consents
- Complex forms that, in some cases, collect unnecessary information
- Local practice in affording the “four opportunities” to custodial parents to cooperate and avoid sanctions

The effect of these policies and practices is to cause extra time and extra work for child support staff.

Sequential Consent and Legal Process

Currently child support initiates a consent process with a letter to the non-custodial parent/alleged father. The concept of a consent process is used widely in other states and can have many benefits such as quicker resolution, a less intimidating process for parents, reduced use of an agency’s legal resources, and reduced impact on the courts.

The consent process in Kansas is not currently gaining these benefits, but can be restructured so that it is more efficient and gains more cooperation from non-custodial parents/alleged fathers. At this point, relatively few cases result in a consent order (fewer than 10 percent, based on our observation in local offices). Instead, after time elapses and it becomes apparent that the non-custodial parent will not consent, which may take two months or more, child support initiates a legal action. This begins with service of process and takes several more months to complete.

Placing the consent process on the front end of a legal process consumes too much time and causes unnecessary duplication of effort. Instead, we recommend that Kansas integrate the consent process into the legal process. Once information is collected from the custodial parent,
child support would initiate paternity/order establishment by serving a paternity or support petition on the alleged father/non-custodial parent. The petition would give the defendant 21 days to answer, as is currently the case, after which the case would be set for hearing.

Along with the petition, child support would include a letter inviting the alleged father/non-custodial parent to enter into discussions with the agency with the goal of achieving a voluntary agreement. Optimally this letter would be quickly followed with a phone call to reinforce the letter with personal contact and answer any questions. At that point, the defendant would have the option to engage with the child support agency to arrange for genetic tests, if applicable, or to provide financial data and enter into discussions regarding an agreed child support order.

A key consideration for the defendant is that the consent option would be available only against the background of a ticking clock. If the defendant does not contact the agency within the deadlines for the legal process, the legal process would continue to run. We suspect that one reason that the current process does not garner more cooperation is that the defendants do not take the consent process seriously. Under our proposed recommendation, defendants would be faced with the choice of dealing with the agency or going to court. We believe that would make the option of dealing with the agency more compelling.

For paternity cases, it may be that alleged fathers will be more willing to agree to genetic testing and, if positive, an agreed order of paternity than to an agreed order of support. The State’s policies on birth expense recovery and retroactive support for paternity cases are a deterrent to agreed support orders. In that event, having achieved an agreed order for paternity will have moved the case ahead efficiently, and the legal process can still proceed to establish financial and medical support orders.

Operationally, this recommendation would require a shift in responsibility for preparing the petitions from legal assistants (SAA’s) to HSS’s. Our interviews with staff indicated that this would not be a difficult training issue. Indeed a few HSS’s are already preparing petitions in some offices. Once there is legal service on the defendant, the HSS would follow up to encourage participation in a consent process.

To the extent that voluntary agreements can be increased, the agency can expect administrative savings because it will have to rely less on legal staff. Customer satisfaction will increase because the agreements will have been entered into voluntarily rather than as a result of a court order. Even if a defendant is unwilling to enter into a consent agreement for support, the process will have been expedited and greater efficiency will be achieved by integrating the consent process with the legal process.

DCF should provide a training curriculum for agency staff in support of the consent process to ensure that HSS’s are properly prepared to administer this procedure and that attorneys properly review all consent agreements. The training curriculum should address topics such as:
• Determining which cases are appropriate for a consent process
• Preparation of petitions
• Requirements for legal service of process
• Negotiation skills
• Avoiding legal advice
• Genetic testing agreements
• Agreed orders of paternity
• Information sources for income and assets
• Guidelines calculations

The training will help ensure that the consent process leads to appropriate orders and that the alleged fathers/non-custodial parents emerge from the process feeling that they have been treated with fairness and respect.

**Recommendation.** We recommend that the consent process be integrated with the legal process for establishment of paternity and support orders. We further recommend that a training curriculum be developed to prepare DCF staff fully to administer the consent process.

**Retroactive Support and Recoupment of Birthing Expenses**

When an initial child support order is established, the non-custodial parent typically becomes liable for child support calculated from the date of filing an action, which may result in an accumulation of several months of obligation when the support order is established. In Kansas, the NCP may also be charged with retroactive support that goes back considerably further. For paternity cases, retroactive support can be charged all the way back to the birth of a child. This can add several months’ worth of support in the case of a baby, or years of support in the case of an older child.

Retroactive support adds a large debt to the current support obligation even before the NCP has a chance to comply with the new obligation for current support. Many if not most NCPs with paternity cases have low incomes, so a new child support order combined with a large amount of retroactive debt can pose a daunting challenge to payment. It stands to reason that NCPs faced with what they perceive to be overwhelming retroactive support obligations may be deterred from consenting to the establishment of a child support order, or from cooperating with the child support system in payment of support.

To the extent that imposition of a retroactive support discourages cooperation, it may actually lead to the payment of less child support than if retroactive support were not assessed. A 10-state study by the DHHS Office of Inspector General confirms that child support payments
decline as the amount of retroactive support increases. In this sample, 86 percent of NCPs made at least some payments on child support if no retroactive support was ordered. This percentage dropped to 77 percent if 1–12 months of retroactive support was ordered, and dropped further to 66 percent of more than 12 months of retroactive support was ordered. The report concluded that: “The longer the period of retroactivity, the less likely it is that the parent will pay any support.”

A study of the Colorado child support program found that 19 percent of all arrears consisted of retroactive support. It estimated that the average amount paid on retroactive support was only $180 per year, and that obligors that owed retroactive support would take an average of 39 years to pay off their retroactive support obligation.

The large amounts sought from alleged fathers/non-custodial parents deter voluntary agreements to support orders. A Judge’s desk guide on child support prepared by the National Council of Juvenile and Family Court Judges for the U.S. Office of Child Support Enforcement states: “Where a noncustodial parent starts off with an order containing large arrears, he or she may view compliance as impossible and participation in the process as pointless…. Judges also well understand the frustration of facing either a minimum payment on the retroactive support – so that the debt will never be paid over a reasonable period – or such a large sum in addition to current support that the payment will be unenforceable within consumer credit protection limits.”

Given these findings, we recommend that Kansas review its policies on retroactive support, and that it set support retroactively only back to the date of filing with few exceptions. The primary exception should be cases where the non-custodial parent in paternity cases knew that he was the father and evaded attempts to establish paternity and set support. By eliminating retroactive support in most cases and focusing on setting “right-sized” child support obligations, Kansas would encourage cooperation in establishing child support orders and would in many cases actually increase its collection of support.

**Recommendation.** We recommend that, for new child support cases, support be set retroactively only back to the filing date for paternity or order establishment unless the alleged father/non-custodial parent is aware that he has had a child and has attempted to evade a support obligation.

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Similar issues exist for recoupment of birthing expenses. By imposing this obligation on top of current support, the non-custodial parent is faced with a large arrearage before even having a chance to pay his or her first monthly obligation. This can deter willingness to enter into a consent agreement and discourage compliance with ongoing support obligations. Creating a large initial debt to collect birth expenses is analogous to establishing a large retroactive support obligation, and in many cases both types of initial debt are created which is even more daunting. Based on the research cited for retroactive support, it is probable that this type of debt is also self-defeating in that it results in payment of less total child support than if no debt of this type were imposed.

There is an additional issue with recoupment of birthing expenses. For most cases, these expenses were incurred by lower income mothers whose costs were paid by Medicaid or SCHIP. Because lower income mothers tend to be linked with lower income fathers, many of the fathers in question have limited incomes. Thus they may have no greater financial capacity than the mothers, but are nonetheless being held responsible for birthing expenses even as the mother’s expenses are being covered by a public program.

For these reasons, the preponderance of states have eliminated recoupment of birthing expenses as a matter of policy. The philosophy of the IV-D program has shifted in recent years toward emphasizing realistic “right-sized” orders that reasonably reflect the costs of child-rearing and do not impose impossible financial burdens on non-custodial parents with limited earning ability. In the end, because this approach is perceived as more fair, it is more successful in engaging the non-custodial parent in the process of establishing an order, and achieves a higher rate of compliance with ongoing child support obligations.

**Recommendation.** We recommend that Kansas no longer pursue recoupment of birthing expenses from non-custodial parents, with the expectation that this will promote cooperation in setting orders and encourage compliance with ongoing support obligations.

**Improve Enforcement Effectiveness**

Based on national comparisons, Kansas is lagging in enforcement effectiveness. Its collections on current support rate is 13 percent below the national average and collections per ordered case, which may be an even more accurate indicator of overall collections performance, is 22 percent below the national average. To improve its performance, Kansas needs to take steps to:

- Re-focus on administrative remedies, especially income withholding
- Eliminate duplicative efforts between DCF enforcement staff and contractors
- Improve coordination between DCF enforcement staff and contractors, and over the longer run address the current structure for enforcement
By re-focusing on administrative remedies, we mean placing more emphasis on income withholding, garnishments of financial accounts, and other actions that require little or no court action.

We also suggest that Child Support Services work with its enforcement staff and contractors to de-emphasize contempt actions. These need to be done at some level to maintain credibility and reach NCPs where administrative remedies are ineffective. However, contempts seem to be over-used and they are a costly measure with limited effectiveness. Below we discuss our specific recommendations for improving enforcement of child support orders in the State.

**End Duplicate Annual Reviews of Enforcement Cases**

As discussed in Section II, the division of enforcement responsibilities between DCF staff and contractors (in districts where there are contractors) has resulted in confusion about specific responsibilities, lack of accountability, and duplicated effort. The clearest and most costly example of duplicated effort is the current requirement that both DCF enforcement staff and contractors each perform a separate annual review of each enforcement case. Sometimes these reviews are performed for each case within weeks of each other. Although the reviews might vary slightly in their scope, this does not justify the wasted resources resulting from this requirement.

We recommend that Kansas do away with this requirement for one or the other group, most likely assigning this responsibility to DCF staff. This will free up enforcement resources to perform some of the new responsibilities recommended below.

**Recommendation.** We recommend that Child Support Services limit the requirement for annual review of enforcement cases either to DCF enforcement staff or to contractors. The enforcement resources freed up by this recommendation should be used for the high priority tasks relating to income withholding and more rapid response to delinquencies (see below).

**More Effective Income Withholding**

Nationally income withholding accounts for two-thirds of all collections. It is by far the most powerful collections tool for the program. There are several steps that can improve the efficacy of income withholding. In Section II, we recommend contracting out the new hire reporting program, which should increase the number of new hire reports, which in turn should lead directly to increased income withholding collections.

Income withholding would be strengthened by faster follow-up of income withholding orders (IWOs) that are issued but produce no payment. Currently there is a “45-day report,” issued weekly, that identifies IWOs that have been issued for which no payment has been received.
This means that it is at least 1 ½ months after an IWO is issued before there is any follow-up for non-payment and that there are time lags in working it. The first rule of collection is that non-payment must be followed up quickly. The more time elapses, the less seriously the non-custodial parent (or employer) will take compliance.

Expedited follow-up is especially important for income withholdings because non-custodial parents change jobs frequently. Nationally the median length of an income withholding order is five months. If an employer does not understand how to respond to an IWO, for example, and it takes the agency a month longer than it needs to query the employer about non-payment, it loses 20 percent of the value of the potential collection through that employer. Thus, we recommend that Child Support Services develop a more timely report that enables staff to follow-up more quickly on IWOs with no payments.

How long the agency should wait before calling the employers depends on whether it starts doing routine follow-ups shortly after issuing IWOs, as described below. But these contacts should be made immediately after a reasonable time has elapsed for an employer to respond to the IWO, perhaps 30 days after issuance.

**Recommendation.** Child support services should modify the current weekly 45-day report detailing non-compliance with IWOs to reflect a timeframe of 20 to 30 days since issuance of the IWO. Enforcement staff should give these reports high priority for follow-up.

While following up on IWOs that have not produced a payment is the highest priority, it would also be valuable to contact employers routinely one to two weeks after sending IWOs. Failure of employers to respond to IWOs can occur for a variety of reasons other than willful non-compliance, which is rare. Sometimes the IWOs go to the wrong address or the wrong contact for the employer. Sometimes the NCP has already left employment and the employer then ignores the IWO. Sometimes the employer, especially if small, does not understand how to respond to the IWO.

Routine contacts with employers following issuance of IWOs can substantially increase compliance with the orders. Texas found that first-time compliance with income withholding orders increased by more than 20 percent (from 52 percent compliance to 64 percent compliance) after it established a special unit to make contact with employers one to two weeks after issuing the income withholding orders. If Kansas were to develop a separate report that enforcement staff could use to contact employers soon after issuance of IWOs, it could expect to increase compliance significantly, with a commensurate impact on collections. In addition, Child Support Services should ensure that staff fax IWOs to employers during this follow-up.

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rather than mailing. Desktop fax capabilities will also aid in reducing cycle times from notice to first payment.

**Recommendation.** We recommend that Kansas produce a report of newly issued IWOs at least weekly, and that enforcement staff use this report to contact employers to verify receipt and proper understanding of requirements.

**Faster Response to Delinquencies**

As with IWOs, there is a monthly “45-day report” on delinquencies. Unfortunately this results in a relatively slow response when NCPs stop paying their child support obligations. Because the report runs monthly, and NCPs have the entire month to make a payment due on the 1st, it can be two months or more from the date a payment is overdue before Child Support Services reviews the case for an appropriate response. The report should be run at least weekly, and NCPs should appear on the report immediately after they become delinquent. Child Support Services should also consider initiating contact with NCPs after the due date of their payment but before it technically becomes “late”. Rapid response to delinquencies is essential to effective enforcement and this is an area that needs attention.

**Recommendation.** We recommend that the process for identifying and responding to delinquencies be expedited. The “45-day report” should be run sooner, and reports provided to enforcement staff at least weekly. Enforcement staff should respond appropriately to delinquencies as soon as they can be identified.

**Early Intervention for New Orders**

The Child Support Services state office has instituted an early intervention monitoring team to contact NCPs and CPs following the establishment of a new order. The two staff assigned to this activity call custodial and noncustodial parents soon after an new order is entered to educate the parties on the terms of the order, payment expectations and consequences for failing to pay as ordered. The unit attempts two phone calls and then sends information via mail if no contact is made.

This activity is certainly beneficial, but we would recommend that the early intervention process be handled by local staff and continue for a period of 90 days, monitoring as payments become due. The intent is to encourage the NCP to start off on the right track, ensure income withholding is in place, and send the message that the program is monitoring for compliance.
Expand Use of License Restriction and Suspension

Based on our field reviews, it appears that driver’s license restrictions and professional and recreational license suspension is used infrequently. Driver’s license restriction is capped at 25 per month by the Kansas Department of Motor Vehicles, given that it must handle the appeals. Professional license suspension requires a judicial process, which hinders its use. Recreational license suspension is administrative and by worker accounts is used more frequently.

License restriction or suspension can be very effective when targeted properly. For example, license suspension is quite effective with commercial drivers, but for many low-income NCPs, the loss of a license is not a deterrent. However, given that in Kansas, the remedy is a restriction, rather than a suspension, it is questionable the impact of the restriction on commercial drivers’ licenses given it does not impact the individual’s ability to drive for work. Professional license suspension can be very effective, but has a much narrower application. In fact, caseworkers report a very low hit rate against the quarterly matches on professional licenses.

Recommendation. We recommend that CSS’s early intervention activities occur at the local level and continue for a period of 90 days, to include early payment monitoring.

Recommendation. Given the limitations under state law for drivers’ license restriction it may be advisable to perform a simple return on investment analysis on those cases where the license was restricted. If the results are favorable, CSS should initiate discussions with DMV to lift or increase the cap on monthly restrictions.

Improve New Hire Reporting Follow-up

Early in our discussion of the employer table we noted that in the majority of instances, hire reporting results in an appropriate automatic generation of an income withholding notice. However, there are some instances when the match results in an appropriate notice to the working indicating there is a case or system condition preventing the automatic generation of a notice. For example, the case may be outgoing intergovernmental and it is the responsibility of the other state to implement income withholding; or the terms on KAECSES do not include a provision for automatic income withholding. During our review we found a statistically significant proportion of cases where case workers were not taking any action (especially on intergovernmental cases) or were sending an employer verification letter rather than fixing the system condition and sending the IWO.
**Recommendation.** Provide refresher training to staff on the importance of timely new hire follow-up in intergovernmental cases and to eliminate the practice of generating employer verification letters in enforcement cases instead of automatic issuance of an IWO.
IV. Conclusion

The Kansas child support program is underperforming in several key areas, most notably enforcement of orders once they are established, and cost-effectiveness. The lag in cost-effectiveness reflects both a shortfall in collections (relative to resources used) and lack of efficiency. This Business Process Re-Engineering study recommends a series of changes which will help improve performance. These changes will build on other initiatives already underway that are designed to achieve better outcomes.

The recommendations in this report encompass changes to state statutes, procedures, and central office responsibilities, as well as modifications to district office procedures, processes, and organizational structure. The most significant are focused on streamlining work flows so that the agency can achieve more with its existing resources. However, some are also concerned with improving customer experience and getting better results.

Most of our key recommendations, both state and local level, can be summarized in terms of child support’s basic functional processes, as follows.

- **Intake.** Intake should be streamlined by reducing the current high volume of inappropriate referrals and by contacting parents by phone to resolve errors and omissions.

- **Establishment.** The process for establishing orders needs to be streamlined by integrating the consent and legal processes. Kansas should also consider eliminating the requirement for referral of Medicaid-only custodial parents for mandatory child support services and Child Support Services should close Medicaid-only cases with non-cooperating parents. The State should also simplify forms and expand use of macros and improved document generation as interim means for improving efficiency.

- **Enforcement.** There needs to be a more logical split of duties between DCF and contractors. In the meantime, there needs to be closer collaboration in most districts, and clearer specification of respective duties. Annual reviews should be carried out either by DCF staff or contractors, but not both.

There needs to be a tighter focus on income withholding as the most effective enforcement tool. We recommend that the new hire reporting program be contracted out and that outreach to employers be expanded. Enforcement staff should perform routine follow-up of Income Withholding Orders when issued to employers. Child Support Services should also clarify whether DCF enforcement staff or contractors are primarily responsible for following up on income withholdings.
Bank garnishments should be centralized to increase their effectiveness. The program should also act more quickly to initiate enforcement actions when delinquencies are identified, and it should expand its “early intervention” initiative to work with non-custodial parents to encourage a pattern of compliance with new child support orders.

- **Other recommendations.** KAECSES, child support’s automated system needs to be replaced, but short-term improvements can be made with complementary low cost technologies such as macros, document generation capabilities, employer services portal, and management data repositories. Expansion of document imaging and electronic data management capabilities should also be a high priority.

Certain policy changes would also help streamline the program and improve effectiveness. Eliminating recoupment of birthing expenses and limiting retroactive support obligations would help gain more cooperation from non-custodial parents in establishing orders and should increase overall collections. Instituting a formula-based administrative arrears reduction would reduce court actions and expedite arrears collections.

The Kansas child support program has the potential for significant improvement. The program management has implemented numerous initiatives, including this study, to improve efficiency and increase collections. Among the more notable initiatives are in-office genetic testing using DCF staff to take the tissue samples, restructuring into regions, implementation of a consent process for establishing orders, and establishing performance expectations based on national metrics for program outcomes. Building on these initiatives with the recommendations emanating from this study will enable the program to serve Kansas children more effectively and increase the value of the program for Kansas taxpayers.