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October 14-18, 2018

OCSE Performance Measures for Attorneys

Jim Fleming & Rob Wells

10/16/2018

Agenda

- CS Performance Numbers 101
- Strategies to maximize the numbers (good and bad)
- Attorney duties vs actions to maximize performance
- “The Bottom Line”

Agenda Item #1 - CS Performance 101 CSPIA

- Child Support Performance and Incentive Act of 1998
- https://www.acf.hhs.gov/css/resource/child-support-performance-and-incentive-act-of-1998
- Why?
  - A consistent measure of quality
  - A system for incentives and penalties
  - A way to compare programs
  - Creates some competition for success

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Performance Measures

Federal Measure	U.S. Code	45 C.F.R.	OCSE Forms	Penalty	Incentive
PEP	42 U.S.C 658(6)(A)	305.2(a)(1)(i)-(ii)	OCSE-157	< 90%	≥ 80%
Cases Under Order	42 U.S.C. 658(6)(B)	305.2(a)(2)	OCSE-157	< 50%	≥ 80%
Current Support Paid	42 U.S.C. 658(6)(C)	305.2(a)(3)	OCSE-157	< 40%	≥ 80%
Arrears Cases Paying	42 U.S.C. 658(6)(D)	305.2(a)(4)	OCSE-157		≥ 80%
Cost Effectiveness	42 U.S.C. 658(6)(E)	305.2(a)(5)	OCSE-34 OCSE-396		≥ $5.00

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Paternity Establishment Percentage (PEP Rate)

$$\frac{\text{Total \# of Children in IV-D Caseload in the Fiscal Year or, at the option of the State, as of the end of the Fiscal Year who were Born Out-of-Wedlock with Paternity Established or Acknowledged}}{\text{Total \# of Children in IV-D Caseload as of the end of the preceding Fiscal Year who were Born Out-of-Wedlock}}$$

$$\frac{\text{Total \# of Minor Children who have been Born Out-of-Wedlock and for Whom Paternity has been Established or Acknowledged During the Fiscal Year}}{\text{Total \# of Children Born Out of Wedlock During the Preceding Fiscal Year}}$$

42 U.S.C 658(6)(A)	45 CFR 305.2(a)(1)(i)-(ii)	OCSE-157

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Order Rate

$$\frac{\text{Number of IV - D Cases with Support Orders During the Fiscal Year}}{\text{Total Number of IV - D Cases During the Fiscal Year}}$$

42 U.S.C. 658(6)(B)	45 CFR 305.2(a)(2)	OCSE-157

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Collection of Current Support

$$\frac{\text{Number Dollars Collected for Current Support in IV - D Cases}}{\text{Total Dollars Owed for Current Support in IV - D Cases}}$$

42 U.S.C. 658(6)(C)	45 CFR 305.2(a)(3)	OCSE-157

Payment on Arrears

$$\frac{\text{Total number of eligible IV - D cases paying toward arrears}}{\text{Total number of IV - D cases with arrears due}}$$

42 U.S.C. 658(6)(D)	45 CFR 305.2(a)(4)	OCSE-157

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Cost Effectiveness

$$\frac{\text{Total IV - D Dollars Collected}}{\text{Total IV - D Dollars Expended}}$$

42 U.S.C. 658(6)(E)	45 CFR 305.2(a)(5)	OCSE-34 OCSE-396

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October 14-18, 2018

Form OCSE-157 (3 Pages)

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration for Children and Families
Office of Child Support Enforcement

Form Approved
OMB No. 0970-0177
Expires: 09/30/2017

CHILD SUPPORT ENFORCEMENT ANNUAL DATA REPORT

(This report consists of three pages. Do not report in shaded areas.)

STATE: SUBMISSION: ☐ NEW ☐ REVISED FISCAL YEAR:

ITEMS	(a) TOTAL	(b) CURRENT ASSISTANCE	(c) FORMER ASSISTANCE	(d) NEVER ASSISTANCE
SECTION A: CASE INVENTORY				
1. Cases Open at the End of the Fiscal Year				
a. Interstate Cases Initiated in This State Open at the End of the Fiscal Year				
b. Interstate Cases Received From Another State Open at the End of the Fiscal Year				
c. Medicaid-Only IV-D Cases Open at the End of the Fiscal Year				
d. State-Tribal IV-D Cases Initiated in This State Open at the End of the Fiscal Year				
e. State-Tribal IV-D Cases Received From a Tribal IV-D Program Open at the End of the Fiscal Year				
f. International IV-D Cases Initiated in This State Open at the End of the Fiscal Year				
g. International IV-D Cases Received from Another Country Open at the End of the Fiscal Year				
2. Cases Open at the End of the Fiscal Year With Support Orders Established				
a. Interstate Cases Initiated in This State With Support Orders Established Open at the End of the Fiscal Year				
b. Interstate Cases Received From Another State With Support Orders Established Open at the End of the Fiscal Year				
c. Cases With Orders Established for Zero Cash Support Open at the End of the Fiscal Year				
d. Medicaid-Only IV-D Cases With Orders Established Open at the End of the Fiscal Year				
e. Arrears-Only IV-D Cases With Orders Established Open at the End of the Fiscal Year				
f. State-Tribal IV-D Cases Initiated in This State With Support Orders Established Open at the End of the Fiscal Year				
g. State-Tribal IV-D Cases With Support Orders Established Received From a Tribe Open at the End of the Fiscal Year				
h. International IV-D Cases With Support Orders Established Initiated in This State Open at the End of the Fiscal Year				
i. International IV-D Cases With Support Order Established Received From Another Country Open at the End of the Fiscal Year				
3. Cases Open at the End of the Fiscal Year for Which the State Has No Jurisdiction				

FORM OCSE-157 (2014)

24)

OCSE-157 (2014)

CHILD SUPPORT ENFORCEMENT ANNUAL DATA REPORT - Page 2

ITEMS	(a) TOTAL	(b) CURRENT ASSISTANCE	(c) FORMER ASSISTANCE	(d) NEVER ASSISTANCE
SECTION B: PATERNITY ESTABLISHMENT	Select PEP Option: [ ] IV-D [ ] Statewide			
4. Number of Children in IV-D Cases Open at the End of the Fiscal Year				
5. Children in IV-D Cases Open at the End of the **Current** Federal Fiscal Year Who Were Born Out-of-Wedlock				
a. Children in IV-D Cases Open at the End of the **Prior** Federal Fiscal Year Who Were Born Out-of-Wedlock				
6. Children in IV-D Cases Open During **or** at the End of the Fiscal Year With Paternity Established or Acknowledged				
7. Children in the IV-D Cases Open at the End of the Fiscal Year With Paternity Resolved				
8. Children in the State Born Out-of-Wedlock During the **Current** Year				
a. Children in the State Born Out-of-Wedlock During the **Prior** Year				
9. Children in the State With Paternity Established or Acknowledged During the Year (Optional)				
10. Children in the State With Paternity Acknowledged During The Fiscal Year				
SECTION C: SERVICES REQUIRED				
11. Reserved				
12. Cases Open at the End of the Fiscal Year Requiring Services to Establish an Order				
13. Children Requiring Paternity Determination Services in Cases Open at the End of the Fiscal Year				
SECTION D: SERVICES PROVIDED				
14. Title IV-A Cases Closed During the Fiscal Year Where a Child Support Payment Was Received				
15. Reserved				
16. Children in the IV-D Caseload for Whom Paternity Was Established or Acknowledged During the Fiscal Year				
17. Cases With Orders Established During the Fiscal Year				
18. Cases With Collections During the Fiscal Year				
a. Interstate Cases Received From Another State With Collections During the Fiscal Year				
19. Cases Sent to Another State During the Fiscal Year				
20. Cases Received From Another State During the Fiscal Year				
SECTION E: MEDICAL SUPPORT				
21. Cases Open at the End of the Fiscal Year in Which Medical Support is Ordered				
a. Cases Open at the End of the Fiscal Year in Which Medical Support is Ordered and Provided				

FORM OCSE-157 (2014)

OCSE-157 (2014)

CHILD SUPPORT ENFORCEMENT ANNUAL DATA REPORT - Page 3

ITEMS	(a) TOTAL	(b) CURRENT ASSISTANCE	(c) FORMER ASSISTANCE	(d) NEVER ASSISTANCE
22. Cases Open at the End of the Fiscal Year Where Health Insurance is Ordered				
23. Cases Open at the End of the Fiscal Year Where Health Insurance is Provided and Ordered				
SECTION F: COLLECTIONS DUE AND DISTRIBUTED				
24. Total Amount of Current Support Due for the Fiscal Year		$	$	$
25. Total Amount of Support Distributed as Current Support During the Fiscal Year		$	$	$
26. Total Amount of Arrears Due for All Fiscal Years		$	$	$
27. Total Amount of Support Distributed as Arrears During the Fiscal Year		$	$	$
28. Cases With Arrears Due During the Fiscal Year				
29. Cases Paying Toward Arrears During the Fiscal Year				
SECTION G: STAFF				
30. Full-time Equivalent Employees of State and Local IV-D Offices on the Last Working Day in the Fiscal Year				
31. Full-time Equivalent Employees Under Contract, Interagency, or Cooperative Agreement on the Last Working Day in the Fiscal Year				
32. Full-time Equivalent Employees of Privatized IV-D Offices on the Last Working Day in the Fiscal Year				
SECTION H: MEDICAID				
33. Number of Children Determined Eligible for Medicaid in IV-D Cases Open at the End of the Fiscal Year				
34. Number of Children Determined Eligible for Medicaid in IV-D Cases Covered by Private Health Insurance				
35. Cases With Medical Coverage Received From any Source				
36. Amount of Cash Medical Support Received that was Assigned to the State	$			
SECTION I: NONCOOPERATION AND GOOD CAUSE				
37. Cases Open at the End of the Fiscal Year in Which There is a Determination of Noncooperation				
38. Cases Open During the Fiscal Year With Good Cause Determinations				

Paperwork Act Notice: [illegible]

Reporting Burden Notice: [illegible]

This is to certify the information provided on this report is accurate to the best of my knowledge and belief.	Signature Director, Title IV-D	
Agency Name	Typed Name, Title	Date

FORM OCSE-157 (2014)

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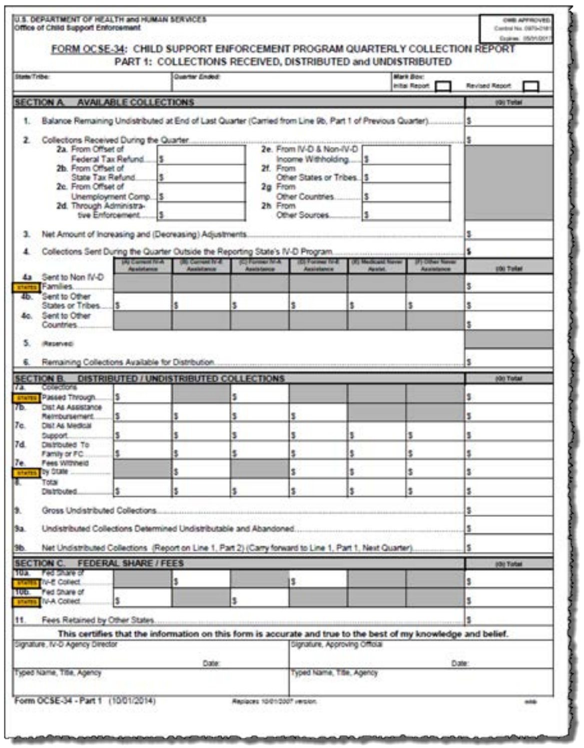
October 14-18, 2018

Form OCSE-34 (2 Pages)



U.S. DEPARTMENT OF HEALTH and HUMAN SERVICES
Office of Child Support Enforcement

OMB APPROVED
Control No. 0970-0181
Expires: 05/31/2017

FORM OCSE-34: CHILD SUPPORT ENFORCEMENT PROGRAM QUARTERLY COLLECTION REPORT
PART 1: COLLECTIONS RECEIVED, DISTRIBUTED and UNDISTRIBUTED

State/Tribe: | Quarter Ended: | Mark Box: Initial Report ☐ Revised Report ☐

SECTION A. AVAILABLE COLLECTIONS — (G) Total

1. Balance Remaining Undistributed at End of Last Quarter (Carried from Line 9b, Part 1 of Previous Quarter) $
2. Collections Received During the Quarter $
   - 2a. From Offset of Federal Tax Refund $
   - 2b. From Offset of State Tax Refund $
   - 2c. From Offset of Unemployment Comp. $
   - 2d. Through Administrative Enforcement $
   - 2e. From IV-D & Non-IV-D Income Withholding $
   - 2f. From Other States or Tribes $
   - 2g From Other Countries $
   - 2h From Other Sources $
3. Net Amount of Increasing and (Decreasing) Adjustments $
4. Collections Sent During the Quarter Outside the Reporting State's IV-D Program $

	(A) Current IV-A Assistance	(B) Current IV-E Assistance	(C) Former IV-A Assistance	(D) Former IV-E Assistance	(E) Medicaid Never Assist.	(F) Other Never Assistance	(G) Total
4a STATES Sent to Non IV-D Families							$
4b. Sent to Other States or Tribes	$	$	$	$	$	$	$
4c. Sent to Other Countries							$

5. (Reserved)
6. Remaining Collections Available for Distribution $

SECTION B. DISTRIBUTED / UNDISTRIBUTED COLLECTIONS — (G) Total

							(G) Total
7a. STATES Collections Passed Through	$		$				$
7b. Dist As Assistance Reimbursement	$	$	$	$			$
7c. Dist As Medical Support	$	$	$	$	$	$	$
7d. Distributed To Family or FC	$	$	$	$	$	$	$
7e. STATES Fees Withheld by State		$		$	$	$	$
8. Total Distributed	$	$	$	$	$	$	$

9. Gross Undistributed Collections $
9a. Undistributed Collections Determined Undistributable and Abandoned $
9b. Net Undistributed Collections (Report on Line 1, Part 2) (Carry forward to Line 1, Part 1, Next Quarter) $

SECTION C. FEDERAL SHARE / FEES — (G) Total

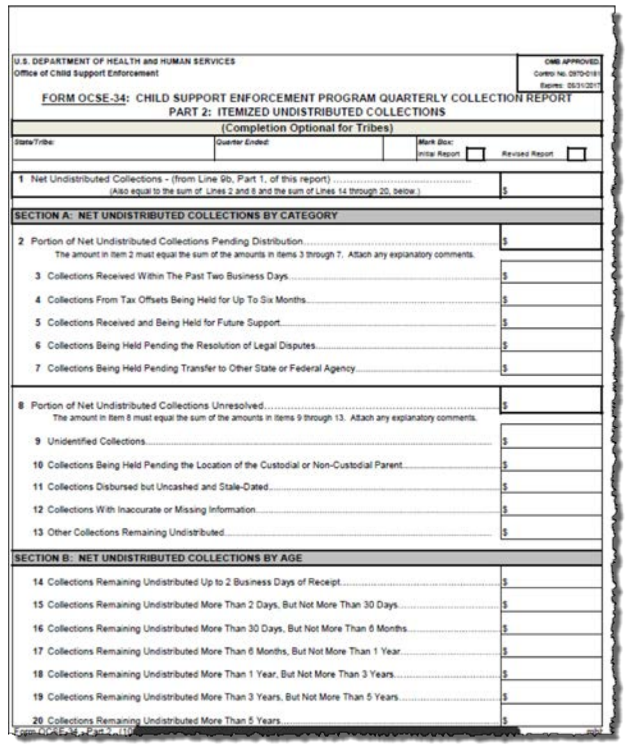
							(G) Total
10a. STATES Fed Share of IV-E Collect.		$		$			$
10b. STATES Fed Share of IV-A Collect.	$		$				$

11. Fees Retained by Other States $

This certifies that the information on this form is accurate and true to the best of my knowledge and belief.

Signature, IV-D Agency Director — Date:
Signature, Approving Official — Date:
Typed Name, Title, Agency
Typed Name, Title, Agency

Form OCSE-34 - Part 1 (10/01/2014) Replaces 10/01/2007 version.



U.S. DEPARTMENT OF HEALTH and HUMAN SERVICES
Office of Child Support Enforcement

OMB APPROVED
Control No. 0970-0181
Expires: 05/31/2017

FORM OCSE-34: CHILD SUPPORT ENFORCEMENT PROGRAM QUARTERLY COLLECTION REPORT
PART 2: ITEMIZED UNDISTRIBUTED COLLECTIONS
(Completion Optional for Tribes)

State/Tribe: | Quarter Ended: | Mark Box: Initial Report ☐ Revised Report ☐

1 Net Undistributed Collections - (from Line 9b, Part 1, of this report) $
(Also equal to the sum of Lines 2 and 8 and the sum of Lines 14 through 20, below.)

SECTION A: NET UNDISTRIBUTED COLLECTIONS BY CATEGORY

2 Portion of Net Undistributed Collections Pending Distribution $
The amount in item 2 must equal the sum of the amounts in items 3 through 7. Attach any explanatory comments.
- 3 Collections Received Within The Past Two Business Days $
- 4 Collections From Tax Offsets Being Held for Up To Six Months $
- 5 Collections Received and Being Held for Future Support $
- 6 Collections Being Held Pending the Resolution of Legal Disputes $
- 7 Collections Being Held Pending Transfer to Other State or Federal Agency $

8 Portion of Net Undistributed Collections Unresolved $
The amount in item 8 must equal the sum of the amounts in items 9 through 13. Attach any explanatory comments.
- 9 Unidentified Collections $
- 10 Collections Being Held Pending the Location of the Custodial or Non-Custodial Parent $
- 11 Collections Disbursed but Uncashed and Stale-Dated $
- 12 Collections With Inaccurate or Missing Information $
- 13 Other Collections Remaining Undistributed $

SECTION B: NET UNDISTRIBUTED COLLECTIONS BY AGE

- 14 Collections Remaining Undistributed Up to 2 Business Days of Receipt $
- 15 Collections Remaining Undistributed More Than 2 Days, But Not More Than 30 Days $
- 16 Collections Remaining Undistributed More Than 30 Days, But Not More Than 6 Months $
- 17 Collections Remaining Undistributed More Than 6 Months, But Not More Than 1 Year $
- 18 Collections Remaining Undistributed More Than 1 Year, But Not More Than 3 Years $
- 19 Collections Remaining Undistributed More Than 3 Years, But Not More Than 5 Years $
- 20 Collections Remaining Undistributed More Than 5 Years $

Form OCSE-34 - Part 2

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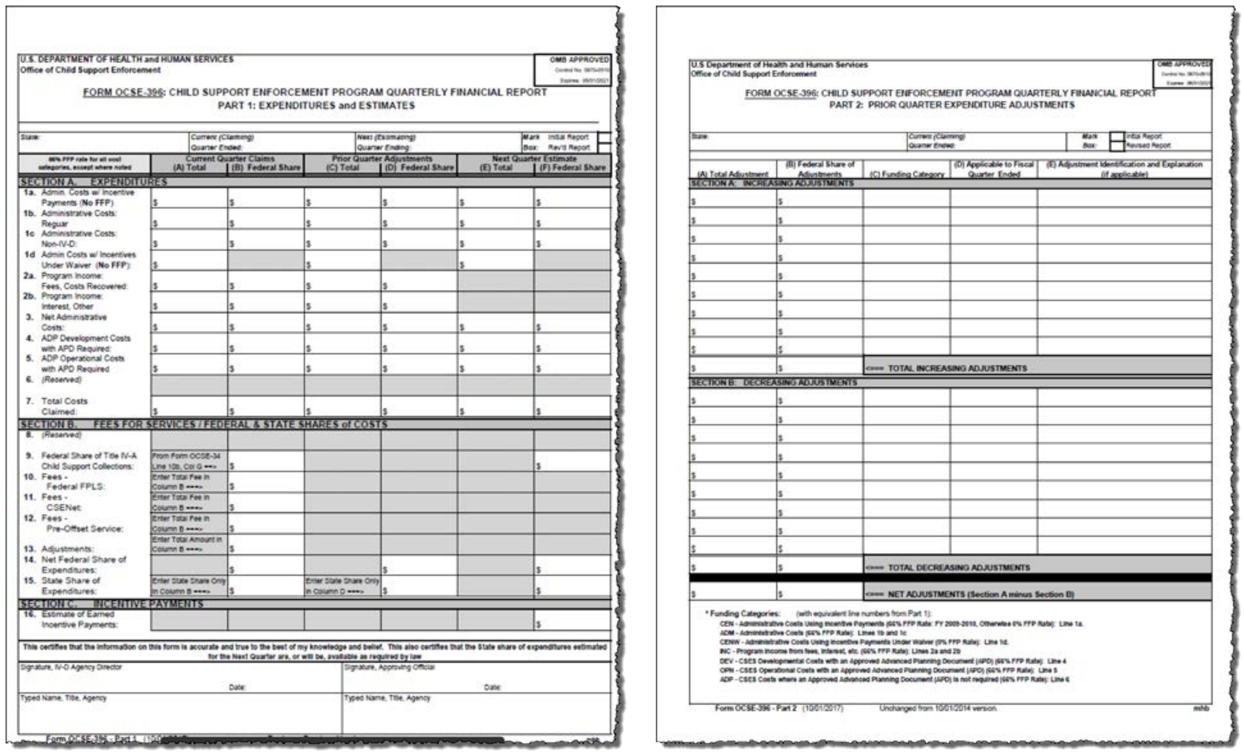
October 14-18, 2018

Form OCSE-396 (2 Pages)



U.S. DEPARTMENT OF HEALTH and HUMAN SERVICES
Office of Child Support Enforcement

OMB APPROVED

FORM OCSE-396: CHILD SUPPORT ENFORCEMENT PROGRAM QUARTERLY FINANCIAL REPORT
PART 1: EXPENDITURES and ESTIMATES

State: | Current (Claiming) Quarter Ended: | Next (Estimating) Quarter Ending: | Mark Box: Initial Report / Rev'd Report

66% FFP rate for all cost categories, except where noted	Current Quarter Claims (A) Total	(B) Federal Share	Prior Quarter Adjustments (C) Total	(D) Federal Share	Next Quarter Estimate (E) Total	(F) Federal Share
SECTION A. EXPENDITURES						
1a. Admin. Costs w/ Incentive Payments (No FFP)	$	$	$	$	$	$
1b. Administrative Costs: Reguar	$	$	$	$	$	$
1c Administrative Costs: Non-IV-D:	$	$	$	$	$	$
1d Admin Costs w/ Incentives Under Waiver (No FFP):	$		$		$	
2a. Program Income: Fees, Costs Recovered:	$	$	$	$		
2b. Program Income: Interest, Other	$	$	$	$		
3. Net Administrative Costs:	$	$	$	$	$	$
4. ADP Development Costs with APD Required:	$	$	$	$	$	$
5. ADP Operational Costs with APD Required	$	$	$	$	$	$
6. (Reserved)						
7. Total Costs Claimed:	$	$	$	$	$	$
SECTION B. FEES FOR SERVICES / FEDERAL & STATE SHARES of COSTS						
8. (Reserved)						
9. Federal Share of Title IV-A Child Support Collections:	From Form OCSE-34 Line 10b, Col G --->	$				$
10. Fees - Federal FPLS:	Enter Total Fee in Column B --->	$				
11. Fees - CSENet:	Enter Total Fee in Column B --->	$				
12. Fees - Pre-Offset Service:	Enter Total Fee in Column B --->	$				
13. Adjustments:	Enter Total Amount in Column B --->	$				
14. Net Federal Share of Expenditures:		$		$		$
15. State Share of Expenditures:	Enter State Share Only in Column B --->	$	Enter State Share Only in Column D --->	$		$
SECTION C. INCENTIVE PAYMENTS						
16. Estimate of Earned Incentive Payments:						$

This certifies that the information on this form is accurate and true to the best of my knowledge and belief. This also certifies that the State share of expenditures estimated for the Next Quarter are, or will be, available as required by law

Signature, IV-D Agency Director	Signature, Approving Official
Date:	Date:
Typed Name, Title, Agency	Typed Name, Title, Agency

Form OCSE-396 - Part 1

U.S Department of Health and Human Services
Office of Child Support Enforcement

OMB APPROVED

FORM OCSE-396: CHILD SUPPORT ENFORCEMENT PROGRAM QUARTERLY FINANCIAL REPORT
PART 2: PRIOR QUARTER EXPENDITURE ADJUSTMENTS

State: | Current (Claiming) Quarter Ended: | Mark Box: Initial Report / Revised Report

(A) Total Adjustment	(B) Federal Share of Adjustments	(C) Funding Category	(D) Applicable to Fiscal Quarter Ended	(E) Adjustment Identification and Explanation (if applicable)
SECTION A: INCREASING ADJUSTMENTS				
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$	<=== TOTAL INCREASING ADJUSTMENTS		
SECTION B: DECREASING ADJUSTMENTS				
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$			
$	$	<=== TOTAL DECREASING ADJUSTMENTS		
$	$	<=== NET ADJUSTMENTS (Section A minus Section B)		

* Funding Categories: (with equivalent line numbers from Part 1):
CEN - Administrative Costs Using Incentive Payments (66% FFP Rate: FY 2009-2010, Otherwise 0% FFP Rate): Line 1a.
ADM - Administrative Costs (66% FFP Rate): Lines 1b and 1c
CENW - Administrative Costs Using Incentive Payments Under Waiver (0% FFP Rate): Line 1d.
INC - Program Income from fees, interest, etc. (66% FFP Rate): Lines 2a and 2b
DEV - CSES Developmental Costs with an Approved Advanced Planning Document (APD) (66% FFP Rate): Line 4
OPN - CSES Operational Costs with an Approved Advanced Planning Document (APD) (66% FFP Rate): Line 5
ADP - CSES Costs where an Approved Advanced Planning Document (APD) is not required (66% FFP Rate): Line 6

Form OCSE-396 - Part 2 (10/01/2017) Unchanged from 10/01/2014 version. mhb

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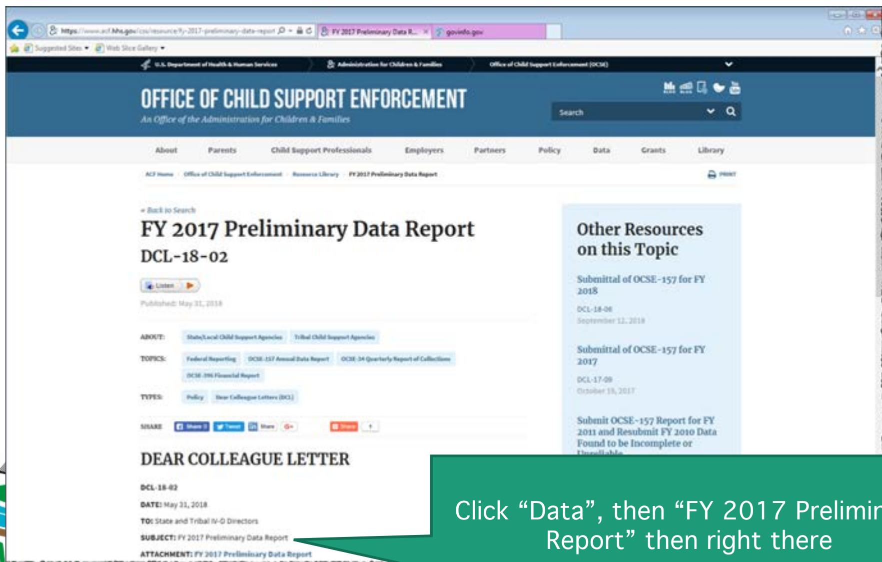
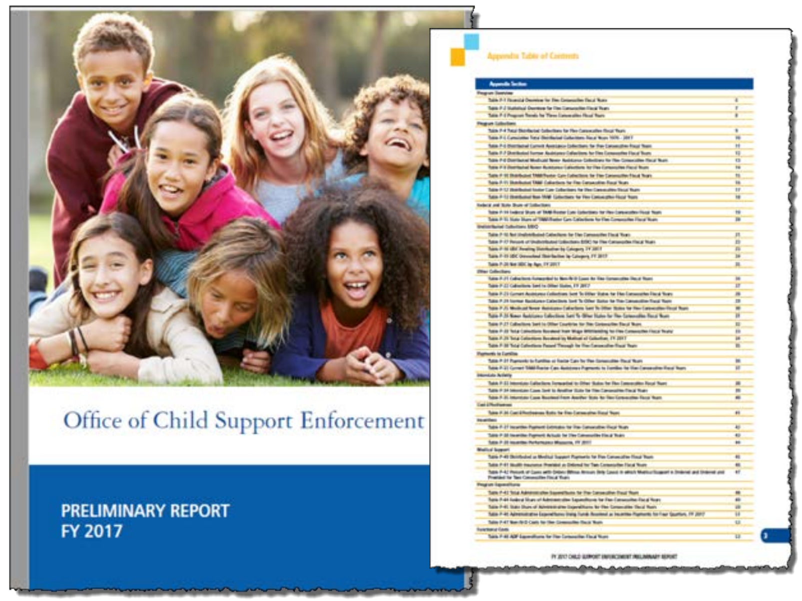
WICSEC | Omaha, NE
October 14-18, 2018

OCSE Website

https://www.govinfo.gov/content/pkg/CFR-2015-title45-vol2/pdf/CFR-2015-title45-vol2-subtitleB.pdf



Click “Data”, then “FY 2017 Preliminary Report” then right there



State-by-State Comparisons

OCSE Table P-39:

- PEP (both methods)
- Order Rate
- Current Support %
- Arrears %
- Cost Effectiveness

Table P-39 Incentive Performance Measures, FY 2017

STATES	IV-D PEP	Statewide PEP	Percent of Cases with Orders	Percent of Current Collections	Percent of Arrearage Cases	Cost Effectiveness Ratio
ALABAMA	96.13		88.15	54.03	59.83	$4.30
ALASKA		93.97	92.56	55.83	65.14	4.07
ARIZONA	149.19		89.35	58.13	57.18	6.15
ARKANSAS	100.92		91.84	64.41	68.90	4.84
CALIFORNIA		94.28	91.19	66.46	66.42	2.52
COLORADO		104.26	87.72	64.15	68.14	4.30
CONNECTICUT	97.61		92.85	61.35	59.82	3.27
DELAWARE	88.44		72.34	60.20	55.01	2.54
DIST. OF COL.		90.01	78.95	61.46	57.78	2.01
FLORIDA		90.59	82.95	63.01	69.71	6.24
GEORGIA		97.18	89.93	60.32	64.45	8.04
GUAM	90.68		75.16	61.11	53.44	1.64
HAWAII		88.25	77.21	62.48	43.69	4.83
IDAHO	97.06		91.70	64.46	57.60	6.13
ILLINOIS		91.72	82.84	63.07	61.70	5.19
INDIANA	105.24		93.90	65.98	72.32	5.25
IOWA		94.18	92.52	73.02	69.51	5.46
KANSAS		92.92	87.45	55.87	57.85	5.72
KENTUCKY	95.65		89.57	58.15	60.91	6.33
LOUISIANA	95.65		87.25	52.80	53.50	5.46
MAINE	103.66		95.35	63.11	65.36	3.47
MARYLAND		89.21	86.03	69.01	70.42	4.64
MASSACHUSETTS		90.88	88.70	72.39	64.17	6.06
MICHIGAN		96.11	81.16	71.49	66.13	5.56
MINNESOTA	101.05		88.56	74.53	72.26	3.30
MISSISSIPPI	97.24		78.91	53.67	57.25	9.50
MISSOURI		90.44	90.89	60.24	60.48	8.59
MONTANA	105.18		88.78	63.77	64.80	4.39
NEBRASKA		96.31	87.71	70.93	68.46	5.23
NEVADA	124.11		87.98	65.90	66.29	3.91
NEW HAMPSHIRE	108.91		82.14	64.72	65.39	3.55
NEW JERSEY		98.65	86.47	67.55	66.61	4.12
NEW MEXICO	98.72		81.43	54.81	64.22	3.50
NEW YORK		90.24	86.88	66.35	57.33	4.99
NORTH CAROLINA	100.66		85.43	67.95	66.87	4.50
NORTH DAKOTA	105.31		92.75	73.23	63.45	6.08
OHIO		92.65	90.85	69.50	65.98	6.51
OKLAHOMA		104.72	83.00	54.56	61.99	5.97
OREGON		96.48	87.63	63.20	60.59	3.88
PENNSYLVANIA		99.81	90.64	84.10	84.16	5.02
PUERTO RICO		83.93	87.35	54.89	42.68	12.53
RHODE ISLAND	98.77		77.06	61.78	53.21	5.85
SOUTH CAROLINA		79.99	83.24	55.29	62.11	4.51
SOUTH DAKOTA	105.03		92.61	64.19	61.24	10.42
TENNESSEE		95.83	84.44	56.54	63.38	6.74
TEXAS		96.29	85.50	64.61	62.99	10.33
UTAH		103.46	87.91	65.05	64.00	6.49
VERMONT	107.52		89.46	73.77	76.31	2.84
VIRGIN ISLANDS		101.48	70.41	48.25	38.34	0.98
VIRGINIA		92.00	88.90	64.81	65.65	6.20
WASHINGTON	98.66		93.28	66.86	61.87	4.27
WEST VIRGINIA	102.17		90.35	67.20	60.53	4.91
WISCONSIN	100.52		87.03	74.63	69.40	5.56
WYOMING	128.15		93.79	66.19	69.24	8.55
AVERAGES	101.96	93.83	87.18	65.43	64.11	$5.15

Source: Forms OCSE-157, OCSE-34 - Part 1, and OCSE-396.

FFY 2017 Federal Performance Measures for Child Support - Ranking of States*

State	Obligation Rate	Rank	PEP** (Chosen Option)	Rank	% of Current	Rank	% of Arrears	Rank	Cost Effective	Rank	State	Avg. Rank	Rank
Alabama	88.15%	25	96.13%	31	54.03%	49	59.83%	40	$4.77	31	Wyoming	7.4	1
Alaska	92.56%	8	93.97%	38	55.83%	45	65.14%	22	$4.07	40	Indiana	11.0	2
Arizona	89.35%	20	149.19%	1	58.13%	42	57.18%	47	$6.15	13	North Dakota	12.0	3
Arkansas	91.84%	10	100.92%	16	64.41%	26	68.90%	10	$4.84	30	Pennsylvania	12.6	4
California	91.19%	12	94.28%	36	66.46%	16	66.42%	15	$2.52	50	Vermont	15.6	5
Colorado	87.72%	28	104.26%	11	64.15%	28	68.14%	12	$4.30	37	South Dakota	15.8	6
Connecticut	92.85%	5	97.61%	24	61.35%	37	59.82%	41	$3.27	47	Wisconsin	16.2	7
Delaware	72.34%	51	88.44%	49	60.20%	40	55.01%	48	$2.54	49	Iowa	16.4	8
Dist. Of Columbia	78.95%	47	90.01%	47	61.46%	36	57.78%	43	$2.01	51	Ohio	18.0	9
Florida	82.95%	42	90.59%	44	63.01%	33	69.71%	6	$6.24	11	Arkansas	18.4	10
Georgia	89.93%	17	97.18%	26	60.32%	38	64.45%	24	$8.04	6	Minnesota	18.4	11
Guam	NA	52	NA	52	NA	52	NA	52	NA	52	Utah	19.4	12
Hawaii	77.21%	49	88.25%	50	62.48%	34	43.69%	51	$4.66	32	Nebraska	20.6	13
Idaho	91.70%	11	97.06%	27	64.46%	25	57.60%	44	$6.13	14	Nevada	21.2	14
Illinois	82.84%	43	91.72%	42	63.07%	32	61.70%	34	$5.19	26	Maine	22.0	15
Indiana	93.90%	2	105.24%	7	65.98%	19	72.32%	3	$5.25	24	Georgia	22.2	16
Iowa	92.52%	9	94.18%	37	73.02%	6	69.51%	7	$5.46	23	West Virginia	22.2	17
Kansas	87.45%	31	92.92%	39	55.87%	44	57.85%	42	$5.72	19	Washington	22.4	18
Kentucky	89.57%	18	95.65%	35	58.15%	41	60.91%	36	$6.33	10	Massachusetts	23.0	19
Louisiana	87.25%	32	95.65%	34	52.80%	51	53.50%	49	$5.46	22	North Carolina	23.0	20
Maine	95.35%	1	103.66%	12	63.11%	31	65.36%	21	$3.47	45	Virginia	23.0	21
Maryland	86.03%	36	89.21%	48	69.01%	11	70.42%	5	$4.64	33	Colorado	23.2	22
Massachusetts	88.70%	23	90.88%	43	72.39%	7	64.17%	26	$6.06	16	Montana	23.6	23
Michigan	81.16%	46	96.11%	32	71.49%	8	66.13%	17	$5.56	21	Idaho	24.2	24
Minnesota	88.56%	24	101.05%	15	74.53%	3	72.26%	4	$3.30	46	Arizona	24.6	25
Mississippi	78.91%	48	97.24%	25	53.67%	50	57.25%	46	$9.50	3	Texas	24.6	26
Missouri	90.89%	13	90.44%	45	60.24%	39	60.48%	39	$8.59	4	Michigan	24.8	27
Montana	88.78%	22	105.18%	8	63.77%	29	64.80%	23	$4.39	36	New Jersey	24.8	28
Nebraska	87.71%	29	96.31%	29	70.93%	9	68.46%	11	$5.23	25	California	25.8	29
Nevada	87.98%	26	124.11%	3	65.90%	20	66.29%	16	$3.91	41	Maryland	26.6	30
New Hampshire	82.14%	44	108.91%	4	64.72%	23	65.39%	20	$3.55	43	New Hampshire	26.8	31
New Jersey	86.47%	35	98.65%	23	67.55%	13	66.61%	14	$4.12	39	Florida	27.2	32
New Mexico	81.43%	45	98.68%	21	54.81%	47	64.22%	25	$3.50	44	Kentucky	28.0	33
New York	86.88%	34	90.24%	46	66.35%	17	57.33%	45	$4.99	28	Missouri	28.0	34
North Carolina	85.43%	38	100.66%	17	67.95%	12	66.87%	13	$4.50	35	Oklahoma	29.6	35
North Dakota	92.75%	6	105.31%	6	73.23%	5	63.45%	28	$6.08	15	Tennessee	30.2	36
Ohio	90.85%	14	92.65%	40	69.50%	10	65.98%	18	$6.51	8	Alaska	30.6	37
Oklahoma	83.00%	41	104.72%	10	54.56%	48	61.99%	32	$5.96	17	Connecticut	30.8	38
Oregon	87.63%	30	96.48%	28	63.20%	30	60.59%	37	$3.88	42	Oregon	33.4	39
Pennsylvania	90.64%	15	99.81%	19	84.10%	1	84.16%	1	$5.02	27	New York	34.0	40
Puerto Rico	NA	53	NA	53	NA	53	NA	53	NA	53	Mississippi	34.4	41
Rhode Island	77.06%	50	98.77%	20	61.78%	35	53.21%	50	$5.85	18	Rhode Island	34.6	42
South Carolina	83.24%	40	79.99%	51	55.29%	46	62.11%	31	$4.51	34	Kansas	35.0	43
South Dakota	92.61%	7	105.03%	9	64.19%	27	61.24%	35	$10.42	1	Alabama	35.2	44
Tennessee	84.44%	39	95.83%	33	56.54%	43	63.38%	29	$6.74	7	Illinois	35.4	45
Texas	85.50%	37	96.29%	30	64.61%	24	62.99%	30	$10.33	2	New Mexico	36.4	46
Utah	87.91%	27	103.46%	13	65.05%	21	64.00%	27	$6.49	9	Louisiana	37.6	47
Vermont	89.46%	19	107.52%	5	73.77%	4	76.31%	2	$2.84	48	South Carolina	40.4	48
Virgin Islands	NA	54	NA	54	NA	54	NA	54	NA	54	Hawaii	43.2	49
Virginia	88.90%	21	92.01%	41	64.81%	22	65.65%	19	$6.20	12	Dist. Of Columbia	44.8	50
Washington	93.28%	4	98.66%	22	66.86%	15	61.87%	33	$4.27	38	Delaware	47.4	51
West Virginia	90.35%	16	102.17%	14	67.20%	14	60.53%	38	$4.91	29	Guam	52.0	52
Wisconsin	87.03%	33	100.52%	18	74.63%	2	69.40%	8	$5.56	20	Puerto Rico	53.0	53
Wyoming	93.79%	3	128.15%	2	66.19%	18	69.24%	9	$8.55	5	Virgin Islands	54.0	54
National Average	87.19%		95.97%		65.59%		64.47%		$5.13				

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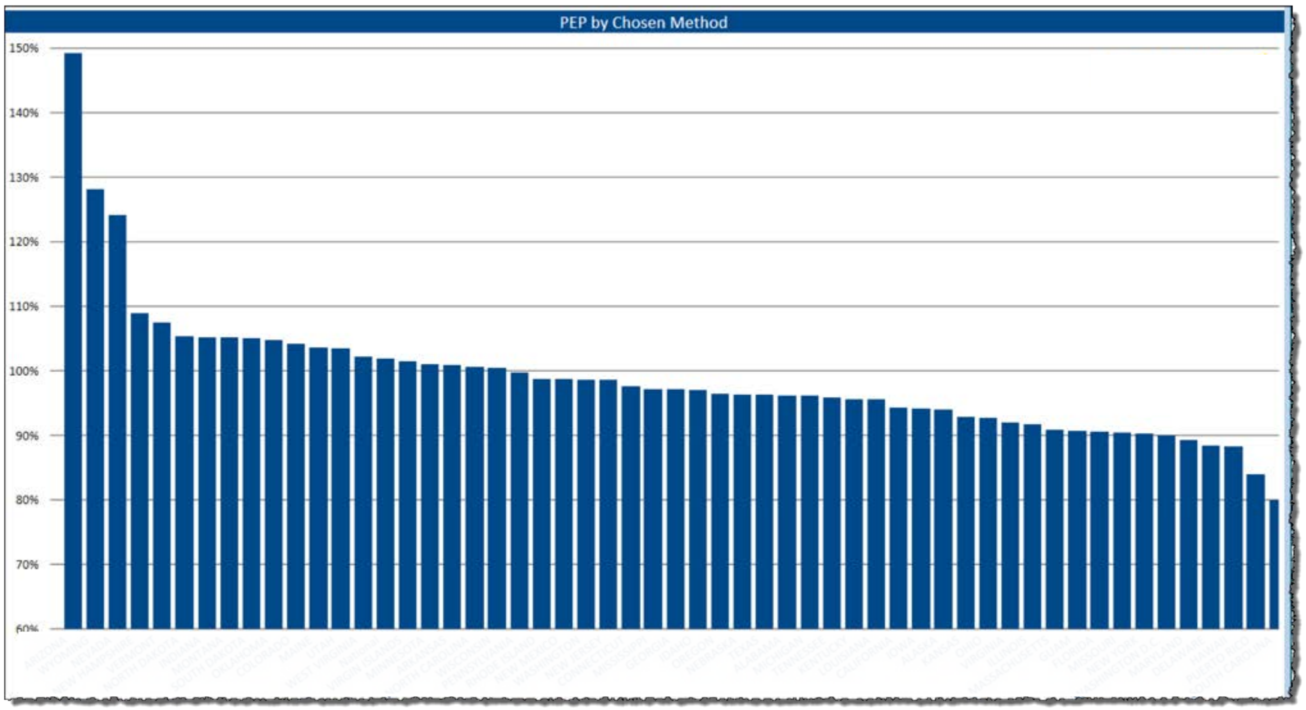
State-by-State Comparisons

Example – 2017 PEP Rate by Chosen Method, (State names removed)



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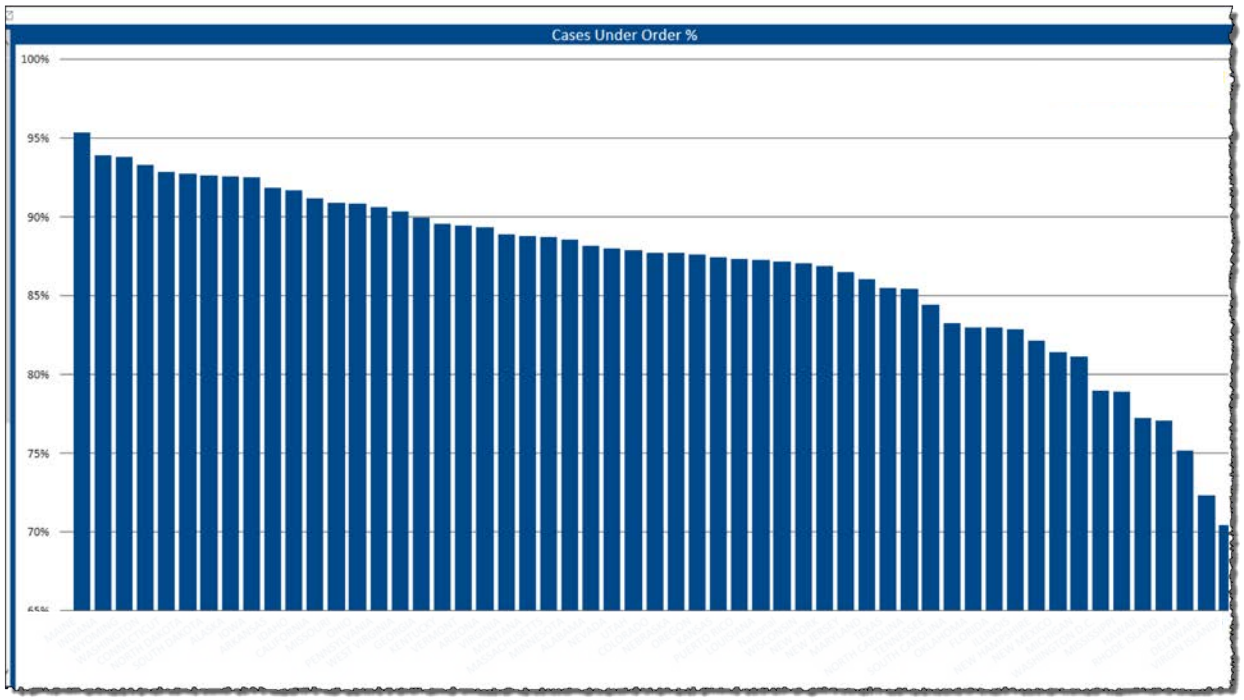
State-by-State Comparisons

Example – 2017 Order Rates (State names removed)



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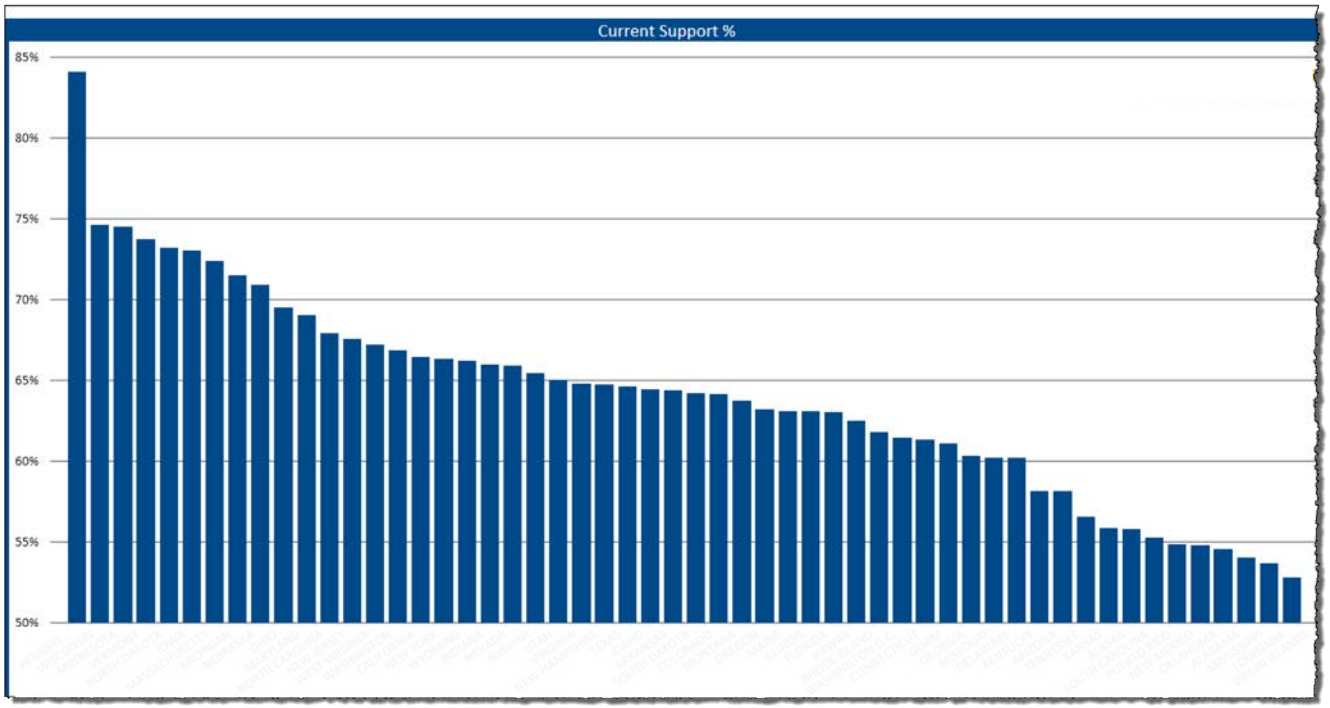
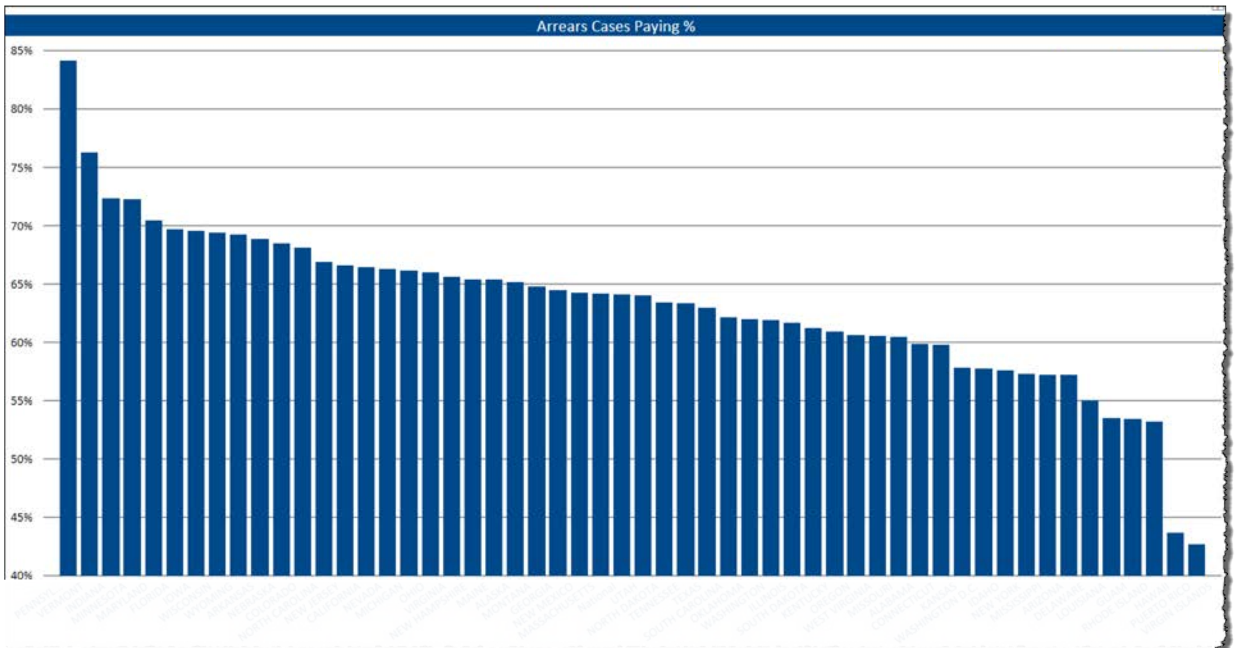
State-by-State Comparisons

Example – 2017 Current Support % (State names removed)



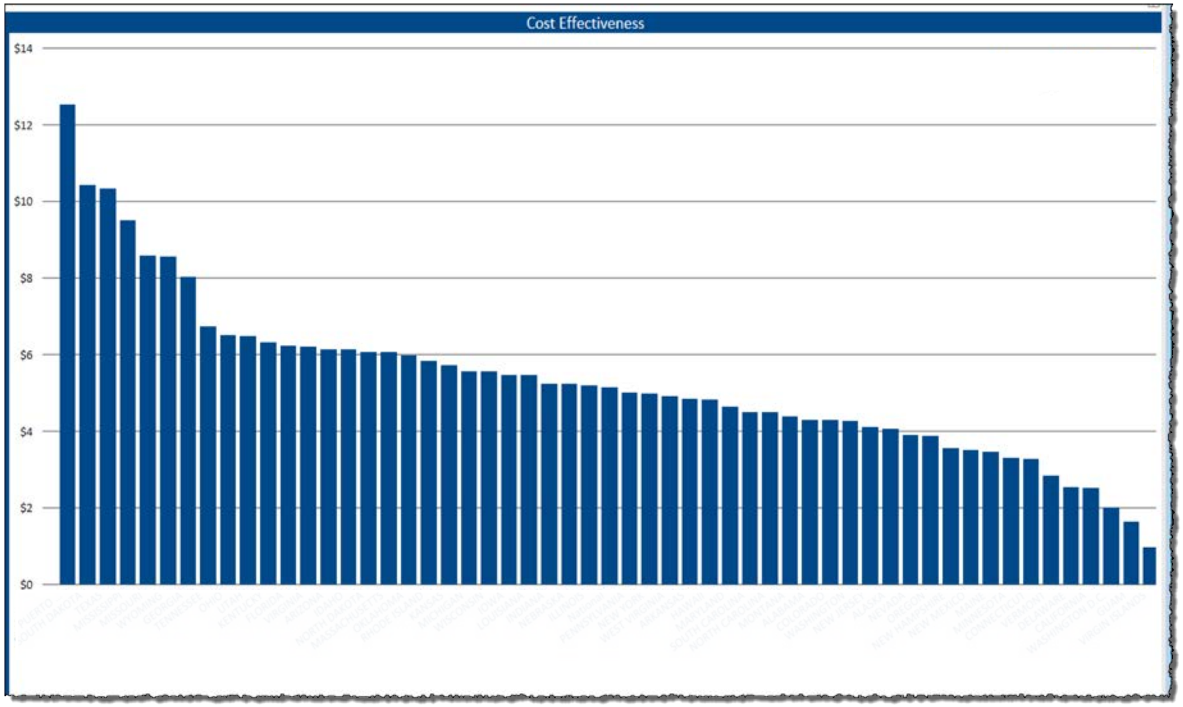
State-by-State Comparisons

Example – 2017 Arrears % (State names removed)



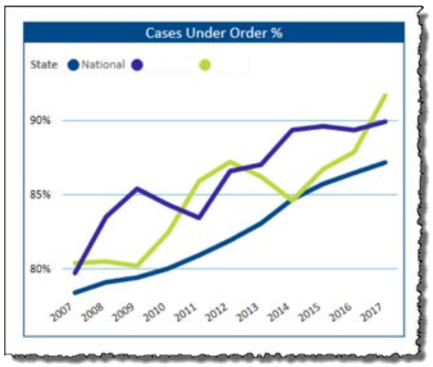
State-by-State Comparisons

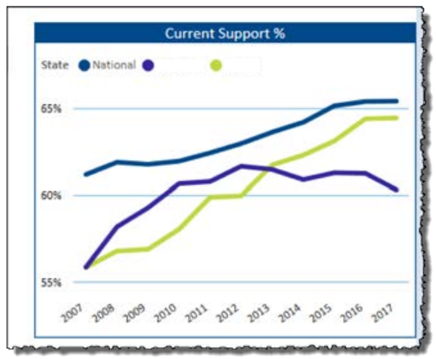
Example – Cost Effectiveness (State names removed)

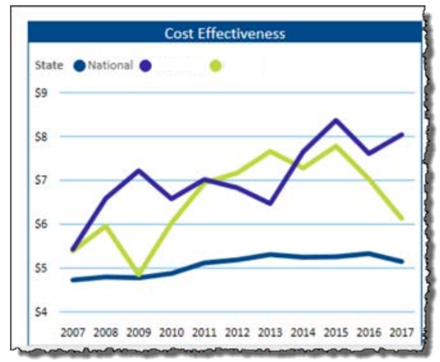


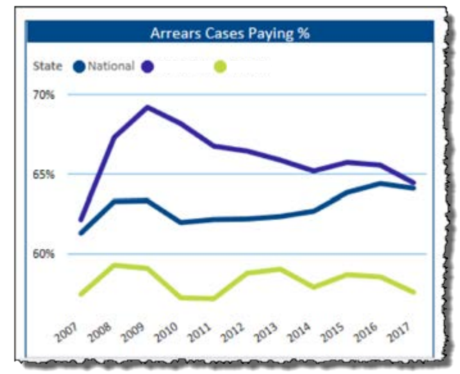
Trends Over Time

Example – National vs 2 different states (State names removed)









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State-by-state Comparisons

Incentive Payments for 5 years

Incentives

Table P-37 Incentive Payment Estimates for Five Consecutive Fiscal Years

STATES	2013	2014	2015	2016	2017
ALABAMA	$3,750,000	$3,000,000	$4,000,000	$3,000,000	$3,000,000
ALASKA	1,778,400	1,800,000	1,750,000	1,600,000	1,600,000
ARIZONA	6,500,000	6,500,000	6,375,000	6,312,500	6,150,000
ARKANSAS	4,725,000	4,530,483	4,780,905	4,200,000	5,400,000
CALIFORNIA	38,918,752	40,516,249	40,619,000	40,752,750	41,835,500
COLORADO	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
CONNECTICUT	4,400,000	4,400,000	4,400,000	4,400,000	4,400,000
DELAWARE	1,200,000	1,200,000	900,000	1,200,000	1,200,000
DIST. OF COL.	0	0	0	0	0
FLORIDA	28,176,947	33,864,413	34,351,682	34,069,913	34,089,913
GEORGIA	0	24,000,000	15,000,000	9,000,000	12,000,000
GUAM	140,000	170,000	200,000	130,000	115,000
HAWAII	1,575,000	1,600,000	1,600,000	1,200,000	0
IDAHO	2,818,608	2,791,860	2,922,492	3,087,744	3,173,712
ILLINOIS	14,671,300	14,838,500	15,157,700	15,278,700	15,120,200
INDIANA	9,856,480	9,814,400	9,734,398	9,812,769	9,640,727
IOWA	7,000,000	7,500,000	7,000,000	3,500,000	7,000,000
KANSAS	3,500,000	3,625,000	4,000,000	4,000,000	4,000,000
KENTUCKY	7,400,000	7,400,000	7,400,000	7,100,000	7,000,000
LOUISIANA	6,657,848	6,657,848	6,657,848	6,657,848	6,657,848
MAINE	1,250,000	1,250,000	1,500,000	2,000,000	2,000,000
MARYLAND	8,150,000	7,000,000	7,000,000	7,000,000	7,000,000
MASSACHUSETTS	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
MICHIGAN	24,200,000	68,749,768	25,200,000	25,800,000	25,800,000
MINNESOTA	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
MISSISSIPPI	2,800,000	2,800,000	2,100,000	3,500,000	2,800,000
MISSOURI	10,173,402	16,226,147	10,000,000	7,500,000	5,000,000
MONTANA	976,000	1,100,000	1,100,000	1,100,000	1,100,000
NEBRASKA	2,750,000	2,750,000	2,750,000	2,750,000	2,750,000
NEVADA	500,000	0	0	0	0
NEW HAMPSHIRE	1,200,000	1,200,000	1,200,000	1,200,000	1,200,000
NEW JERSEY	15,456,000	15,456,000	15,456,000	15,456,000	15,456,000
NEW MEXICO	2,425,750	2,600,000	2,550,000	2,400,000	2,200,000
NEW YORK	26,000,000	26,000,000	27,143,000	30,884,000	31,820,000
NORTH CAROLINA	10,528,626	11,200,000	11,200,000	11,200,000	11,200,000
NORTH DAKOTA	1,414,783	1,429,460	1,458,068	1,998,256	2,038,220
OHIO	28,000,000	28,000,000	21,500,000	28,000,000	28,000,000
OKLAHOMA	5,788,192	5,788,192	5,788,192	5,788,192	5,788,192
OREGON	4,400,000	4,263,000	4,126,000	4,144,500	4,200,000
PENNSYLVANIA	21,441,680	21,441,680	21,441,680	21,441,680	21,441,680
PUERTO RICO	0	0	0	0	0
RHODE ISLAND	1,200,000	1,200,000	1,200,000	1,275,000	1,400,000
SOUTH CAROLINA	1,800,000	1,800,000	1,800,000	1,350,000	1,800,000
SOUTH DAKOTA	1,840,000	1,780,000	1,820,000	1,840,000	1,840,000
TENNESSEE	0	0	6,800,000	8,000,000	16,000,000
TEXAS	65,400,000	69,700,000	72,000,000	72,000,000	72,000,000
UTAH	2,750,000	2,800,000	2,800,000	2,800,000	2,800,000
VERMONT	915,232	915,232	1,552,259	877,258	839,284
VIRGIN ISLANDS	45,000	60,000	60,000	69,019	45,000
VIRGINIA	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
WASHINGTON	12,500,000	12,724,999	13,549,998	12,757,143	12,159,524
WEST VIRGINIA	3,600,000	3,600,000	3,600,000	3,600,000	3,600,000
WISCONSIN	12,000,000	12,000,000	12,000,000	12,340,000	12,340,000
WYOMING	800,000	800,000	800,000	800,000	800,000
TOTALS	$448,373,000	$533,833,251	$481,344,222	$480,173,272	$492,800,800

Source: Financial Management.

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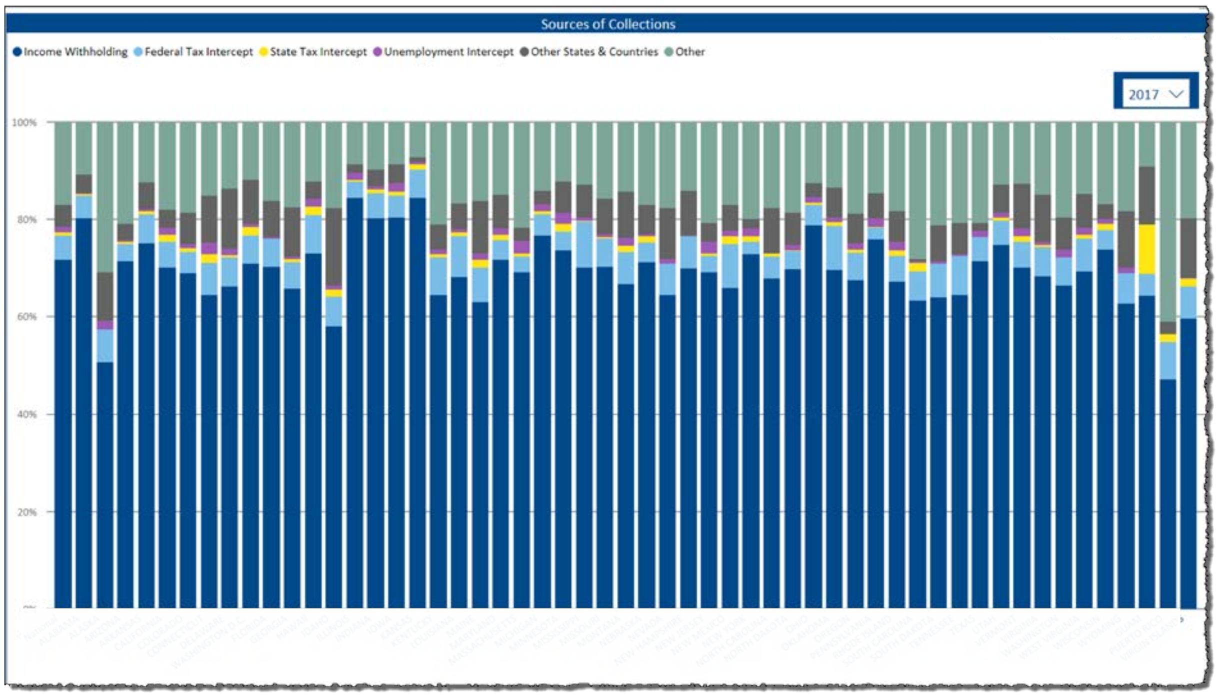
State-by-state Comparisons

Example – 2017 Source of Collections (State names removed)



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Agenda Items #2 - Strategies to maximize the numbers (good and bad)

$$\frac{\text{Total \# of Children in IV - D Caseload in the Fiscal Year or, at the option of the State, as of the end of the Fiscal Year who were Born Out - of - Wedlock with Paternity Established or Acknowledged}}{\text{Total \# of Children in IV - D Caseload as of the end of the preceding Fiscal Year who were Born Out - of - Wedlock}}$$

$$\frac{\text{Number of IV - D Cases with Support Orders During the Fiscal Year}}{\text{Total Number of IV - D Cases During the Fiscal Year}}$$

$$\frac{\text{Number Dollars Collected for Current Support in IV - D Cases}}{\text{Total Dollars Owed for Current Support in IV - D Cases}}$$

$$\frac{\text{Total number of eligible IV - D cases paying toward arrears}}{\text{Total number of IV - D cases with arrears due}}$$

$$\frac{\text{Total IV - D Dollars Collected}}{\text{Total IV - D Dollars Expended}}$$

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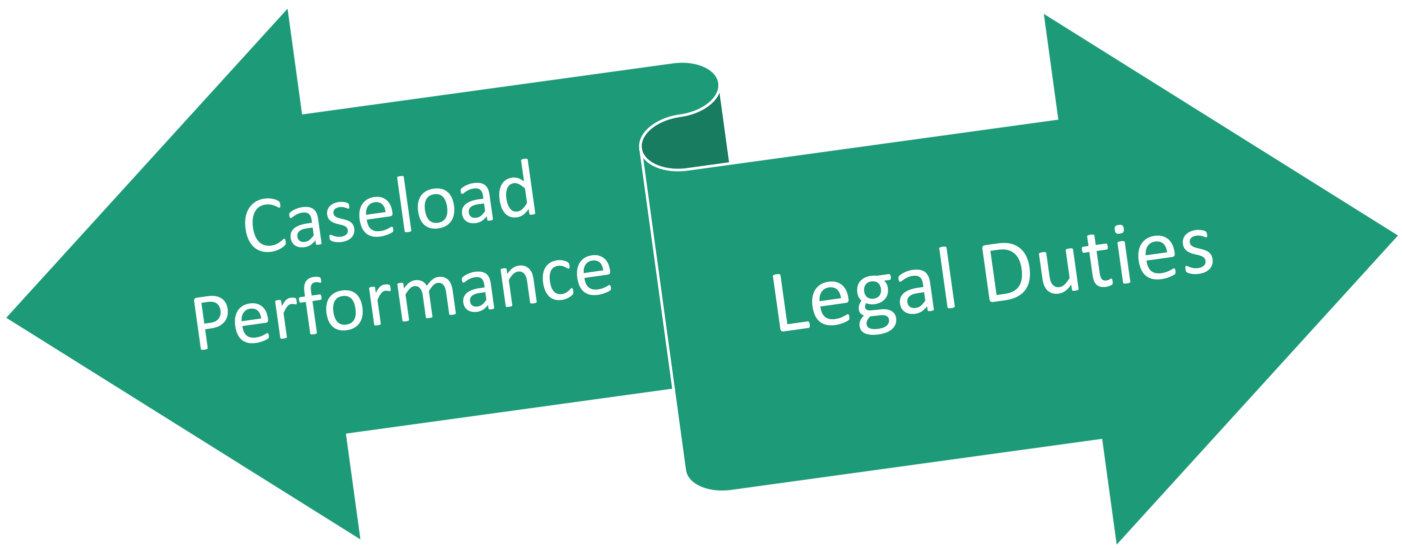
Agenda Items #3 - Attorney duties vs actions to maximize performance

Is there a conflict?



Who is the boss?

Can client efforts to maximize caseload performance conflict with how we should handle individual cases?

- The State wants caseload Performance #'s
- Attorneys handle cases involving individuals
- Who directs the actions of an attorney?
- What are the rules?
- How define successful representation

Attorney Actions: Rules of the Road

1. Rules of Prof. Conduct:
   - Proceeding must have a basis in law and fact
   - Expedite litigation consistent with the interests of the client
   - Lawyer shall not knowingly make a false statement of law or fact to the tribunal
   - Lawyer shall not unlawfully obstruct another party's access to evidence

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Attorney Actions: Rules of the Road cont.

2. Statutes, Rules & Caselaw:
   - FRCP 11 type rules – good faith, basis in law and fact, etc.
   - Do not advance cases inconsistent with the law
   - Legal standards may conflict with client instructions
   - Judicial interpretation may vary

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Attorney Actions: Rules of the Road cont.

3. Instructions from the Client:
   - General policies of fairness
   - Instructions on increasing performance measures
   - Instructions to prioritize cases
   - Insistence on arrears payments
   - Pressure to obtain orders or reduce obligations
   - Pressure to dismiss cases
   - Prefiling requirements
   - How to handle inconsistent interpretations of the various laws and rules

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Attorney Actions: Rules of the Road cont.

4. OCSE Regulations (i.e. 2016 Rule):
   - Duties to investigate before filing
   - Pre-filing calculations based on true, documented ability to pay
   - Right size orders
   - Contempt citations only when there is proof of willfulness

Investigation of Facts

- Taking reasonable steps to develop a sufficient factual basis for the support obligation

- Gathering information regarding the earnings and income of the noncustodial parent and, when earnings and income information is unavailable or insufficient in a case gathering available information about the specific circumstances of the noncustodial parent

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Investigation of Facts continued

- Basing the support obligation or recommended support obligation amount on the earnings and income of the noncustodial parent whenever available. If evidence of earnings and income is unavailable or insufficient to use as the measure of the noncustodial parent's ability to pay, then the support obligation or recommended support obligation amount should be based on available information about the specific circumstances of the noncustodial parent

- Documenting the factual basis for the support obligation or the recommended support obligation in the case record

Calculation of Obligation

- Must have low income adjustment
- If imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent … to the extent known, including such factors as the noncustodial parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the noncustodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.

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Contempt

Establishing guidelines for the use of civil contempt citations in IV-D cases.

- Screen for ability to pay
- Provide information to court on ability to pay the purge amount
- Provide notice to parent that ability to pay is critical issue in civil contempt action

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Agenda Item #4: "The Bottom Line"

How should performance numbers affect attorney behavior and decisions on individual cases?

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