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UNIVERSITY OF WISCONSIN-MADISON

Task 13A. The COVID-19 Pandemic and Child Support Enforcement

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I. INTRODUCTION

On March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus 2019 disease (COVID-19) a global pandemic (World Health Organization, 2020). Since then, the COVID-19 pandemic has dramatically affected public health, economic, and social conditions worldwide. As of August 5, 2021, the United States has recorded over 35.3 million confirmed COVID-19 cases and over 614,000 confirmed deaths due to COVID-19, with over 692,000 confirmed cases and over 8,300 deaths identified in the state of Wisconsin (Johns Hopkins University & Medicine, 2021).

The COVID-19 pandemic has also spurred a devastating economic crisis, as lockdowns and distancing measures used to contain the pandemic's spread disrupted supply and demand (del Rio-Chanona et al., 2020; Triggs & Kharas, 2020). In the United States, the unemployment rate jumped from 3.5 percent in February 2020 to 14.8 percent in April 2020 (Falk et al, 2021). Unemployment in Wisconsin mirrored national trends, growing from 3.3 percent to 14.8 percent in that same timeframe (Department of Workforce Development, 2021). Deteriorating economic conditions caused significant economic hardship for many, with a growing share of households, and particularly those with children, reporting food insecurity, falling behind on rent payments, and experiencing difficulty paying bills (Bitler et al., 2020; Moffitt & Ziliak, 2020; Schanzenbach & Pitts, 2020). In Wisconsin, families served by the state's FoodShare benefit program increased 21 percent from February to November of 2020 (Knapp, 2021).

Although the COVID-19 pandemic has caused hardship for many in the United States, economically-vulnerable workers have been disproportionately and negatively affected. Low-wage earners, workers without college degrees, workers of color, and women experienced job loss (Bartik et al. 2020; Moffitt & Ziliak, 2020; Falk, 2020; Falk et al., 2021; Park, 2021) and

economic hardship (Memcott et al., 2021; Perry et al., 2021; Schanzenbach & Pitts, 2020; Park 2021) at disproportionately high rates relative to their peers. Families of color with children also experienced food insecurity at disproportionately high rates relative to White families (Schanzenbach & Pitts, 2020). Further, long-term job loss has been most persistent amongst low-earning workers, workers with low levels of education, workers of color, and workers in low-pay service occupations (Hershbein & Holzer, 2021).

The economic and public health fall-out caused by the pandemic also has important implications for families served by the child support program. When noncustodial parents (NCPs) lack the ability pay their ordered support, the NCP, custodial parent (CP), and children are all vulnerable to negative consequences. The child support system generally works as intended when NCPs are regularly employed and have at least moderate earnings (Cancian & Meyer, 2018). However, NCPs with low earnings pay less in child support and have lower compliance (i.e., pay less of what they owe) than their more-affluent peers (Bartfeld & Meyer, 2003; Chen & Meyer, 2017; Goldberg, 2015; Huang et al., 2005; Mincy & Sorensen, 1998; Nepomnyaschy & Garfinkel, 2010), and often have difficulty meeting their own basic financial needs (Brito, 2012; Sorensen & Oliver, 2002; Ha et al., 2018; Hodges & Vogel, 2020; Vogel, 2020a).

As many of the pandemic's negative economic effects have been heavily concentrated within low-wage earners, a population disproportionately likely to experience difficulty meeting their financial obligations *before* the pandemic, it is possible that the pandemic might have made an already difficult situation worse for these NCPs. Consistent with this concern, research on the Great Recession identified that nonresident fathers experience financial hardship and difficulty meeting child support obligations during economic crises (Mincy et al., 2015; Mincy et al.,

2016). At the same time, single mothers, who make up most of the population of CPs (Grall, 2020) are also known to experience financial hardship during recessions (Waring & Meyer, 2020), and children's needs for financial support have persisted. Further, NCPs who struggle financially are often partnered with CPs and children at greater risk of experiencing poverty (Cancian & Meyer, 2004; Sinkewicz & Garfinkel, 2009), placing all family members at heightened risk in difficult conditions.

This tension between the needs of NCPs, CPs and children in the context of severe economic downturn raises difficult questions about how strenuously child support staff should pursue enforcement of child support orders in the context of the COVID-19 pandemic. In the Wisconsin child support context, whereas some child support processes happen automatically, others occur at the discretion of system actors, such as frontline child support staff and court staff (Rothe et al., 2004; Cook & Noyes, 2011; Gentry, 2017; Vogel, 2021); therefore, how staff approach enforcing and modifying orders has significant implications for families' well-being. Research with Wisconsin child support agency directors and court commissioners during the Great Recession conducted by Kaplan (2010) identified that while court commissioners described enforcement procedures as unchanged in the context of the Great Recession, agency staff reported granting delinquent NCPs greater flexibility and pursuing contempt less often (Kaplan, 2010). Further, the persistence and uncertainty of the pandemic raises questions about whether, when, and how courts should grant modifications for NCPs who experience income changes. Kaplan (2010) found that while modification procedures largely did not change, courts were broadly sympathetic to the plight of NCPs who lost jobs or earnings and open to the prospect of reducing orders accordingly. It is yet unknown, however, the extent to which court

and agency staff perspectives and approaches to practice in the context of the COVID-19 pandemic align with those identified during the Great Recession.

This study is one of a two-part series examining the effects of the COVID-19 pandemic on child support agency and court practices for enforcing and modifying orders, and implications of these changes on CPs' economic well-being, as part of the research agreement between the Bureau of Child Support (BCS) and researchers at the Institute for Research on Poverty (IRP). It explores child support agency and court staff perceptions of the effects of the pandemic on: (1) the ability of NCPs to work and make child support payments, as well as their supportive service needs; (2) administrative and judicial enforcement practices; (3) order modification and imputation practices; as well as (4) practice changes staff expect to persist beyond the pandemic, and promising practices and lessons learned identified by staff during the pandemic.

The outline of the current report is as follows. We first provide contextual information about families served by child support and Wisconsin's child support program. Next, we describe the public health and economic impacts of the COVID-19 pandemic in Wisconsin, relevant state and federal directives to agencies, and implications for child support. We then describe the current study and provide findings on the effects of the pandemic on child support enforcement gathered through interviews with child support agency and court staff in five Wisconsin counties. We conclude with recommendations on which additional guidance or support might be helpful to counties, and a discussion of implications for policy, practice, and future research.

The information gathered will complement quantitative analyses presented in a subsequent second report, which will explore how CP earnings and child support outcomes (such as orders, payments, receipt, compliance, arrears, and regularity) have changed during the

COVID-19 pandemic, and whether safety net benefits have made up for expected declines in earnings and child support.

II. BACKGROUND AND POLICY CONTEXT

A. Families Served by the Child Support Program

In 2020, over 25 percent of children in the United States lived in single-parent families (Hemez & Washington, 2021), and most American children will spend at least some time living apart from a parent (Andersson, Thomson & Duntava, 2017). Living in a single-parent household is a well-established risk factor for child poverty (National Academies of Sciences, 2019). The child support program aims to reduce welfare program expenditures by recovering money from NCPs whose children receive public assistance, and also seeks to ensure that parents living apart from children regularly contribute to their financial well-being (Committee on Ways and Means, 2018). In 2019, the child support program distributed over \$28 billion in payments on behalf of over 14 million children nationally, including nearly \$650 million for over 360,000 Wisconsin children (U.S. Department of Health and Human Services, 2020). Child support can also act as a buffer for reducing child poverty. Of CPs owed support in 2017, nearly 9 percent of their total income came from child support, and a recent study estimates that child support lifts 11 to 15 percent of U.S. children of CPs out of poverty (Cuesta & Meyer, 2018).

Because of the importance of child support for single-parent families' economic well-being, particularly in the face of steep cuts to cash welfare programs in recent decades, non-payment of child support is a significant problem. In 2017, over half of CPs with an established order received less than the full amount of support due to them, and 30 percent did not receive any support at all (Grall, 2020). CPs with low incomes are disproportionately unlikely to receive all the support they are owed (Grall, 2020), and also disproportionately unlikely to receive

regular support payments (Ha et al., 2011). Irregular payments present unique hardships for CPs, including housing instability (Curtis & Warren, 2016) and food insecurity (Cuesta, 2019; Nepomnyaschy et al., 2014), as unreliable payments cannot be counted on to meet basic needs. In the context of a global pandemic and economic downturn, missed child support payments may be particularly detrimental to the economic well-being of CPs and children.

B. The Wisconsin Child Support Context

In Wisconsin, the child support program is supervised by the state and administered locally by counties. The state, among other functions, develops policy; provides technical assistance and training; monitors local agency activities; collects and distributes payments; and supports enforcement through the operation of centralized locate services, the state directory of new hires, the financial record matching system, the lien docket, and a central registry for processing interstate cases. Counties establish paternity, set orders for financial and medical support, and enforce orders. While operating within state and federal guidelines, counties have some flexibility to interpret policy and enact operations locally (Gentry, 2017). As such, how staff are organized varies across counties in Wisconsin, with some county staff performing multiple functions across a case's lifespan and others focused on specific functions. Caseload sizes vary across counties in Wisconsin as in other states (Vogel, 2021); smaller counties often assign a worker through a case's lifecycle whereas larger counties often segment caseloads by function (Selekman & Johnson, 2019). Child support attorneys, including those who work for counties and private attorneys who enter into cooperative agreements with counties to provide services, help enforce child support orders through court processes (Gentry, 2017).

As a judicial process state, the courts play an important role in Wisconsin's child support program. Child support orders are set and modified via court order. Courts determine the child

support amount based on a formula determined by state administrative rules, though the judiciary may deviate from these guidelines. Both parents' income and the number of children are generally considered. Orders can be modified through several channels. If both parents agree on an order amount, the parents can file a stipulation request with their county's clerk of courts. Either parent can also file a motion with the courts, with or without an attorney, requesting a modification hearing. Alternatively, either parent may request a review of their case from their local child support agency (Gentry, 2017). Orders are eligible for agency review every three years or when a substantial change in circumstances occurs, such as a change in income that would lead to a \$50-or-greater difference in order amount or a change in placement. Agencies have up to 180 days to complete the review; upon review, the agency can deny the request, perform outreach to the other parent to attempt a stipulated agreement, or set a court date for judicial review. All order modifications, including stipulations, must be court-approved (Gentry, 2017; Wisconsin Department of Children and Families, 2021b).

C. Child Support Enforcement

When NCPs do not pay the support they owe, child support agencies have a variety of tools available to help increase compliance. The federal Office of Child Support Enforcement (OCSE) requires each state to enforce orders and has provided tools to do so, which have grown steadily since the program's inception (Sorensen & Hill, 2004) and are described in the sections that follow. Prior research has identified three key factors related to compliance with formal orders—ability to pay, willingness to pay, and characteristics of the enforcement environment (Bartfeld & Meyer, 2003). Administrative and judicial enforcement remedies are targeted primarily at NCPs' willingness to pay by implementing automated procedures to facilitate payments, regardless of NCP preferences about paying. Automatic income withholding from

NCP paychecks is a key administrative tool for NCPs employed in the formal labor market; over 70 percent of child support in the United States is collected this way (U.S. Department of Health and Human Services, 2018; Tollestrup, 2019). Administrative and judicial enforcement remedies beyond income withholding are therefore particularly salient for unemployed NCPs, and those who are self-employed or work outside of the formal economy (Bartfeld & Meyer, 2003).

1. Administrative Remedies

Child support agencies can take several enforcement actions without court involvement.

Administrative tools beyond income withholding include (Gentry, 2017):

- **Federal and state tax refund intercepts** for NCPs behind on their obligations, both of which occur in Wisconsin.
- **Intercept of lottery winnings, court judgments or settlements, and lump sum retirement benefits.** Wisconsin intercepts lottery winnings of \$1,000 or more.
- **Withholding of unemployment benefits.** Wisconsin state policy allows up to 50 percent of unemployment checks to be withheld for child support (Wisconsin Department of Children and Families, 2021).
- **Administrative liens on delinquent NCPs' property.** Wisconsin implemented a child support lien docket in 2000; currently, NCPs qualify for the docket after reaching an arrears balance of \$500 or one month's support amount (whichever is greater). The lien applies to all of an individual's property at the time of seizure, including financial accounts and property. A lien becomes effective when recorded on the Child Support Lien Docket and the docket has been delivered to the Registers of Deeds where the property is held. County agencies may seize property, including bank accounts, real estate, and personal property, to enforce a lien.
- **Suspension of driver's, professional, and recreational licenses.** In Wisconsin, NCPs must owe three months of support and must be provided notice prior to suspension; NCPs may request a court hearing in response to notification.
- **Credit bureau reporting.** The Wisconsin Department of Children and Families (DCF) is required to provide NCPs notice prior to disclosure.
- **Passport restrictions** for NCPs with arrearages of \$2,500 or more. In Wisconsin, DCF requires full payment of arrears, or in some instances a minimum payment of \$2,500, in order to release passport restrictions.

Many of these actions, including tax intercepts, unemployment withholding, and passport holds, as well as state-generated notification of enforcement letters, credit reporting, and placement on lien dockets, are applied at the state level automatically in response to NCPs meeting specified thresholds. Counties have discretion over a range of administrative enforcement tools, including suspension of driver's licenses, professional licenses, and recreational licenses; account seizures; and property liens (Gentry, 2017; Vogel, 2019).

2. *Civil Contempt*

If administrative remedies are unsuccessful in yielding payments, child support agencies and courts can initiate contempt proceedings against an NCP to compel compliance with the court order (Gentry, 2017). Child support agency staff can initiate civil contempt actions in response to an NCP's failure to pay ordered support; the judiciary decides whether to find an NCP in contempt (Cook & Noyes, 2011). Pursuant to recent federal directives (Flexibility, Efficiency, and Modernization of Child Support Enforcement Programs, 2016), Wisconsin requires child support agencies to take several steps prior to filing for civil contempt. These include obtaining information about the NCPs' ability to pay and conveying it to the courts; ensuring all appropriate administrative enforcement remedies have been tried; assessing whether order review and modification are appropriate; reviewing the case for appropriate referrals; identifying a physical address for the NCP; and attempting communication with the NCP via two different methods in the 30 days prior to filing (Bureau of Child Support, 2017). Contempt of court is defined in Ch. 785, Wis. Stats. When an NCP is found in civil contempt, courts issue purge conditions, typically a lump sum to be paid against past-due support, and remedial sanctions as requirements to clear the contempt. Typically, the remedial sanction, which may include forfeitures, jail time, or other sanctions as specified by the court, is delayed to allow the

NCP time to achieve the purge conditions. If the NCP does not meet the conditions in the specified timeframe and the court has ordered a jail sentence as a remedial sanction, the court can issue a bench warrant for the NCP's commitment to jail. Once in jail for civil contempt, the NCP can obtain release by meeting the purge conditions (Cook & Noyes, 2011).

3. *Criminal Nonsupport*

Criminal nonsupport is a process separate from civil contempt. Whereas civil contempt aims to compel compliance, criminal nonsupport is a punitive action triggered by willful failure to meet a known child support obligation. Agencies can refer cases to the district attorney's office for criminal nonsupport charges, though the decision about whether to proceed lies with the district attorney (Cook & Noyes, 2011). The consequences of criminal nonsupport are more severe than those associated with civil contempt. Criminal nonsupport is considered a Class A misdemeanor (for willful nonpayment for fewer than 120 consecutive days) or a Class 1 felony (for intentional nonpayment for 120 or more consecutive days); a noncustodial parent can be charged with multiple felonies if the time period spans multiple distinct periods each spanning 120 or more consecutive days. Consequences for misdemeanor criminal nonsupport can include a fine of up to \$10,000 and/or a prison sentence of up to nine months; for felony contempt, the maximum sentence is a fine of up to \$10,000 and/or a prison sentence of up to three and a half years (Gentry, 2017). Prior research with Wisconsin agency staff suggests criminal nonsupport is rarely pursued and only under conditions considered especially egregious (Vogel, 2021).

D. Effectiveness of Enforcement Tools

Although information on the prevalence of use and effectiveness of various administrative tools is limited, recent analyses have begun to fill this gap. In an analysis of noncustodial fathers in Wisconsin, Meyer et al. (2020) found that most nonpaying fathers

received at least one enforcement action during their first period of nonpayment, most typically an enforcement letter. Though not causal, the authors found an association between warning letters, notices of intent to suspend licenses, court hearings, and holding NCP in contempt of court and increases in payment likelihood; the authors found the relationship between suspending licenses and payments mixed and sometimes negative. Experimental tests of behavioral interventions for parents *not* subject to income withholding, including payment reminder mailings (Baird et al. 2015), billing statement mailings, and intensive case manager collection efforts (Plotnick et al., 2015) have found limited or no compliance effects.

Though enforcement tools are intended to increase compliance, evidence suggests certain tools can have counterproductive effects. Quantitative analyses have identified a relationship between accrual of substantial arrears debt and decreases in child support payments and formal labor market participation (Cancian, Heinrich, & Chung, 2013; Heinrich, Burkhardt, & Shager, 2011; Maldonado, 2005; Miller & Mincy, 2012). Qualitative research, including interviews with NCPs and child support agency staff, suggests license suspension, credit reporting, asset seizure, passport denials, and incarceration can sometimes make it harder for NCPs to pay child support by introducing barriers to work (Pate, 2002; Selekman & Johnson, 2019; Vogel, 2020a), and enforcement actions or policies experienced by parents as unfair or punitive can demotivate compliance (Edin & Nelson, 2013; Vogel, 2020a; Waller & Plotnick, 2001).

Given the role that child support enforcement staff play in the many child support enforcement processes, staff perspectives on the relative effectiveness of enforcement tools are important for understanding how staff select tools under various conditions. While evidence on this topic is limited, consistent with Meyer et al.'s (2020) findings, research has identified that staff perspectives on the effectiveness of license suspension is mixed and circumstantial

(Selekman & Johnson, 2019; Vogel, 2021). Recent interviews with child support staff in Wisconsin found that while agency staff find most tools of use under certain circumstances, staff perceive that when NCPs lack employment and assets, traditional tools are rendered ineffective (Vogel, 2021). Staff often consider income withholding the most effective enforcement tool for NCPs employed in the formal economy (Selekman & Johnson, 2019; Vogel, 2021). As a result, some Wisconsin child support agencies have begun incorporating practices to help address NCPs' abilities to work and pay, such as early intervention and proactive outreach, initiating referrals to local employment partners and community resources, and right-sizing orders when appropriate (Vogel, 2021). These strategies are aligned with a body of initiatives to help NCPs address underlying barriers to nonpayment (Cancian, Meyer, & Wood, 2019; Lippold & Sorensen, 2011; Miller & Knox, 2001; Selekman & Johnson, 2019; Vogel, 2020b; Vogel, 2021).

E. The COVID-19 Pandemic in Wisconsin and Implications for Child Support

1. Changing Public Health Conditions

The COVID-19 pandemic forced agencies to consider whether and how to enforce orders when NCPs are struggling financially in new ways and at a broader scale than in the pre-COVID-19 world. Across the nation and in Wisconsin, public health conditions deteriorated rapidly. On March 12, 2020, Governor Tony Evers declared COVID-19 a public health emergency; he ordered schools to close a day later; and issued Wisconsin's Safer at Home order on March 24, 2020 (Wisconsin Department of Health Services, 2020a; 2020b; 2020c). Safer at Home directed Wisconsin residents to stay at home unless engaged in essential activities; prohibited gatherings outside of one's own household; and closed schools, libraries, recreational spaces, and all non-essential businesses, including bars and restaurants for in-person services. Subsequent modifications to the order allowed for some relaxing of the initial requirements, such

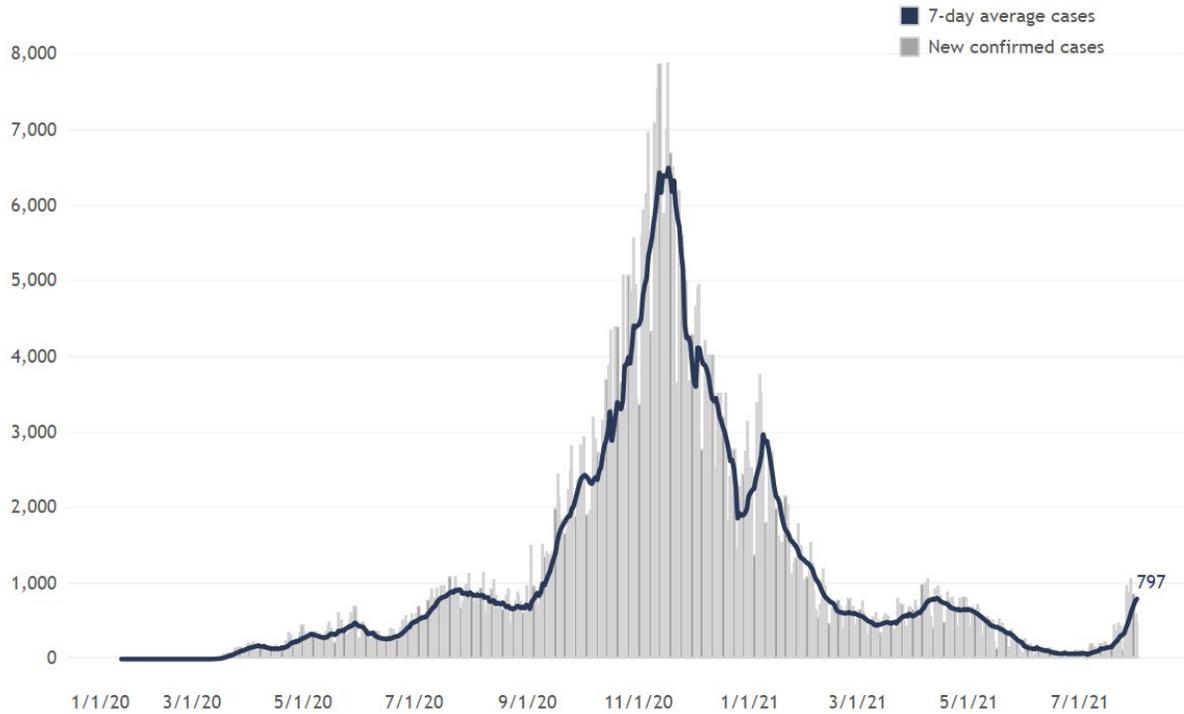
as by allowing limited in-person retail offerings, though bars and restaurants remained closed for in-person service (Wisconsin Department of Health Services, 2020d) until a Wisconsin Supreme Court decision lifted the order on May 13, 2020 (Supreme Court of Wisconsin, 2020). Public health measures enacted locally after the Supreme Court decision varied across counties (*The Status of Stay-At-Home Orders*, 2020); similarly, school districts varied in their approach to returning to school in-person, virtually, or using a hybrid model (Kuhagen & Johnson, 2020).

Early in the pandemic, most confirmed COVID-19 cases were limited to a few counties; 27 percent of Wisconsin's population resides in Brown, Kenosha, Milwaukee, and Racine counties, but from March to May of 2020, these counties comprised 71 percent of confirmed Wisconsin cases. However, by fall of 2020, even counties with relatively few cases at the outset saw infection numbers grow significantly (Knapp, 2021). Nearly every county in Wisconsin received a designation of "critically high" COVID-19 activity (i.e., more than 1,000 cases per 100,000 residents) by November 2020 (Wisconsin Department of Health Services, 2021). Figure 1 displays Wisconsin's new confirmed COVID-19 cases and seven-day case average.

Figure 1. Wisconsin's New Confirmed COVID-19 Cases and Seven Day Case Average

New confirmed COVID-19 cases by date confirmed, and 7-day average

Updated: 8/2/2021



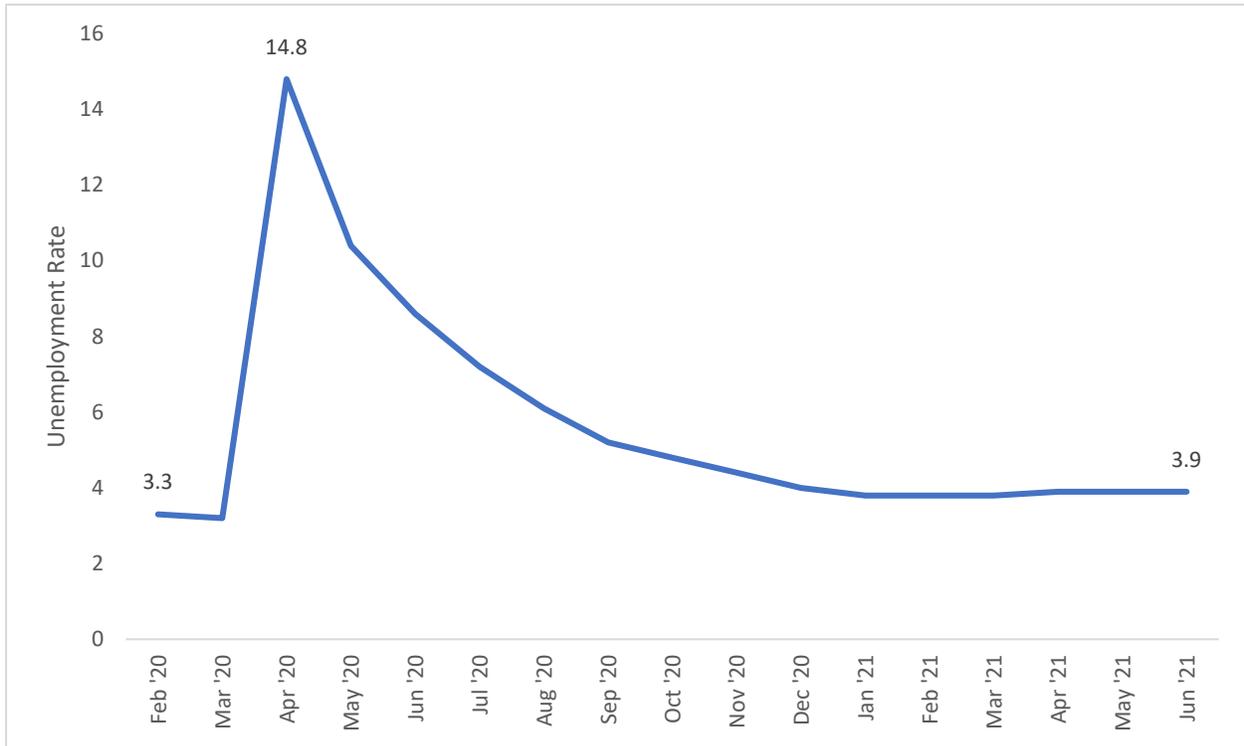
Source: Wisconsin Department of Health Services, August 2021.

2. *Changing Economic Conditions*

As the pandemic persisted and strengthened, Wisconsin's economy suffered significant hardship. Between February and April 2020, Wisconsin lost 407,800 jobs (Department of Workforce Development, 2020); Wisconsin's gross domestic product dropped 11.4 percent in the first six months of 2020 compared to 2019 (Knapp, 2021). The impact on jobs was experienced unevenly across sectors, with leisure and hospitality (including accommodation and food service) and arts and entertainment the most severely affected and the slowest to recover; construction and manufacturing also experienced losses, but at lower rates and with more rapid recovery (Department of Workforce Development, 2020). Unemployment rates peaked in April 2020 at nearly 15 percent, though have slowly returned to nearly pre-pandemic levels (Figure 2).

Consistent with national trends, low-wage workers (Knapp, 2021) and workers of color have been disproportionately affected by job loss (Department of Workforce Development, 2020).

Figure 2. Unemployment Rates in Wisconsin (Seasonally Adjusted)



Source: Wisconsin Department of Workforce Development.

The economic impacts of COVID-19 have also varied in Wisconsin by region. The Department of Workforce Development (DWD) describes that more data is needed to fully understand COVID-19’s regional effects and that economic impacts varied across counties even within regions (Department of Workforce Development, 2020); however, unemployment rate patterns provide some insight into recovery levels across the state. For example, the June 2021 unemployment rates in Wisconsin’s Eau Claire Metropolitan Statistical Area were lower than in February 2020, whereas in all other Metropolitan Statistical Areas in Wisconsin (Appleton, Fond du Lac, Green Bay Janesville-Beloit, LaCrosse-Onalaska, Madison, Milwaukee-Waukesha-West

Allis, Oshkosh-Neenah, Racine, Sheboygan and Wausau), June 2021 unemployment rates exceeded February 2020 rates.¹

3. *Federal Spending to Offset Economic Impacts*

In an effort to lessen the economic impacts of the COVID-19 pandemic, the federal government provided several sources of income relief to some United States households. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed in March of 2020, supplemented state unemployment benefits with additional federal benefits of \$600 per week through July 2020; provided an additional 13 weeks of unemployment benefits beyond the 26 weeks previously available to unemployed workers; and expanded eligibility for unemployment benefits to include self-employed individuals, gig workers, freelancers, and independent contractors. In Wisconsin, supplemental unemployment payments resumed at the \$300 per week level in October 2020 (Knapp, 2021). The CARES Act also provided stimulus payments of up to \$1,200 per adult earning under 75,000 per year (with lesser amounts phased out at higher income levels) and \$500 per child under age 17; payments were sent in April and May 2020. These were augmented with a second round of stimulus payments through the Tax Relief Act of 2020 in December of 2020, which provided additional payments of \$600 to qualifying adults and children, and a third round through the American Rescue Plan Act of 2021, which paid up to \$1,400 per individual and qualifying adult and children dependents starting in March 2021 (U.S. Department of the Treasury, 2021a). The first round of stimulus payments were subject to

¹February 2020 Wisconsin Metropolitan Statistical Area unemployment rates can be found here: <https://dwd.wisconsin.gov/press/unemployment/2020/200401-february-local.pdf>. June 2021 Wisconsin Metropolitan Statistical Area unemployment rates can be found here: https://jobcenterofwisconsin.com/wisconsin/wits_info/downloads/Publications/PressRelease/local.pdf.

intercept when NCPs owed arrears (Administration for Children and Families, 2020a); second and third stimulus payments were not (U.S. Department of the Treasury, 2021b).

4. *Federal and State Child Support Policy Directives*

These changes in economic conditions raised difficult questions for county child support agencies about whether and how to enforce orders. To help guide county decision-making, DCF issued several bulletins. The agency temporarily suspended processes adding newly delinquent cases to the administrative lien docket and informed counties of this change through *Child Support Bulletin 20-04*, issued March 26, 2020, and *Child Support Bulletin 20-07*, issued June 23, 2020; however, the change was reversed on July 21, 2020, with the lien docket resuming normal operations in August 2020 (Bureau of Child Support, 2020b; 2020c; 2020d). The state also issued *Child Support Bulletin 20-05*, on March 31, 2020, clarifying that county agencies have authority to determine whether NCPs are making a “good faith” effort to cooperate with child support procedures and DCF considered the pandemic an adequate reason for failure to cooperate. The bulletin encouraged counties to use discretion in determining when and which enforcement tools to use (Bureau of Child Support, 2020a).

Federal guidance related to child support issued during this time was relatively limited. In April 2020, OCSE issued a letter informing child support agencies that the first stimulus payments issued under the CARES Act were subject to federal intercept to offset arrears balances (Administration for Children and Families, 2020a). In May 2020, OCSE issued a letter to agencies indicating that states could request modifications to timeframes for certain child support activities, including paternity and order establishment, initiation of income withholding, and enforcement (Administration for Children and Families, 2020b). In December 2020, OCSE issued an FAQ informing agencies that certain enforcement actions, including income

withholding and withholding against unemployment insurance, are mandatory and cannot be suspended (Administration for Children and Families, 2020c). The FAQ also clarified that state laws govern suspension of other administrative enforcement actions, such as license suspension and state tax refund offsets, but federal law does not allow child support *obligations* to be suspended in public health emergencies.

III. THE CURRENT STUDY

A. Research Questions

This study aims to address the following research questions:

1. What effects of the pandemic have staff observed on the ability of NCPs to work and make child support payments? What supportive services do NCPs need behind on their support need in order to improve compliance? How have these circumstances and needs changed since the start of the pandemic?
2. How do administrative and judicial child support enforcement practices compare to pre-pandemic practices? Since the pandemic started, how have these practices changed with time? What factors have driven changes?
3. How have court practices that affect how much child support an NCP is ordered to pay, including practices related to order modifications and income imputation, changed as a result of the COVID-19 pandemic? Since the pandemic started, how have these practices and processes changed with time?
4. To what extent do staff feel changes to enforcement practices or court processes will persist after the pandemic subsides? What promising practices have staff identified for enforcing orders and working with families to address compliance barriers as the result of the COVID-19 pandemic? What lessons learned would they share with others?

B. Sample

To address these research questions, we identified a sample of child support agency and court staff to participate in interviews. The sample for this study included child support agency leadership, frontline child support workers, child support attorneys, and judges or family court commissioners from five Wisconsin counties. The IRP research team selected counties in consultation with BCS leadership. Given that the prevalence and timing of COVID-19 infections

has varied across counties, and that local labor market conditions and public health directives have affected local economies differently, we selected counties purposively to identify as broad an array of experiences confronting the pandemic as possible. As such, we considered three sets of county-level characteristics when selecting counties for study inclusion. These included:

- 1) **Geographic location.** We selected one county from each of the five Wisconsin Bureau of Regional Operations (BRO) regions—Northern, Western, Southern, Northeastern, and Southeastern.
- 2) **County size.** We considered county size as designated by the BRO when selecting counties. Sampled counties included three large or extra-large counties, as well as one small county and one medium-sized county.
- 3) **Confirmed positivity rate.** We compared each Wisconsin county’s confirmed positivity rate (i.e., number of confirmed positive cases per 100,000 people) to the Wisconsin state average.² We selected two counties with lower-than-average positivity rates, one county whose positivity rate was near average, and two counties with high positivity rates.

Within each county, we first interviewed the county’s child support director(s) and one or more child support frontline enforcement staff, who were either case managers or supervisors. We subsequently interviewed child support attorneys and family court commissioners or judges involved in setting or modifying child support orders, in four of the five sampled counties. In total, 24 sample members completed an interview, including seven agency directors and other administrators, nine frontline staff, four attorneys, and four judges or family court commissioners.

C. Recruitment and Data Collection

All recruitment and data collection efforts were approved and overseen by the University of Wisconsin–Madison’s Institutional Review Board. Prior to initiating recruitment, BCS leadership sent each sampled county’s child support director an email informing them of the

²As of December 22, 2020, relative to the Wisconsin state average of 7,933 confirmed cases per 100,000 people.

forthcoming invitation from the IRP research team. A member of the research team then initiated study recruitment by sending an email to each county's director describing the purpose and goals of the study and informing the director that participation, for the director as well as any other staff, was completely voluntary; no invited counties declined to participate, and only three sample members within counties declined (one attorney, one court commissioner, and one frontline staff member), for an 89 percent interview participation rate. The researcher then scheduled a time to interview the director by video and, when possible, gathered contact information for other child support agency and court staff within the county to invite them to participate in the study.

We used semi-structured interview guides to guide the interview process (Attachments 1–4). Interviews consisted of a core set of questions applicable to all respondents, as well as batteries of questions specific to each respondent's role. The guides included questions on how child support staff make decisions about pursuing administrative and judicial enforcement in the era of COVID-19; factors affecting enforcement decisions and contempt referrals; and staff perspectives on how changes resulting from the pandemic might persist in future practice. The protocols for court commissioners and judges and child support attorneys included a battery of questions on order modification processes and factors affecting order modification decisions in the context of the pandemic, as well as a series of vignettes intended to estimate child support order amounts given economic conditions for a hypothetical obligor. Interviews were conducted using Microsoft Teams or Zoom platforms based on participant preference, and occurred between February and April 2021. Interview lengths varied based on participant roles and lasted approximately 60 to 90 minutes. Each respondent provided consent to take part in the research and permission to audio-record their interview.

D. Analysis

Interviews were professionally transcribed, then read into NVivo 12 software for coding. Interview data were analyzed using thematic analysis, a systematic, multi-phase approach that includes reviewing the data; generating initial codes; and identifying, reviewing, and naming themes (Braun & Clarke, 2006, 2012; Vaismoradi, Turunen, & Bondas, 2013). The codebook was refined, and new codes were added when subsequent themes emerged. Responses to vignettes were tabulated and analyzed in Microsoft Excel.

IV. FINDINGS

We present findings from interviews as follows, organized by the aforementioned research questions. First, we describe staff observations about how the pandemic affected the ability of NCPs on their caseloads to work and make child support payments. Second, we describe staff perceptions of how administrative and judicial enforcement practices changed since the start of the pandemic and factors contributing to these changes. Then, we discuss how courts approached modification of orders and income imputation during the pandemic. The section concludes with a discussion of staff perceptions of the most effective enforcement practices used during the pandemic; expectations for changes to enforcement practices that will persist in the future; and the role state guidance played in agency decision-making during the pandemic and the guidance counties hope to receive from the state on enforcement moving forward. We include quotes where appropriate, sometimes lightly edited for clarity or brevity.

Research Question 1: What effects of the pandemic have staff observed on the ability of NCPs to work and make child support payments? What supportive services do NCPs behind on their support need in order to improve compliance? How have these circumstances and needs changed since the start of the pandemic?

A. The COVID-19 Pandemic and NCPs' Abilities to Work and Pay

Across all counties, agency staff described ways the pandemic impacted NCPs' employment opportunities and ability to pay child support. Across the board, staff reported an increase in unemployment or reduced hours. They noted that many NCPs have been impacted with layoffs, unemployment, and inability to find new jobs throughout the pandemic. In turn, child support agencies noticed decreases in payments and had an influx of NCPs calling the agency to explain that they had lost their income source and request help.

However, staff perceived that the impact of the pandemic on employment was uneven and varied across demographic groups and job sectors. Staff from several counties discussed the obstacles parents with school-aged children faced as they balanced child care and adapting to virtual learning with work and other duties. They observed that NCPs who were struggling with unemployment and making child support payments before the pandemic were those hardest hit by the pandemic, and highlighted the difficulties faced by low-income families relying on public assistance, unbanked individuals or those working in the unofficial economy, families of color, and parents with young children who are doing virtual schooling at home. One frontline worker shared that they noticed an increase in homelessness among NCPs, even among those employed. Staff also noted that pandemic-related unemployment was most severe for specific sectors of the economy—including construction, frontline service, food service, hospitality, small businesses,

and tourism—many of which are characterized by low-wage jobs. One enforcement worker explained:

A lot of the demographic that we serve are people that are on public assistance. They tend to be a lower income population, a lower education population. And so the types of jobs that a lot of our participants have were a lot of the first ones to go at the pandemic. A lot of your frontline workers, food service workers, grocery store, that job sector, unfortunately, lost a lot of their jobs. And so we saw a lot of people lose their job immediately.

Staff also perceived that COVID-19 caused some NCPs to be unable to work due to being sick or having to quarantine, including a local outbreak of the virus that interrupted a major local employment sector in one county. Some interviewees even noted, in rare instances, NCPs on their caseload died from COVID-19. More commonly, staff reported that many NCPs expressed concerns about being exposed to the virus while working. Interviewees in all counties shared that fear of contracting COVID-19 or spreading the virus to their family informed NCPs' employment decisions; some NCPs chose to leave jobs due to health concerns while NCPs who lost their jobs were reluctant to find new work. An agency director explained:

We're hearing a lot from clients that they're not comfortable in the job they previously had because of the risk of COVID. And those are a lot of the service sort of industry jobs... where there are, you know, working with people [in] closer proximity, you know, entry level type jobs. So a lot of people aren't comfortable doing that... it's a valid excuse for a lot of people because... there [are] other risk factors with that. I mean no one wants to really be unemployed right now.

Although staff from all counties observed increased layoffs and unemployment because of the pandemic, many interviewees perceived there to be ample employment opportunities available for individuals who were willing to work. Agency staff, particularly in one county, described the job market as “robust” in their area, indicating that any NCP who wanted a job would be able to attain one. Staff from this county suspected some NCPs used fear of COVID-19

as an “excuse” not to work because, in the view of some staff, job opportunities that did not require much human contact were available in their county.

While staff perceived that the COVID-19 pandemic had a substantial impact on employment at the outset, perceptions of economic recovery and NCPs’ ease of obtaining employment varied across counties. Staff felt that after the initial economic fallout, the economy and job market in their area had rebounded to varying extents. Some staff described this recovery as quick and widespread. According to an attorney:

I would say there was a short drop off of jobs in the beginning of the pandemic, you know, the first couple of months, but after that, when businesses started opening again, it’s still an employees’ market out here... Right now, the job market is just as good as it was before the pandemic.

By contrast, staff from other counties described a smaller, slower recovery process, with some NCPs going back to work in reduced hours or lower-paying jobs than before the pandemic and some remaining unemployed. An enforcement worker stated:

I would say in the last probably two months or so since the beginning of [2021], I’m slowly seeing people going back to work. Not at a fast rate by any means. Many of them, it’s not the same employment they were doing before. Possibly lower-paying, less hour jobs, but they’re jobs. I see a lot of people going to temp agencies.

B. Impact of the COVID-19 Pandemic on Child Support Collections

Across the board, staff perceived that the decline in child support collections was much lower than anticipated given the impacts of the pandemic on NCPs’ employment. While staff noted that current support payments declined somewhat, particularly at the start of the pandemic, staff in many counties described that arrears collections actually increased over previous years. Staff attributed this to the CARES Act stimulus payments and expanded unemployment insurance, as one agency director explained:

That's where you know, I think that the thing that kept child support performance from completely cratering in 2020 was largely the pandemic relief that was in the CARES Act. That certainly had an impact on arrears collection, which actually went up for the reasons that we discussed. The current support collection, I think, was saved in part by the extension of unemployment benefits.

Although the intercept of the first CARES Act stimulus checks benefited arrears collections, agency staff commonly reported that CPs and NCPs were upset that the money was intercepted, particularly when it was applied to state-owed debt instead of being disbursed to the CP and children. As an agency director explained:

And so, unfortunately, our staff there had to deal with some very unhappy people who were expecting that they were going to get this stimulus check, which would, you know, help to get them through. That money got attached for child support. Even worse, some of that money didn't go directly to the custodial parent.

Staff observed that additional unemployment benefits were "lifesaving" to helping families meet their basic needs, but noted that some families experienced substantial delays in approval for unemployment insurance, causing significant financial stress as well as delays in child support payments. Moreover, as expanded unemployment insurance benefits expired, staff observed a corresponding decline in child support payments. As a frontline worker explained: "We had a little bump, where unemployment ran out. And that's kind of where we are at now. We're seeing people running out of the unemployment, even with the federal help."

When describing the impact of the COVID-19 pandemic on NCPs' ability to pay child support, staff across all counties described two groups of NCPs: 1) those making a good faith effort to work and pay child support; and 2) those using the pandemic as an excuse not to work and therefore, not meeting their child support obligations. With respect to the first group, staff typically described these NCPs as consistent payors pre-pandemic, who suddenly found themselves unemployed and missing their child support payments for the first time. These were NCPs who they perceived as "not working through no fault of their own." Staff characterized

these NCPs as hard working, resuming work as soon as they had the opportunity, and making an effort to make child support payments—even partially—to support their families. Staff spoke most sympathetically about this type of NCP, as an enforcement worker described:

We've also seen a lot of people that have never struggled with working or paying child support now struggle. And so, it's opening a whole new world to them that they've never been exposed to before. And so they don't understand what the consequences are because of not paying because they've never been in this boat before. And so, there's a lot of confusion with navigating, dealing with us as a Child Support Agency, but also dealing with the courts. And what do I need to do, because I've never been in this situation before. And so, there's a lot of scared, a lot of unemployed, and a lot of misinformation, and a lot of confusion right now.

Staff also described these NCPs as having an easier time getting a job as the economy recovered, due to their skill sets and willingness to work.

Interviewees across counties also described a second group of NCPs who they perceived as using the pandemic to avoid working. According to staff, some NCPs in this second group took advantage of child support agencies' leniency and lack of enforcement during the pandemic by claiming that they could not work when they actually could; that they were waiting on unemployment insurance when they had not applied for it; or that they were afraid to work when staff perceived that was not the case. Staff typically described these NCPs as inconsistent payors prior to the pandemic, and expressed frustration and distrust regarding this NCP type, as evidenced by a frontline worker in one county:

I mean, it's not that we don't want to trust them, but some of us know some of our [customers] and if they were not working before and they're still not working now, we don't know if they're truly just using that as an excuse or if they're really trying to find work. Because we know in the beginning, we were being told there really wasn't any work and then we got to find out once things were opening that there really is work out there if they want to work... So, that is where it's hard to gauge... But for the most part, I honestly think a lot of my [customers] are working that have worked before.

Not all staff shared this sentiment, however. One enforcement worker refuted this, saying:

I think, you know, a lot of the misconception that I hear from people is that people will take advantage of this as an excuse to not work. And I just haven't had that experience. People are trying to work. The work is just wasn't there.

C. Services to Improve Compliance During the COVID-19 Pandemic

Counties reported several post-pandemic changes in child support agency-provided services aimed at increasing NCPs' compliance. Staff across counties described that they adapted methods of payment for NCPs to make child support payments. Agency office closures and pauses on in-person services at the onset of the pandemic meant that NCPs in some counties temporarily lost the ability to make cash payments in-person. Interviewees noted that these interruptions had disproportionate impacts on payors reliant on in-office payment options, including NCPs who are "unbanked" or working in the "unofficial economy." These payors were sometimes only left with payment options through services like Money Gram, which typically have additional fees. In response, many counties worked to establish new, innovative payment methods for their clients, such as secure drop boxes allowing NCPs to make payments or drop off paperwork, and in one county, a plexiglass-enclosed kiosk in the agency lobby for making credit and debit card payments. Two counties that previously had not allowed NCPs to make payments electronically—in one case due to concerns about credit card fees—began allowing credit card payments during the pandemic. Interviewees often hypothesized that these new options would remain available after the pandemic, due to their success this past year.

Counties varied in their perceptions of demand for and participation in workforce services provided through community partners. Staff in one county noted an increased demand for and participation in job services among NCPs and connected the increased use of services with NCPs facing high unemployment rates in the county. According to a frontline worker:

What I do see is more people actually taking advantage of the services... We've seen a lot more people call in and say, hey, can I work with this program? People that in the past turned it down or didn't want to or they're, like, I can find a job on my own are now actually asking to participate in it and be a part of it.

In contrast, staff from several counties reported that they did not experience an increase in demand for or an uptake of workforce services or other supportive services, noting that demand sometimes fluctuated with the job market and NCPs' perceived availability of jobs, as reported by the enforcement supervisor: "In the beginning, the early part of [2020], more people were willing... Over the summer, we didn't have that many at all... Towards the holidays, it started picking up a little bit more."

Interviewees posited that several factors contributed to the lower than expected demand in job services, including fear of COVID-19 exposure and uncertainty about the duration of the pandemic and its consequences for the future of their current employment fields. For example, one director explained that "only some [NCPs] are willing to participate [in job services]... I would probably say it's probably less so than it used to be only because of maybe the fear of COVID... because we're referring more but we're not getting as much participation."

Most counties felt that NCPs were often resistant to engage in job services because they did not want to change job sectors. These NCPs considered themselves able to find work without services but reported that there were no jobs in their field to be obtained during the pandemic. When offered services that could help them change fields, many expressed a desire to remain in their line of work and were willing to remain unemployed for longer in order to do so, given uncertainty about the pandemic's duration. A director explained:

That's what we've been seeing and hearing from like our [local employment program] is that, you know, they will reach out, but people are not interested... Obviously we know that there are definitely more jobs at the like grocery store, the frontline worker type of jobs, but the other jobs that people were laid off of because they were office jobs or maybe not necessary—those are all gone, right?

So I think people who might've lost jobs in that area did not want to go and work in, you know, a grocery store.

Additionally, interviewees in one county hypothesized that clients were reluctant or ashamed to share what obstacles they were facing at home or what services they needed, especially for non-job-related services.

Agency staff also noted that the COVID-19 pandemic impacted the accessibility of supportive services available to NCPs, particularly for programs that relied on in-person components. In some counties programs such as Children's First were completely shut down for a period at the onset of the pandemic, as some worked to transition exclusively to virtual offerings. Some staff noted that even after certain services were adapted to a virtual format, they were not as effective as they were in person, particularly when working with clients that do not have easy, consistent access to necessary technology and internet. As one director described:

[Our local employment program] was certainly impacted by this as well, because they used to meet with them personally in their places that they would go to use their computers. And that's all been impacted. But we have set it up now where they do the same thing, where they set up a Zoom meeting so that they can talk to them and they can email them. We never used to ask for email addresses before, and now we do. But not everyone has an email. So that again, can be an issue. Not everyone has a computer with a camera in order to do Zoom. So it might just be a phone conversation that they're having. But again, we've been trying to figure out how to get around it. And, you know, it's been a struggle.

In contrast, staff in a smaller county noted that access to employment services was not impacted during the pandemic because the program remained open and continually staffed.

Research Question 2: How do administrative and judicial child support enforcement practices compare to pre-pandemic practices? Since the pandemic started, how have these practices changed with time? What factors have driven changes?

In this section, we describe how child support agency administrative and judicial enforcement practices changed as a result of the COVID-19 pandemic. We begin by describing broad changes to enforcement practice that cut across administrative and judicial enforcement. We then describe changes to specific types of enforcement practices and processes.

A. Changes Spanning Administrative and Judicial Enforcement During the Pandemic

1. An Immediate and Broad Pause on Enforcement

Staff in every county spoke of an immediate broad pause on most types of administrative and judicial enforcement, including contempt, issuing warrants, and arrests. In some counties, individuals already in jail for contempt were released. Staff noted health concerns, uncertainty about the pandemic's effects on NCPs' jobs and ability to pay, and agency and court operations moving to virtual settings as factors contributing to this pause. In part, the pause on enforcement was state-driven, resulting from the state's suspension of adding new cases to the lien docket and directives to use discretion when employing administrative tools. Described one enforcement supervisor:

BCS had sent out guidance as well saying, 'Please make sure that you're making good decisions, please make sure that you're understanding people's circumstances, please do not suspend people's licenses'... And so, at that point, we knew that what we felt was already intuitive, had been confirmed at the state level. So it was just this, yes, you shall not... kind of thing moving forward. And then that was ongoing for quite some time until July when we started looking at proceeding and enforcement.

Additionally, some pauses in processes, outreach, and enforcement were, in part, due to changes in operations, remote work, and lack of capacity during the transition to remote operations. When the Safer at Home order took effect, most staff transitioned to working remotely, and obtaining the necessary technology typically took time. Whereas some counties reported the transition to remote work as a more seamless process—particularly one county that already had capacity for remote work—others reported challenges. For example, one county’s caseworkers did not have access to work phones at home for calling clients, so they had to make all their phone calls on their one day per week in the office for approximately five months. One caseworker said: “That really did a number on my caseload.”

Several counties described a months-long pause on contempt as they waited to see “if the virus and the pandemic would settle down a little bit.” As one agency director described:

We stopped doing contempts immediately for a couple of reasons. The job situation, which it was back in March, the jail situation because the—we can’t put more people in the jails than absolutely necessary, given the spread of COVID.

Another director described that they “quashed all existing child support warrants” as soon as the Safer at Home order took effect due to health and safety concerns about jail. Agency directors, enforcement supervisors, and frontline workers in some counties reported that another reason they stopped sending cases for civil contempt was that judges and court commissioners were not willing to hear cases for contempt, particularly at the beginning of the pandemic. As one agency director described:

The reason why we made our shift was a lot having to do with the courts. The judges were refusing to sign, the commissioners were refusing to sign, you know? And so like, we got to the point where there was no point in us filing anything if we weren’t going to get an order, right? So that was at the very beginning, I think, when the pandemic started and people didn’t know what to expect, and we all knew that the pandemic was a huge factor in everything: employment, payment, like everything you could think of, health, like all those things. So then the judges, I think, just didn’t make like an outward statement, but they weren’t signing

things because they were afraid that would bring somebody into the jail, or it would make them lose their job, or if they didn't have a job, or whatever it may be. So that kind of guided our decision to not even refer some of those contempts at the very beginning.

Staff in several counties noted that, as courts resumed operations, contempt hearings were a lower priority than other child support related hearings, such as establishment and paternity hearings. Explained one supervisor:

When they reopened the courts mid-May, it was to handle all the adjournments from hearings that had been already scheduled in March and April. Getting those back into court first, because they had already been pending, and then getting paternity cases started and [orders established], those just seemed to be higher priority than the contempts.

One staff member explained this prioritization of cases resulting from reductions in court time due to the COVID-19 pandemic:

So long story short, we decided that once we could figure out virtual court that the priority was going to be... establishing new orders, paternity cases, and modifications... because enforcement wasn't a priority, so we just weren't going to dedicate our court time to that. We knew for sure, like, we're not going to be finding someone in contempt right now. If we're only going to have limited court time, we want to make sure we're using it to the best of our ability. So we're going to dedicate it to these issues where, you know, they're really still going to help people.

Staff from every county also discussed how they resumed court enforcement, to some extent, later into the pandemic than administrative enforcement, typically in August 2020. The decision to resume contempt hearings and issuing warrants (in some counties) was made largely in consultation with the local courts, agency attorneys, Sheriff's Department, and local jail administrators. Staff across counties mentioned a similar set of factors considered when determining if it was appropriate to resume contempt, namely local infection rates, vaccination rates, and job availability. For example, one agency director explained:

June, July... that's when we started having the conversations with our judiciary and with the attorneys here about when is it appropriate to start taking a more

critical eye in terms of enforcement. And, you know, we had to really look at what is the availability of jobs. What is the COVID rate? What is the—You know, what is a reasonable expectation of people at this time?

One county also mentioned that federal requirements played a role in their decision to resume contempt proceedings, saying:

I think, eventually, I want to say maybe towards the end, either middle or summer, end of summer, last year we decided, okay, well we do still have these federal requirements, right? So the federal government says, ‘You still have to do something. You still have to act on something.’ So I think we still ended up filing things, even if they were being rejected, even if they were being postponed or not scheduled, we still had to file those contempts. So at the beginning we weren’t even filing them because we knew people weren’t going to do anything about it. And then as it started coming along—we’re subject to audits, and if we are not following through with an action, then we could be, you know, in trouble for not, you know, doing something about a case—so we ended up started filing all our contempts. Some judges did start signing them and others were still not signing them. So it was okay, as long as we were doing our part.

2. *More Leniency, Flexibility, and Empathy*

Staff from most counties described more “leniency,” “flexibility,” and “empathy” in their administrative and judicial enforcement practices compared to the period before the pandemic. Counties reported working with NCPs to determine whether to pursue enforcement and using enforcement tools more sparingly. One agency director described:

You know, maybe [before the pandemic], we would have required a doctor’s statement saying somebody was incapable of working, but instead, now they call Joe, and Joe says, ‘My girlfriend is receiving chemotherapy, and I’m helping with the kids. And I don’t want to keep working at [the grocery store] because I’m exposed to everybody and their brothers, sisters, aunts, and uncles. So I’m staying home.’ And we might say, ‘Would you mind getting a doctor’s statement?’ But, you know, if he says, ‘I really don’t even go to a doctor, and I don’t have health insurance,’ they’re going to get the free pass. Like, we’re not going to do anything with their case, whereas we might have before. I guess they have a lot more ability to be lenient. I would hope that they are being a lot more lenient.

A director from another agency explained that they suspended recreational licenses less frequently than pre-pandemic saying that caseworkers “didn’t work [the recreational license]

report is hard because there was no way we were just going to put the hammer down and just automatically do that this year.”

Staff described granting this increased leniency and flexibility particularly for NCPs who had been paying their child support prior to the pandemic. As one supervisor described:

If the only reason their payments stopped, is because they were sent home... You know, all right, well, see what you can do, see what happens and, give us a call in 30 days...Or they'll follow up and call them again, and try to have more conversations and be more encouraging, rather than the enforcement.

As the economy has begun to recover and more jobs became available and COVID-19 case rates declined, some counties reported that they were back to business as usual with respect to enforcement practices and tools used “but with a little bit more dignity, leniency, and understanding sprinkled in,” as one director said. At the same time, staff reported that they continue to be mindful of the impact of COVID-19 on some NCPs, doing more outreach to NCPs compared to pre-pandemic, and continuing to investigate more thoroughly the circumstances on non-payment before proceeding with enforcement. Yet, some staff also described frustration from NCPs when they resumed enforcement:

I felt like when we were finally able to start enforcing again, [NCPs] would say that we were not being lenient enough, you know, even though we'd spent months not enforcing... So, it's kind of been hard to transition back into it with so many people still feeling like we shouldn't be enforcing right now.

3. *“Slowed Down” Enforcement*

In concert with increased enforcement leniency and flexibility, staff in several counties described a “slowed down” outreach and enforcement process. During the pandemic, staff reported being more likely to let a case “sit” temporarily to await a payment or outreach from an NCP. Some staff described that NCPs who lost their job because of the pandemic experienced delays of many weeks after filing for unemployment insurance before receiving their benefits,

which in turn caused delays in child support payments. Stated one frontline worker, “The hairdressers and people who are self-employed that were able to file, I don’t think they got their unemployment until June.”

Staff in some counties described pandemic enforcement processes similar to those they carried out pre-pandemic, but with more time reserved for outreach, gathering information on an NCP’s situation, and looking at the totality of the circumstances before beginning to take enforcement actions. In other words, the sequence of enforcement actions did not change but the process was drawn out. Moreover, some automated enforcement practices did not slow down, but discretionary enforcement actions did, as one enforcement worker described:

It’s a lot longer. The automated letters are automated. So those go out at the same timeframe. Obviously, I mean, for the most part, I can only speak for myself. I’m not as—I’m not nearly as aggressive as I was before. Because the reality is a lot of people are not working through no fault of their own. So, you know, when I look at these cases, I’m looking at, did you stop paying when the pandemic started? Were you someone that always paid and you lost your job because of the pandemic? Do you have unemployment pending that might be coming through? Because I’m not going to take action while unemployment is pending. ... You have to use that discretion and look at the history of the case and all those things. But I tend to give a lot more slack at that point, and prolong it a little bit. Before, it would have been like a four-month process. Now, I don’t know, eight months? And really, at that point, all I’m looking at is to hear from you.

As contempt proceedings resumed in many counties, staff described the process as moving more slowly, and the agency referring fewer cases. One staff member shared that, prior to the pandemic they referred 10 to 15 contempt cases a week, but since the pandemic they only refer one or two cases each week. Staff in another county shared that they went from reviewing 10 to 20 contempt referrals in a week to reviewing not even 10 in the past year. The slow pace of the process was intentional from the perspective of most staff, who explained that a longer enforcement process gave payors time to explain their circumstances and make payments to ward off contempt entirely. One director described that, before the pandemic:

Nine times out of ten [before the pandemic], you would go from that threatening letter to looking at filing contempt of court if they did not comply or didn't respond... In the pandemic, you know, a year ago or summer we were just trying to give them a little more space, trying to reach out to them more. If you're not getting responses, you know, you can set it out for a month and then just start the process again.

A frontline worker said "Me personally, I used to always err on the side of going with contempt... Now, I'm erring on the side of giving you more time."

Some staff described that they now file less often for contempt because they have more "boxes" to check related to NCPs pandemic and general situations, but once they arrive at contempt, the process is more or less the same. Described one frontline worker:

I would say that we're pretty close to back to normal. However, one of the new questions that, you know, you have to ask is, you know, 'Are you out of work for any reason related to COVID?' and if so, 'Why are you out of work? Because you've been laid off? Are you out of work because you were sick and you're quarantining? Are you out of work because you're a high-risk, you know, person and you can't be in that kind of environment?' And then, if so, how do we proceed? Do you need to work with [our employment services program]? Do you need a doctor's note, you know? Do you need—you know, like what direction route do we go from there?

4. *Balancing CP and NCP Needs*

Staff from some counties spoke to the difficult dynamic of addressing the needs and opinions of NCPs and CPs through the enforcement process during the pandemic. Staff noted that all parties were often facing increased stress and exhibiting higher need for support, including monetary support, during the pandemic, and taking enforcement action that centered the needs and well-being of an entire family system could be difficult. On one hand, staff noted various sources of NCP frustration, including resumption of enforcement, and intercepts of unemployment insurance and federal economic stimulus payments. One staff member reflected:

I mean, it's just a lot of frustration, you know? We still have to do our job, and we still have to send out enforcement letters, and try to contact people. And you know, I mean, we can't stop what we're doing, understanding that the world had

stopped turning for a short time. So there definitely was a lot of frustration, you know? And our hands are tied because as the agency, we can't modify those orders. And the courts were closed, so they couldn't modify orders. So it was just difficult conversations. A lot of difficult conversations.

At the same time, staff shared that many CPs expressed frustration at the lack of enforcement and not receiving payments. One staff member described:

There were several months when we weren't able to take any administrative enforcement... And it was hard because the custodial parent would be upset about that because they thought even though there was a pandemic, the needs of the child never changed... So, they still needed the support.

Staff did not always experience this conflict of interest between parties. One staff member described that CPs could be very compassionate towards NCPs struggling to make child support payments. This helped staff practice "holistic case management" intended to benefit the entire family.

It's huge because mom might say, 'You know, he's stuck.'... You know, 'I don't want child support right now because he can barely—he's not okay here, let alone here.'... So what can we do? Can we temporarily suspend the order? Can I write off the debt? What can I do? You know, we've [stipulated] with moms to expunge arrears and close cases on numerous cases because mom gets it too.

B. Changes to Specific Administrative Enforcement Processes During the Pandemic

In this section, we present findings on how staff described changes to the steps leading up to enacting administrative enforcement—beginning when staff first become aware of nonpayment—and then changes specific to administrative enforcement practices used prior to referral for civil contempt. We first discuss changes to pre-enforcement processes, before administrative enforcement begins; this includes changes in how enforcement workers become aware of non-payment, actions they take to locate NCPs, and outreach efforts to NCPs. We then discuss changes to administrative enforcement actions, including license suspension, account seizures, lien docketing, and passport holds.

1. *Becoming Aware of Nonpayment*

Every county mentioned three primary ways of becoming aware of nonpayment: work lists and state generated reports, calls from CPs, and calls from NCPs. Across counties, staff reported very few changes to the ways they received initial nonpayment notifications during the pandemic. However, several counties noticed an uptick in calls from both CPs not receiving payments and NCPs sharing they are unable to pay compared to pre-pandemic norms. Calls from NCPs often came with requests for help and leniency. One enforcement supervisor elaborated:

A lot of people were calling in. I think a lot of noncustodial parents maybe just assumed that, like, they were going to shut the orders off during this time, which obviously, we're not able to do. So that definitely led to an increase in phone calls. And some of them were just calling to find out well, what can I do?... [in terms of] making payments or just the fact that they can't make a payment and what are their options at this time?

While counties generally reported few changes with their use of reports to identify noncompliant NCPs during the pandemic, some counties noted that payments collected through unemployment insurance prevented them from noticing that some NCPs were struggling because the unemployment insurance intercept kept many NCPs at least partially compliant with their child support orders and off staff's radar. This lack of awareness hindered staff from connecting unemployed NCPs to resources. One frontline worker said:

In a way, the unemployment is good and has helped some of our cases... When it's an unemployment-only situation, we want to refer those people to [employment services], but it may not even be on our radar at all.

2. *Locate Process*

Staff described that when NCPs fell behind, they first engaged in a locate process, or information-gathering, to find contact information for NCPs and checking databases for indications of incarceration, new employment or unemployment, a recent disability, or other reasons that might explain nonpayment. During the locate phase, staff also reported performing

outreach to NCPs, such as sending letters, making phone calls to the NCP or other parties, checking social media, emailing, and texting. Staff described the locate process as “detective work” that helps them contact an NCP and understand their current needs and circumstances.

Staff reported very few changes to the locate process due to the pandemic. One staff member noted that public assistance databases have been “a really big resource” and “really valuable to enforcement” because they allow staff to determine if an NCP behind on payments has applied for unemployment insurance. One director described:

We’ll look at unemployment to see if they’ve applied. That’s really helpful because, especially during that backlog [period], it shows when the application started. So it shows that they applied, say, March 15th, 2020, and we’re looking at this case in June, and there’s no benefits paid out, we know that that’s due to the backlog.

Another interviewee noted changes to the information available in the state benefits CARES database explaining that, due to temporary, pandemic-driven changes to reporting requirements, NCPs did not need to update or verify their address to extend their state benefits, which leads to outdated contact information in CARES:

I’ve run into some barriers with that where normally at this point in time I would be able to if someone was receiving assistance or utilizing benefits, I’d be able to find information on them in CARES. But because their benefits are being extended without those verifications, I’m not getting updated addresses right now as much.

3. *Proactive Outreach, Communication, and Offers of Help*

Staff described outreach as a key aspect of the locate and subsequent pre-enforcement process. During initial outreach, staff often send a series of letters and conducted additional outreach by phone and email. State-generated automated letters are sent out as well when the amount of child support owed reaches certain thresholds. As described by one director, this outreach is typically used to answer questions such as “What have we done and what can we do?”

Do we know where he is?... Is he working? Did we miss something? Can we get money that way?... Can we get him in a job program?” Many staff noted that, even before the pandemic, outreach was used proactively and preventatively, “because it’s far better for us, far better, to get them paying beforehand.”

Staff in all counties described increased, improved, and more successful outreach with clients via letters and phone calls during the pandemic than the period before it began. Staff described that in part, this increase was necessary as staff had to update NCPs on whether the office was open and how to make payments during the pandemic, but was also driven by NCPs’ increased need for support and resources. Staff felt that, with this increase in outreach, staff became more skilled at communicating with clients. Improvements included adding more resources to written outreach and staff having increased comfort levels talking directly to families. An agency director described:

We are trying to get more direct contact with the caseworkers, with the parents that we serve... People are able to get used to talking more and more with our parents which I think is really making everybody a lot more relaxed.

Staff across counties noted that the outreach tools they used—such as phone and email—during the pandemic had already existed pre-pandemic. However, the sudden, prolonged switch to remote work prompted staff to make more use of phone calls and email as in-person office visits were unavailable. One enforcement supervisor explained how the pandemic increased the amount of phone calls staff make because of the need to understand the full context of their clients’ current employment and economic situation:

The pandemic has really taught my staff to rely on the telephone and making phone calls to individuals, rather just sending more letters, because they’ve already not responded to the previous two letters. Now let’s make those phone calls and find out, what is their situation? So we’ve become more dependent on that personal contact rather than the impersonal, throw a piece of paper in the mail.

Staff in several counties described intentional changes to written outreach processes, primarily by personalizing letters sent by enforcement staff. They adapted the standard language in templates to better fit NCPs' situations, and to be "more informational and more helpful" rather than threatening. Some staff mentioned including paper information on local services and directions on how to use various payment options. One frontline worker described:

What I have been doing different, actually since the pandemic, which I think I'm going to do from now on... I sometimes will tweak the warning letter to take out some of that language that you're going to court, you know, because it's not quite to that point. And I also print payment coupons. We have a flyer we've written up for payment options so they have all the options of how to pay... And if they're in the area, if they're [employment services program] eligible, I'll also include the... brochure. So, all of that information goes to them with that document. So, again, they can't say, well, I didn't know how to do that or, you know? It just gives it all to them right up front.

Staff in several counties also described performing broad, non-enforcement-focused outreach to clients to proactively determine NCPs' needs for order reviews, services, state-owed arrears expungement, and other support. For example, one agency director described sending flyers to clients to notify them of a right to review their order:

We created a flyer right away, to be able to stuff into people's letters when they're not paying to proactively ask that if the COVID pandemic has allowed your employment to cease or to be reduced, you have the right to a review. So please call us up and let us know if we can help. So we proactively did it.

Staff described that proactive offers of order reviews and arrears expungement accomplished case solutions that holding off on enforcement alone could not. One frontline worker explained,

Expunging arrears, that is another tool that I've been using because, you know, if a non-custodial parent is unable to make payments due to the fact that they've been unable to work because of the pandemic, there are situations where if the non-custodial parent is aware of that and so is the custodial parent, you [can] help them moving forward is that they have the option to expunge a portion of that balance. It's just another example in regards to how important outreach is. Because although, you know, the state might be able to tell us to hold back on enforcement or, you know, the agency might put us under the directive to hold back on enforcement, that doesn't necessarily stop the order from running. We

can only give options. They can, you know, file a motion, they can request a review, or parties can [stipulate] to lowering the child support order. But just, again, giving them their options and their resources available would probably be the most important thing.

The key to each of these non-punitive actions to address ability to pay—offers of resources, order reviews, and arrears expungement—was early and proactive outreach. Staff described personalized and direct outreach as more feasible in counties that had smaller caseloads. The agency director in one county explained that caseworkers were able to proactively reach out to most if not all clients to determine how the pandemic was affecting NCPs need for resources and ability to pay:

We just went through the case list. That's the advantage of a small county, is we don't have that many cases. I know that's not, you know, feasible in a lot of counties. But we just kind of went through each one and even if they were still paying and working we just wanted to touch base with them and just say, 'Hey, you know, just checking in to see how you're doing and, you know, if there's anything you need or any resources that you may not know where to go to, you know, we'll be willing to help.' We couldn't reach a lot of people but we talked to a lot and we heard it more often than not that people were just appreciative that we called to check with them. So that was a good thing for our agency.

Staff from larger counties acknowledged the importance of early, direct outreach but described that it was not feasible to reach all clients due to caseload sizes, which were high prior to the pandemic and were in greater need of attention during the pandemic as more clients faced unemployment and placed calls to their office. One staff member explained:

And when you take into account the caseload size in [our county], each of my case managers... have a caseload of [thousands of] cases... So there just is no easy way of touching all of those cases. A lot of time, it's, you know, first come, first served when the custodial parents contact us, or when the non-custodial parents contact us to let us know what's going on.

Staff described increases in outreach and communication as driven in part by the lack of more punitive administrative and judicial enforcement tools during the pandemic and in part due to their own hesitancy to use these tools given the pandemic's widespread impact on

employment, BCS directives, and court closures and/or the removal of the threat of arrest as part of civil contempt. Because caseworkers could not rely on those tools to compel NCPs to pay child support, they had to rely on outreach strategies instead. A frontline worker described:

I think a benefit of COVID is that it really has opened up our doors for communication and gotten our caseworkers calling and trying that outreach... We were not doing [contempt court] for so long that also gave them a little bit more time to make that initial contact. Because it's always been a juggling system of, you know, how much can you outreach to somebody and play phone tag with them, before is it worth the time.

4. *Careful Consideration of Administrative Enforcement Tools*

In this section, we describe changes to agencies' use of and perceptions of various administrative enforcement tools, including license suspensions, account seizures, lien docketing, and automatic intercepts. We summarize changes in practices across tools as well as point out changes specific to certain tools.

County agencies and caseworkers continued to have substantial discretion over whether and how much to use license suspensions and account seizures during the enforcement process. Many staff described limited and careful use of license suspensions and account seizures both before and during the pandemic and noted the importance of taking into consideration an NCP's full circumstances before moving forward. Staff described being hesitant in pursuing account seizures during the pandemic as they were mindful that if NCPs are not working, they may be living off of the money in their accounts. Several staff also described refraining from using license suspension and/or account seizures for some amount of time during the pandemic, and those who did use these tools used them more sparingly. One staff member shared that their county had not pursued license suspensions for many years prior to the pandemic, because suspensions can pose barriers to employment for NCPs. In counties that were using license suspensions pre-pandemic, staff in several counties mentioned that they perceived the practice to

be ineffective or inappropriate during the pandemic, as one enforcement supervisor said, “What’s the point of suspending somebody’s driver’s license, when they can’t work because their employer shut down? It just didn’t make any sense.” Staff members across counties suggested the threat of license suspension, typically through letters, was more effective than suspension itself, as it provided staff a tool to initiate a conversation with a noncompliant NCP. A supervisor from one county emphasized that the possibility of license suspensions—particularly driver’s licenses—have been an effective enforcement tool during the pandemic for getting non-payors’ attention:

I think the license suspension is really what gets people’s attention. And we’re finding a lot of people—especially during the pandemic, we’re looking for employment in those areas, like trucking, like transport. Amazon drivers. And so those were the employment areas that were maybe looking for workers. And suddenly getting rid of that driver’s license or threatening that license suspension, now that’s another hit. Because, you know, now we’re interfering with the ability to have employment... So using that as, again, a tool for conversation to—you know, with that—the intent notice, or the final notice, when we haven’t certified the license yet... You know, this is this is what we need from you, this is what’s going to stop us from moving forward. If you’re saying you have an employment opportunity, then let’s make a payment.

Staff from several counties discussed changes to practice related to the lien docket, driven in part by the temporary state-level lien docket suspension, which prevented new cases from being added to the docket. When the lien docket resumed to its normal process, NCPs already on the lien docket prior to the pandemic received a “redetermination letter” notifying them that they were on the docket. For NCPs previously unaware that they were on the docket, this prompted additional calls to the child support agency asking why they were placed on the docket. Although staff did not have discretion over who was added to the lien docket, staff from several counties shared they did use liens during the pandemic as an enforcement tool for NCPs already on it.

Some found it proved effective in certain cases, reporting “more calls to release a vehicle than I’ve had in before COVID.”

When staff used license suspensions, account seizures, and the lien docket to enforce compliance with child support payments during the pandemic, staff described a “more sympathetic” approach. With respect to license suspensions, one director described:

[Caseworkers are] not going to put that hammer on and take somebody’s license if that person has communicated effectively, and we know there’s some kind of reason or there’s something in the works. It’s forced them to really not just be automatic and do it carefully and pay attention to really what’s going on.

To move forward with account seizure, staff shared that there had to be a “pretty good chunk of change” and little concern that an individual was relying on the funds to meet basic needs. Use of this tool during the pandemic seemed most common in cases where there was no contact on the part of an NCP; the NCP was a non-payor before the pandemic; and there was a “reasonable” amount of money in a savings account. Similarly, with the lien docket, staff also reported using the tool carefully and thoughtfully, taking potential pandemic circumstances into account. Staff described being more flexible and “empathetic” as they negotiated payment amounts with NCPs seeking to get off the lien docket, describing their approach as “Don’t take it all; let’s see what this person is left with and see what the totality of the person’s situation is.”

Staff described that automatic intercepts of income, unemployment insurance, and federal pandemic relief aid all served as effective enforcement actions during the pandemic as they were successful in yielding payments. Leadership and staff did not have power over how these intercepts functioned, yet they had to navigate confusion and frustration from NCPs over intercept policies as well as consequences from the intercepted money not always going to families. One agency director described:

The first round were intercepted, you know, the federal stimulus payments. The federal intercepts go to debts owed to the state first and not to the family so that had impact on where the money was going, it was just going back—a lot of it was going back to the state instead of going to the family, which was unfortunate.

Several staff members expressed relief that future rounds of federal pandemic aid were not available for child support intercept. One staff member shared that they used the stimulus checks as a talking point during outreach to NCPs to encourage them to make payments.

The second round the stimulus payments were not intercepted; those went to [customers]. But then we know that [customers] received those and that was a good, you know, a good point to talk to them about. Well I know that you've received your second stimulus and we did not intercept that, so you know, you could make a payment because you have \$600 that you didn't have before. So that was a good talking point for us to open that up to them.

Child support agencies intercepted unemployment insurance funds from the regular state unemployment benefits as well as from the additional \$600 per month of federal pandemic relief expanded unemployment benefit. Some counties described unemployment withholding as one of the most effective enforcement tools before the pandemic. One staff member shared that the child support and unemployment databases' ability to interface with each other to create automated withholdings made the tool even more important during the pandemic:

Our ability to withhold from unemployment, that's one of our biggest tools. We interface with them, so it's all automated. If someone gets unemployment and they have a child support order, that money just comes out. That's been incredibly helpful.

The intercept of unemployment insurance benefits during the pandemic, due to NCPs' increased receipt of unemployment benefits, also created increased workloads for child support staff. One staff member shared that the spike in unemployment applications in their county led their agency to reallocate staff time to better manage unemployment-related enforcement work.

When an individual applies for unemployment, if their Social Security Number matches up with our KIDS system, we get what's called a worklist. And these will go to the assigned case manager. And then the case manager goes and reviews the

case, determines if we need to connect the link with unemployment, so that they start deductions. So these were just pages of work lists. Usually there's like 12 to a page. It just exploded to the point where we had some of our attorney staff [involved] because they weren't going into court. We had to teach them kind of a crash course to help so we could stay on top of it.

Further, some child support staff also had to navigate an uptick in NCPs calling the office upset regarding the amount of unemployment being intercepted, adding to staff workloads.

Each of these intercepts are considered involuntary payments; that is, the NCP technically did not choose to pay the withheld amount. Due to increased applications for unemployment insurance and interception of the first stimulus checks, many counties described that they observed increases in these types of involuntary payments even as wage withholding intercepts declined due to an increase in unemployed NCPs. In most cases, staff members shared that they would not pursue enforcement action on an NCP's partial payment, even if that partial payment came from an involuntary intercept of unemployment benefits or a stimulus check. However, not taking enforcement actions when the agency was only receiving involuntary payments from an NCP was a source of frustration for some staff, particularly as involuntary payments cause CPs to receive payments inconsistently. As one director explained:

Our courts are weird in that our commissioner does not see involuntary payments as non-payment... It doesn't matter that was involuntary. It's viewed as payment... And that irritates the caseworkers. So some NCP is just waiting to have their taxes intercepted, and they don't pay. And that doesn't meet the threshold of our willingness to work nicely with the child support agency, you know. That leaves the CP hanging all year and hoping for the intercept.

C. Changes to Judicial Enforcement During the Pandemic

1. A More Cautious Approach to Civil Contempt

Staff across counties described changes specific to civil contempt, including increased case documentation requirements, transition to virtual court proceedings, prioritizing cases for contempt that were nonpayers prior to the pandemic, and a change in the outcomes of contempt.

One county shifted away from civil contempt altogether and implemented an alternative contempt process.

Staff in some counties described that they were now filing less often for contempt because they have more “boxes” to check related to NCPs pandemic and general situations, noting, “What’s changed with the pandemic is, we’ve added that layer of really look at it and make sure, you know, this not paying isn’t just pandemic related. That is really key.”

In particular, staff in one county discussed a new practice of maintaining more detailed case notes throughout the enforcement process in order to aid more uniform contempt use and decision-making. These notes prompted caseworkers to consider how the pandemic and other external factors might affect ability to pay child support. One frontline worker described:

We make real good contempt assessment notes in our KIDS cases now, that kind of outlines everything we’ve done and addresses a lot of these things that we’ve talked about so that the attorney can see that. So, that helps them too that if we get into court and any of this is brought up, they can kind of reference back to that and say, ‘Well, but look, we did reach out to you 14 times, we offered [employment services], we sent you letters,’ you know? So, at least it’s all there that we’ve done everything that we can before we got to that point of bringing in for contempt.

Staff in one county shared that the new case notes approach has been effective enough that they expect the practice will continue after the pandemic wanes.

After a pause in civil contempt at the beginning of the pandemic, every county resumed judicial enforcement virtually. Most counties used phone or video-conferencing—“Zoom court”—or a combination of the two to hold family court; however, one county mentioned that occasionally NCPs show up in person and the judge will allow them in the courtroom. When counties resumed enforcement virtually, staff prioritized referring cases with NCPs who were nonpayers prior to the pandemic rather than NCPs who lost their job due to the pandemic.

Agency directors and frontline workers described that court commissioners did not want cases

brought up that had been consistent payors prior to the pandemic, as one enforcement supervisor described:

We also don't want to bring in unnecessary cases to court. If you knew this person is not working because of the pandemic, why are we bringing them into court to tell us this, when we already know? So that has caused us now to be a little more picky-choosy on the cases that we refer for contempt. And want to make sure these are individuals who are intentionally not paying and doing what they can to avoid their obligation. And not those who previously had a really good work history and it's only dropped off within the last year, likely due to the pandemic.

When we spoke with them, staff from all but one county had resumed contempt proceedings but reported that courts are much less likely to issue warrants if an NCP is found in contempt. One county's courts resumed contempt proceedings but not warrants, as the director explained:

We just get an order for contempt, but if we can't have a bench warrant, because even after the contempt, they're still not paying what the contempt order says, there's nothing we can do at this point. So we're still in that stage right now where we cannot file any bench warrants for those contempts.

In counties where bench warrants had resumed, some staff reported that some judges or commissioners were still refraining altogether from issuing warrants and jail sentences. Another county that had resumed issuing warrants reported that the purge conditions are more flexible (e.g., making any payment instead of a minimum payment amount) and that courts are more likely to court-order participation in an employment services program than to order jail time as a result of contempt. As the director described:

We've been using [the employment services program] as a big tool ... because they have so many options to help people, you know, for job training not only in job placement. But you know, help with resources for, you know, fixing their car if their car doesn't work or getting them steel toed boots or just little examples like that. So we have been using that a lot more as a court order thing instead of putting a sanction on them sitting in jail.

Even in cases where NCPs were issued a warrant, staff reported that NCPs were less likely to be arrested and serve jail time because the Sheriff's department would not arrest an NCP if they only had a family court warrant and not a warrant for another felony. Staff from one county also noted that NCPs were more likely to be let out on "the bracelet," meaning an ankle monitor, rather than spend time in jail. Staff had mixed feelings about the impact of removing arrest in the contempt process as an option. On one hand, they felt this forced them to use more outreach and communication in lieu of contempt, which they found an effective practice change. On the other, they felt the change caused some NCPs to take the process less seriously.

Staff in one county described a new process implemented in early 2021 as an alternative to civil contempt. This was driven in part by the head judge's directive that NCPs with a child support warrant should no longer be arrested, thereby removing the "teeth" from the civil contempt process. Under this alternative contempt process, a court hearing is scheduled for the NCP to explain why they are failing to pay; however, there is no threat of jail. The agency director explained:

We just basically took out our language 'or a warrant will issue,' because we're not doing warrants. We know that. We're not going to go in with a false pretense that we can hold contempt over their head. So because it's not contempt, and we don't have purged conditions that we can use, we just say it's further ordered that go to [employment services program], talk to [employment services program for formerly incarcerated individuals], fill out your job searches, check in with your caseworker once a week by email, phone, fax, whatever.

Because there is no threat of a jail warrant, the staff in one county likened the process to a "treatment court" and described focusing their alternative contempt process on NCPs who "might actually respond" to "early intervention." The court hearing is intended to "reopen a line of communication" between the agency and NCPs. Staff perceived that it would be ineffective to refer NCPs that had been behind on payments for many years or owed large sums of money.

Staff in this county noted that the pandemic catalyzed their decision to implement a new process, as they had found the traditional contempt process ineffective even before the pandemic. Noted the attorney:

We've questioned for years, does the contempt process actually, demonstrably contribute to collection and enforcement? ... We kind of had that idea kicking around in the back of our heads for quite some time. So the pandemic offered that opportunity, you know, to just go ahead and say, all right, we're done. We're not going to file contempts. We're going to see what it does for us as far as our collections and, you know, kind of reevaluate what we even think of the contempt process.

2. *Few Changes to Criminal Nonsupport*

Staff described using criminal nonsupport rarely prior to the pandemic, and few changes in their use of criminal nonsupport as the result of the pandemic. Staff explained the limited use was because other enforcement methods, such as civil contempt, were more effective, or that the time required to pursue criminal nonsupport was not often worth the outcome. One director noted how pausing contempt processes during the pandemic contributed to their limited ability to use criminal nonsupport:

I don't think anybody is getting very far [in criminal nonsupport]. Because, I mean, the process would be the same, but you're not getting very far on contempt right now here because like, we haven't finished the contempt process because the courts are extremely reluctant to do anything that has to do with contempt or put anybody—even sentence someone and stay in order for a jail time. They don't want—especially because of COVID and the jails, they're super particular about that. And they don't want to be the judge that sent someone else to go get COVID.

Research Question 3: How have court practices that affect how much child support an NCP is ordered to pay, including practices related to order modifications and income imputation, changed as a result of the COVID-19 pandemic? Since the pandemic started, how have these practices and processes changed with time?

The process to modify a child support order may be initiated either by child support agency staff, through a review in which they determine if the amount ordered is still appropriate, or by the parents, by filing a *pro se* motion for order modification, hiring an attorney to file a motion on their behalf, or, if both parents agree to the new payment amount, by filing a stipulation with the court. While reviews are conducted by child support agencies only every three years or when a substantial change of circumstances occurs, parents may file a stipulation, a *pro se* motion, or a motion through an attorney for order modification at any time. The dollar amount owed in child support is typically determined using the Wisconsin child support guidelines. When the NCP is not working for pay or they are working but the information on their income is not provided, court commissioners and judges may impute NCP income to be able to apply child support guidelines. The amount typically imputed is based on the assumption that—even in the worst economic circumstances—an NCP should be able to find a minimum wage job and work between 32 and 35 hours per week. In this section we describe how order modification and income imputation practices changed as a result of the COVID-19 pandemic.

A. General Approach to Order Modification and Income Imputation During the Pandemic

Widespread job losses that followed the beginning of the COVID-19 pandemic raised concerns over NCPs' ability to pay child support. Seeking a child support modification appeared an imminent response to the economic crisis. Yet, all counties agreed that these requests were fewer than they originally anticipated. Interviewees provided a number of hypotheses to explain

this outcome. Some judges and court commissioners suggested that unemployment benefits and/or stimulus payments mitigated income losses and prevented a surge in requests for modifications of child support orders; one stated:

But there was an awful lot of people receiving, you know, unemployment. And that helped on the child support side, you know, quite a bit. So that additional aid, you know, from—through the—from the federal government to the states, I think made a significant difference on the child support. So I didn't—I was—I was anticipating, you know, kind of a big spike and I didn't see it.

An alternative explanation for why these requests for modifications did not increase during the pandemic is that some NCPs may have preferred to avoid an interaction with the child support agency. As described by one attorney:

The actual response is 'I'm not working. It's not coming out of my paycheck, because I'm not working. They're not bothering me, so I'm not going to bring it to their attention by coming to court.'

Some court staff also held the perception that some separated parents may have weathered this crisis by moving back in together. Stated one court commissioner:

So not only the *pro se* motions but filings from the Child Support Office, everything has decreased. And I don't believe is just because the courthouse is closed because it is not, the court's office is still open and still receiving our paperwork. And we're still answering all phone calls Monday through Friday. I don't know what's driving that, I think in terms of our conversations with the Child Support Office. I think in some instances or many instances these couples that otherwise perhaps would not have been living together are now living together. And not necessarily out of want or love as much as out of necessity.

Staff perceived that NCPs who pursued an order modification encountered some logistical challenges but noted that the process itself did not change in response to the COVID-19 pandemic. A child support agency or parent seeking a change in their child support order was still required to file a motion for order modification. Examples of logistical challenges cited by staff faced by those pursuing order modifications included seeking assistance through phone calls and learning to file these motions electronically. As described by a court commissioner:

So the only aspect that has changed is they can't come to our offices... and talk to someone one on one. They used to come to file a motion, and all we're doing is, 'Do you have your original and your copy, and here's the date.' It usually should be a five-minute interaction, but could end up being a 30-minute interaction, 60-minute interaction because we, you know, we answer whatever questions they have.

Yet, all counties agreed that several practices were implemented in order to address the impact the pandemic. First, some counties increased outreach to make sure NCPs were aware of their right to request a review of their child support order. One director noted:

We started reaching out to our clients. We each had a case list and we started reaching out to them either by phone or email or even by letter, asking them, you know, how is this impacting this—how are things—the pandemic impacting your lives? And not even just how you can pay your child support but how, you know, can you tell us, you know, how you're doing and if you need resources we just really wanted to make sure they were aware that we could—they could come to us if they had any concerns or they didn't know where to go we would find out for them.

Second, several counties stopped conducting a formal assessment of NCPs' economic circumstances prior to filing, which prior to the pandemic was a standard practice to determine if an order modification was warranted. As one attorney described:

It's changed in that it's become I think much more liberal for us to file a motion just because the guy alleges that he's changed or lost his employment because of the pandemic. Whereas before, we would go through a lot of effort to gather documentation from the mother, gather information from the father, and then it would be reviewed by me after all that has been done. Especially in the early days of the pandemic, the guy could just write in a letter that says, 'I've lost my job due to the pandemic, would you review my case for modification?' And based on that request alone, we filed a fair number of cases through the summer and then into the fall and even now.

However, the assessment of NCPs' economic circumstances still happened during court proceedings. Some counties indicated this assessment was needed to determine whether the NCP actually experienced a significant change in their economic circumstances. As one attorney described:

And then once you engage with them during the hearing and prior to the hearing, you know, you're going to be assessing whether this is a legitimate claim that you really did lose work and has been making legitimate efforts to get back to work or is this just, you know, somebody taking advantage of the pandemic to try and eliminate his child support obligation.

Yet, some counties approached this process with more leniency by allowing NCPs to provide supporting documentation of the change in their economic circumstances at a later time.

As one court commissioner noted:

Maybe if someone doesn't come with their pay stub or a letter from the employer that they just did not know to do that, I, this time, would be more willing to modify the order and provide a subsequent hearing date where then they can substantiate what you've told me verbally.

Uncertainty about the duration of the pandemic and the speed of economic recovery led court commissioners and judges to approach order modifications with caution. Some counties indicated a preference for holding the order open—typically to the current amount—and scheduling another review hearing to confirm that changes in economic circumstances appeared to be long-term. As described by a court commissioner:

I don't have a crystal ball. I can't figure out exactly what's going to happen with you. Thanks for coming to court to address it as soon as things. Because once you filed that motion, you set a date, the court can retroactively modify back to the date you filed.

Other counties agreed that they were likely to modify the order to a lower amount, often temporarily, if the NCP had a history of compliance with their child support obligation but were currently unable to make payments due to unemployment. As described by one attorney:

If the person had a long employment history and they just kind of fall off into unemployment, those are going to be back to court, but we're going to ask them to go to [a program] to help get them back into employment. And so, may lower the child support amount but then set a review hearing to come back in three months or some appropriate appointed time to take a look at whether they've been successful in getting back into work.

In terms of the parameters used to modify child support orders, some counties indicated they were more likely to deviate from child support guidelines during the COVID-19 pandemic. However, in the view of a court commissioner, there were no changes in how they approached this process:

No, the process was always the same. I mean... there's a very clear path that Wisconsin law says that. And we started the guideline amount, we figure out what the incomes are, we apply the formulas, and then we look to see if there's any reason to deviate. So, that process never changed.

On the other hand, some counties indicated court commissioners and judges were less likely to impute income during the pandemic. As an attorney noted:

Income imputation is much less likely to take place during the pandemic than it was prior to the pandemic, because the argument that they can find a position is simply not as likely since that's hit.

However, an attorney noted that income imputation practices during the COVID-19 pandemic depended on the circumstances of the case:

In the past, we would typically ask the court to impute, you know, kind of standard wages for a construction worker in our area. And we would give a range and based on either their history, or, you know, what's reported to the Department of Workforce Development. And the court might impute something based on that. Nowadays, it's a little bit different. Each case is a little bit different. It really depends on what the individual says.

A few counties indicated they used minimum wage when income imputation was considered appropriate. This decision was based on the perception that NCPs could easily find jobs paying minimum wage and a child support order based on this income would be set at a low level. As described by a judge:

I will impute up to what some may be making at a minimum wage. And that request is made fairly often. And I generally don't have any real problem with doing that because that's at such a low level anyway.

B. Approach to Order Modification and Income Imputation in Hypothetical Cases

In this section we discuss how child support attorneys, court commissioners, and judges across counties approached order modification and income imputation when presented with the same hypothetical case. We presented two cases: Case A featured separated parents with low incomes while Case B featured separated parents with incomes around the median household income in Wisconsin in 2019. In both cases, parents had two children together and mothers had primary custody of their children. Child support attorneys, court commissioners, and judges were asked how they would approach a *pro se* motion for order modification that the NCP filed after losing employment or having their earnings cut in half during the COVID-19 pandemic. We also asked how they would approach a *pro se* motion for order modification due to loss of employment prior to the COVID-19 pandemic and compared this outcome with the approach to loss of employment during the pandemic. More details of each case are available in Attachment 5 of this report.

1. Loss of Employment during the COVID-19 Pandemic

Most counties agreed that they would lower the child support order in response to the loss of employment during the COVID-19 pandemic, but were slightly more supportive of reducing the child support order of the NCP with low income. Most counties in favor of a downward modification indicated that they would impute minimum wage to establish the new order amount for the NCP with low income. As described by one court commissioner:

So I would not set support at zero. I would set it based on his ability to work and earn minimum wage. He clearly has the ability to work. I have no information in front of me at this time to tell me that he does lose his employment. How many applications has he filed? Is he looking for a different industry other than the hotel industry? What he is doing to become employed?

Some counties indicated they would impute income above minimum wage for the NCP with median income. Importantly, all counties in favor of a downward modification indicated this decision would be temporary and a review hearing would be set between 90 and 180 days out. The minority of counties that did not anticipate a downward modification indicated they would defer the decision and set a review hearing two to three months after the initial hearing. These counties described that the driving force behind this decision was their uncertainty about whether the NCP's economic circumstances would remain the same in the following months. As one court commissioner described:

So I'd hold it open and not make a decision so that the court would preserve the ability to retroactively modify it back to the time of filing when more information is known. And so, it's going to still charge in on the system that he owes the money. But since he's not working anywhere, it's not going to get paid. And we can always make a retroactive correction to the record when we come back and we say, "Yeah, we probably should have reduced the support during the last two months. But now it sounds like you got a new job here and it should be based on that job." And at that review hearing, we might find out whether he got some stimulus money or he got some grant money. And so, maybe he doesn't get reduced to zero during those months where he wasn't working, but it gets cut in half or maybe he took on more responsibility for the children.

2. *Earnings Cut in Half during the COVID-19 Pandemic*

Most counties agreed that they would lower the child support order in response to earnings being cut in half during the COVID-19 pandemic. Several counties that were in favor of a downward reduction indicated they would use the new income to modify the child support order of the NCP with median income. There was less consensus on how to determine the new order amount of the NCP with low income. Some counties indicated they would use the NCP's new income while others described that they would use child support guidelines for low-income payers or minimum wage. Most counties in favor of a downward modification described this outcome as a temporary measure. They would set a review hearing 90 to 180 days out to confirm

the change in economic circumstances of the NCP was permanent. As described by one court commissioner:

Yeah, this would be modification. This is clearly not his fault that his income got reduced. But I would also set this one on for a review because he can't just decide to be a halftime worker from here on out. He's got to look for other work to fit in around what he's able to get at his, you know, his base job here. But I would take his child support down immediately to reflect what his present earnings are.

3. *Loss of Employment Prior to the COVID-19 Pandemic*

There was variation in how counties said they would approach loss of employment prior to the COVID-19 pandemic, but a majority indicated they would not have changed the child support order. As a court commissioner noted:

The court is likely to seek information on why the person is laid off and based on that information, the court may or may not. I think it would have been more likely pre-COVID for the court to refuse to modify the support order, tell the person the order will be there, do the best you can and we'll come back in two months and see if you've gotten new employment. And then retroactively deal with how to adjust the support. I think that's probably most likely what would have happened.

Research Question 4: To what extent do staff feel changes to enforcement practices or court processes will persist after the pandemic subsides? What promising practices have staff identified for enforcing orders and working with families to address compliance barriers as the result of the COVID-19 pandemic? What lessons learned would they share with others?

A. Staff Perceptions of Most Effective Tools During the Pandemic

We asked agency staff to describe the enforcement tools that they perceived as most effective during the pandemic, and whether their views on the most effective tools have changed compared to pre-pandemic times. Staff from most counties described communication, outreach, and connection to support services as the most effective tools during the pandemic. Staff mentioned “court-ordered works program”; “customer service delivery”; “information providing”; and “phone calls and letters.” One agency director described it this way:

It’s talking with parties. It’s engaging them. It’s understanding what their circumstances are. It’s trying to problem solve. And it’s a lot of listening. And it’s really availing options, you know, to be able—expectations and options. It’s making sure NCPs understand what the expectation is. Making sure they understand that they may not be living up to that. Helping educate them and what that may mean in terms of next steps. Ensuring that they understand what resources might be able to help them, including the [employment services program]. And then it’s getting out of their way and letting them make the decision that is going to be in their best interest.

The perception among these staff was that some NCPs miss payments because they simply lack information, don’t understand the expectations of them, or are facing employment or other barriers to making payments. One enforcement supervisor said:

You need less enforcement tools if the person—if you can show that the person has all the information they need to have to be successful. And that’s why it’s so important to have the conversation upfront, you know. That when the person first appears on your report and they’re not paying, it’s important to catch them early on because you want to make sure that they know how to pay, you know, how are all the various ways to make payments.

Some staff felt that they would have given the same answer pre-pandemic, whereas other staff felt that the pandemic was a catalyst for change. Some reported that prior to the pandemic they believed that filing for contempt was the most effective tool, but the pandemic forced a change in practice. One agency director said:

Initially, you know, there were sort of a scrambling but I think we just learned a lot from this pandemic. I think we learned a lot about how to work—how to just try to work the whole case instead of just looking at it on the screen, you know what I mean?

Staff from two of the largest counties described administrative enforcement tools or civil contempt as the most effective tools during and before COVID. These included unemployment withholding and tax intercepts, vehicle and bank account liens, threats of license suspensions, and civil contempt. Some noted that some of these tools—vehicle liens, unemployment insurance withholding, and threats of license suspensions—have become more effective during the pandemic. Even among staff who described administrative or judicial enforcement tools as most effective, most also noted the importance of and effectiveness of communication. Several staff from these counties acknowledged the importance of and effectiveness of “talking to people,” “outreach,” and “building those relationships so that people feel that they can voluntarily just do these things instead of us, like, forcing them to do it.”

Despite their overall agreement that communication and outreach were most effective, some staff also perceived that the civil contempt process is ultimately more effective for some NCPs, the minority who are “overtly unwilling” to pay their child support. One supervisor described:

At that point, you’re splitting the people who are willfully non-compliant or who are unwillingly non-compliant... If they’re unwilling, then you’re going to have a license suspension or a contempt. And I would say that the contempt is only the most meaningful for the people who don’t have any intention of paying. It’s usually not for the people whose circumstances are making it messy. They can

usually find a way to pay or they can take an intervention that avoids contempt. And I don't know that that's—I don't know that the pandemic has necessarily changed that, but I think you have to be—you have to do the vetting in order to know that... Because you could suspend someone's license 60 days after non-payment and you could think, wow, my license suspension is what was the silver bullet. But if you provided information on how to pay in that same conversation and they paid the next month, how do you know what did the trick, you know?

B. Staff Perceptions of Persistence of Enforcement Practice Changes

We asked agency and court staff to describe which changes to enforcement practices or court processes they believe will persist after the pandemic subsidies as well as to identify promising practices or lessons learned for enforcing child support orders amid a pandemic. Often, staff believed the promising practices they had implemented during the pandemic would persist because they have been effective. These included: more flexibility or leniency when enforcing orders, more outreach and communication with NCPs, new methods of communication and new payment methods for NCPs, and virtual court hearings or “Zoom court.”

Staff from most counties described that the impact of the pandemic on how caseworkers enforce child support orders will likely persist, at least for some time while the economy recovers. As one director explained:

I think some of those—some of that flexibility may stay in place. Because I think our economy may— isn't going to recover as quickly as we all would like it to, so I think we're going to try to work with people and, you know, not just follow the metrics of what we need to do next when they don't respond or they don't pay. So I think that some of that will stick around after we've recovered from this.

Staff from multiple counties also described the importance of having empathy for their customers during the pandemic. When asked about what promising practices they would recommend to other agencies, one frontline worker said:

I'd say first and foremost have empathy. Like, put yourself in their shoes...like not doing the account seizures because all of your bills come out of your checking account. Like, just simply for one second putting yourself in their shoes. Like, because we're all humans at the end of the day and we're all trying to survive.

However, staff from two counties were less optimistic that increased flexibility and leniency in enforcement practice would persist due to the potential loss of federal funding if county agencies do not meet federal performance measures. One frontline worker explained:

We're 60 percent federally funded. And if you're out of compliance, you lose your federal funding. And so, you know, regardless of what's going on with the pandemic or the economy, those federal regulations don't go away. We're still held to certain standards and certain requirements. And so, you know, honestly, I think once there's no pandemic restrictions anymore, we kind of have to go back to those things.

Discussion was more limited about flexibility and leniency on the court side of enforcement, but one court commissioner believed that their more lenient approach to order modifications would persist.

In line with the increased flexibility and leniency in enforcement practices, staff in all counties described the importance of increased outreach and communication with NCPs to understand the context of the parents' and families' circumstances and NCPs' reasons for non-payment, and to offer supportive services. Staff from several counties described that a cultural shift towards more outreach and communication from a more punitive approach to enforcement had been taking place within their agencies for many years and that the pandemic accelerated this shift. As one director described, experienced staff had a harder time making the shift towards more outreach spurred on by the pandemic than newer hires.

Staff from all counties hoped that the increase in outreach and communication brought on by the pandemic would persist beyond the pandemic. They felt increased outreach and communication was more effective than the traditional approach and, as a result, they believed this change would continue. One frontline worker explained:

I think the communication with the customers will stick around. I think that people have developed working relationships with the parties on cases. That has worked, and so they're going to continue to do what works and they need to call

the person on the 15th of every month to say, ‘Hey, remember to send in your payment.’

However, there was also concern that it might be difficult to maintain these practices as pressure to meet federal regulations increased and as other enforcement tools—i.e., contempt with the threat of a jail sentence—became available again. For example, one enforcement supervisor described how she reacted once the state reinstated the lien docket:

I sent a reminder out to staff saying, please, please, please don’t go into your old—don’t just all of a sudden go from, ‘What do I want to know about what’s going on’ to ‘OK, now we’re back to suspending licenses. And now I’m going to call you and I didn’t hear from you, so I’m going to send it a letter, blah, blah, blah.’

The county that implemented an alternative process in lieu of the traditional contempt court also planned and hoped to continue with the alternative process even when judges resumed signing arrest warrants. As one director explained: “Our attorneys are pretty much done with the old contempt process. So even if our jail opens back up and our chief judge says, yep, we can do warrants again, I’ll be strategic. And it’ll be carefully done and selected.”

In addition to an increase in communication with NCPs, staff believed that the new methods of communication with NCPs, such as email and text messaging, and new child support payment methods, such as secure drop boxes and payment kiosks, that were motivated by the pandemic would persist beyond the pandemic. One director explained:

The drop box option has been huge. Joe Smith doesn’t want to come up here and talk to me because he’s afraid that I’m going to yell at him, per se. But he’ll certainly drop off his review paperwork in a drop box at nine o’clock at night. And then we’ll just get it the next day for his payment or whatever. So that option is out there that will continue.

Similarly, staff from all counties believed that “Zoom court,” meaning court hearings conducted virtually via Zoom or phone, was an effective practice spurred on by the pandemic—and should have been implemented sooner—and would continue beyond the pandemic. Most

staff believed that virtual tools used in court proceedings were beneficial for families (both NCPs and CPs) and have increased participation in court, reduced barriers to participation, and increased “access to justice.” As one commissioner explained:

We had many people that would come here on a motion to modify and say, “Well, I [am] probably going to lose my job anyway, because I have to miss work today.” And that is a very real statement and I believe that. So for those, we created more access to justice. So in the future, it would not surprise me if we’re working from this dual system when one person is here in person and on the other one is by Zoom.

Finally, one county’s agency director reported implementing a more streamlined process for NCPs to file a stipulation for a change in their order so as to speed up the process. NCPs can now drop off stipulations directly at the child support agency office for a child support attorney to review that day and send directly to the court commissioners’ office, rather than routing the stipulation through the clerk of court’s office. This was a response, in part, to their perception that the process for filing an order modification has become much more difficult during the pandemic due to the court operating remotely and for much more limited hours. They expect to continue using this process for stipulations and are also hoping to propose changes for streamlining the modification process for the court to adopt.

C. The Role of State Guidance During the Pandemic and Looking Forward

We asked agency staff to describe the type of guidance they received from BCS about enforcement during the pandemic and their perceptions of the guidance—what they found most useful and what additional guidance they would like to receive moving forward. Staff from most counties felt satisfied with how the state kept counties informed of changes the state or federal government were making to enforcement policies and practices, such as through the BCS Child

Support Bulletins, as well as changes the state expected the counties to make to child support enforcement. One agency director said:

I think everything that they have provided us has been very helpful...but you know, I think it took a while for the state to also provide us with some of the resources. But they, once they did, then they have been open and forthcoming. They've been giving us FAQs to be able to look at. They're giving us recommendations of what you really shouldn't do and what you can do. So I, at first, I maybe wasn't as satisfied, you know, but then again, everybody was in, as [my colleague] calls it, crisis mode. And they too were in crisis mode because they had a lot of people to get, be able to get home and get out of the office as well.

Staff from all counties expressed sympathy towards state leadership about the “tough position” they were in regarding the need to issue guidance to 72 different counties, with different economic and pandemic contexts and different enforcement approaches. One director described:

I think that in their defense every county circumstances were different and you can't really put out blanket, you know, plans for the state when every county is—has their own sort of circumstances and challenges, so they left that up to us.

Yet, there was general consensus about a lack of information and communication about the first stimulus payment intercept—“it's one of those things that sort of happened without anybody realizing it”—which caused confusion and frustration among staff and NCPs and CPs.

Additionally, two counties wanted more guidance on the “do's and don'ts of enforcement during the pandemic” or the “non-negotiables” or “deal breakers” of enforcement. These staff wanted confirmation that their adapted approach to enforcement during the pandemic was meeting the state's expectations and was not going to get them out of compliance with federal regulations and risk losing funding. Concerns about how their performance during the pandemic would be evaluated were central to these counties' dissatisfaction with state guidance. With

respect to the state's guidance on what to do or not do when it comes to administrative enforcement, one director said:

That's been a huge issue because everybody is concerned with counties being put in a position where we're trying to have to figure this out and scramble and what can we do, can't we do. And then how in the end is performance and funding going to be determined on 72 counties that are doing 72 different things? And if we would have just had a little bit more direction not only would we be able to follow that better and know, but we'd also be able to tell participants, you know, 'This is federal or state guidance. I'm sorry, but we're doing what we can. But we're limited based on this, this and this.' Instead, what we've been left with is 'I don't know.' It's been difficult.

In absence of more specific state guidance on enforcement, one director noted the value of regional agency meetings for helping them devise an approach to enforcement during the pandemic focused on outreach and communication:

We would have these northern region phone calls so the directors and I think it was six regions. We would kind of just talk about what all of us were doing and what some—and what was working and what wasn't and that's where the idea—and we would have those pre-pandemic, so we would have those calls just kind of talking about performance and things like that. But I think that's where the idea came from about reaching out to the clients and it was such a great idea.'

V. CONCLUSIONS AND RECOMMENDATIONS

The COVID-19 pandemic significantly disrupted many aspects of work and life for Wisconsin families and the agencies that provide them with services. For child support agencies and courts, actors responsible for facilitating the transfer of resources from parents apart from their children to children and custodial parents, the pandemic's economic fallout forced a reconsideration of the methods used to obtain ordered support from noncustodial parents. This report represents an attempt to document staff perceptions of how parents' capacity for supporting their children financially were affected by the pandemic; child support agency and court approaches to enforcing and modifying orders during a period of significant, broad, and

prolonged economic hardship; promising practices identified and practice changes expected to persist; and support and guidance needs agencies have as they look to the future of enforcement.

Findings from these interviews suggest that, similar to other research on the economic effects of the pandemic, child support agencies found that customers likely to experience economic precarity before the pandemic were particularly likely to experience unemployment and financial hardship during the pandemic (Bartik et al. 2020; Hershbein & Holzer, 2021; Memmott et al., 2021; Moffitt & Ziliak, 2020; Falk, 2020; Falk et al., 2021; Park, 2021; Perry et al., 2021; Schanzenbach & Pitts, 2020). Findings from these interviews also suggest, however, that the pandemic yielded a group of NCPs who had previously been reliable payors, who now experienced difficulty paying for the first time. Agencies observed that the impacts of the pandemic on child support collections was not as severe as they had expected, thanks in part to intercept of stimulus payments to offset arrears and intercept of unemployment insurance for current support. Whether and how newly struggling payors are able to resume their usual payment behavior as these social safety net features recede and the economy continues to recover remains to be determined. Future research could examine the experiences and long-term effects of these hardships on both payors who have experienced difficulty meeting obligations in the past as well as newly-struggling payors as we move into the next phase of economic recovery.

This study found that child support agencies and courts adjusted their enforcement practices by limiting enforcement with an explicit goal of not causing further economic hardship for customers already having a difficult time meeting their own basic needs. Agencies reported more careful consideration of suspending licenses, utilizing contempt, and seizing assets, and in some instances, reported that more cautious use of these processes was already underway within their agencies. Additionally, findings suggest that counties made resources already available,

such as order reviews and opportunities to negotiate on arrears balances, more explicit and proactively offered. In this way, from the perspective of the counties included in this study, the pandemic helped to catalyze a shift towards a more cautious and nuanced approach towards enforcement, as well as a more customer-friendly, helping-oriented approach to agency services.

Similarly, findings suggest that courts in some counties took steps to ease the burden on parents experiencing hardship by becoming more likely to reduce orders; using processes that can result in orders outsized to income, such as income imputation, less frequently; and deviating from guidelines as a means to lower order amounts, at least temporarily in the context of the pandemic. These findings align with Kaplan's (2010) findings that Wisconsin child support staff during the Great Recession provided greater flexibility and sought to offer customers a broader array of options to come into compliance during the economic crisis, and that court commissioners were open to order adjustments in response to changes in NCP economic circumstances. Court commissioners in the current study, however, were more receptive to changing enforcement processes, particularly contempt, than those in Kaplan's study of enforcement changes during the Great Recession; however, it is noteworthy that federal and state directives were issued after the Great Recession related to contempt processes and ability to pay, and courts faced practical constraints to enacting contempt proceedings due to public health concerns that were not present during the Great Recession.

Findings from these interviews also suggest that in addition to driving a more careful consideration of which enforcement tools to use and when, the pandemic also helped to support change processes already underway in some agencies towards an outreach-based and more supportive approach to services. Staff reported that as counties limited their use of traditional administrative and judicial enforcement tools, and therefore lacked their typical processes for

engaging NCPs behind on their support, they employed new modalities of engagement to reach NCPs, with an explicit goal of understanding how they were faring and what supports they needed. This included both new tools and resources, aimed at making it easier for NCPs to pay, and a more intensive, empathetic approach to outreach. The extent and intensity of outreach varied across counties and was affected by factors such as technological resources and staffing constraints. In some counties, particularly those with lower caseload ratios, staff had more time to engage in outreach efforts due to fewer enforcement efforts taking place, and staff found that engaging with customers in this way helped cultivate compassion for customers. Future research could examine the evolution of enforcement practices in the post-pandemic world.

Similarly, staff highlighted that the pandemic drove changes to court-processes, such as the introduction of virtual options for court participation, that yielded the unintended consequence of reducing barriers to some NCPs' participation in court processes. Consistent with other recent research with Wisconsin counties (Vogel & Yeo, 2021), findings from this study highlight the opportunity for engaging NCPs in child support court activities. These new opportunities for engagement hold the potential to engage NCPs not only in enforcement processes, but at each step of the child support process, from order establishment through case closure. As described by staff, these options offer the possibility of improved "access to justice" for NCPs; such options could be especially important for NCPs with barriers to participation in in-person hearings, such as those precariously employed in inflexible jobs that can make it difficult to take time to participate in court processes. Future research could examine the extent to which virtual participation options persist in child support courts across Wisconsin counties, as well as the implications of offering these options on enforcement hearing show rates and default orders.

Findings from this study also underscore that the uncertainty surrounding the pandemic—such as how long it would last and long-term economic effects—introduced decision-making difficulty for all actors in the child support process. From the perspective of participants in this study, for noncustodial parents, uncertainty about how long the pandemic would go on, in tandem with health concerns and competing obligations, affected decisions about returning to the workforce or accepting work in a new field. For agencies, uncertainty about the pandemic’s duration made it difficult to know how to balance performance measures and federal expectations with the realities of economic hardship and logistical constraints in enforcing orders. For courts, uncertainty contributed to frequent review hearings and temporary reductions in order amounts, as those involved in the process waited to see how circumstances would change over time.

While findings from these interviews provide insight into county adaptations and potential areas for future consideration, the analysis has several important limitations. First, the study was conducted in just five of Wisconsin’s 72 counties, and with a subset of staff in each county. The counties that participated in interviews are not representative of all Wisconsin counties, nor are the staff who took part representative of all staff within their agencies or Wisconsin. Further, these data were collected at a specific point-in-time as the pandemic was underway. Public health and other conditions have changed rapidly even since data collection occurred, as vaccination has become broadly available, and it is likely that enforcement practices have also continued to evolve. While some consistent themes, and therefore implications, emerged, they are based on a small and non-representative sample. Future studies could draw on these findings as a starting point to gather data from a broader array of counties, or systematically across all counties, to provide a more complete picture of county experiences.

Finally, findings from these interviews reflect staff experiences interacting with NCPs and their perceptions of NCP experiences during the pandemic; findings include only limited information on staff perceptions of CP experiences, and do not encompass direct reports of NCP or CP experiences. Future research could explore how staff perceived that practice changes affected CPs, as well as the impact of pandemic-induced declines in payments on CP and child economic well-being; future research could also solicit the perspectives and experiences of CPs and NCPs directly.

The interviews conducted for this analysis suggest several steps for further consideration. First, counties could benefit from more information, from federal and state partners, about how future funding will be affected if county performance measures suffer during times of crises. Although more information would be helpful to counties now in the COVID-specific context, future crises (particularly those of a prolonged and widespread nature) have the potential to yield similar questions and concerns. Planning for future events and clarifying expectations during future crises could help counties better understand expectations. Additionally, findings from these interviews suggest that counties found guidance from the state via the child support bulletin process helpful, though moving forward, providing more specific parameters about what the state considers acceptable in enforcement practice during crises could help guide county efforts.

Next, and consistent with previous IRP work with county agencies (Vogel, 2021), a key finding that emerged from this study was that proactive outreach from agencies to customers can help build relationships and identify customer needs. Counties included in this study identified that the pandemic helped catalyze outreach efforts from agencies to staff to NCPs, both helping to foster compassion and empathy among staff, as well as working with parents to identify and address their needs. These changes in outreach strategies and flexibility resulting from the

pandemic represent an important first step towards a more customer-friendly, family-centered approach that takes into consideration ability to pay. While counties are hopeful that increased outreach and a shift towards greater flexibility will persist, as economic conditions improve and federal performance expectations return, it remains to be seen whether and how these practice changes will persist. Directives from the state and local level for prioritizing this approach to services, as well as resources to facilitate adequate staffing required for service intensity, could help facilitate continuity.

Finally, findings from these interviews raise questions about how CPs and NCPs have made adjustments to child support obligations and parenting arrangements during the pandemic. Several staff described experiences working with CPs to compromise on arrears or stipulate to order amounts, which holds implications for CP potential income. Future research could examine how often CPs compromised on debt or agreed to order reductions during the pandemic, their motivations for doing so, and the effects on the economic resources available to their households. Additionally, some staff alluded to NCPs and CPs weathering the pandemic by combining households. Future research could examine the prevalence of changing living arrangements, as well as changes related to caretaking responsibilities for children in the pandemic, formal and informal placement changes, and resultant effects on child support order amounts.

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