

The HEROES Program: Child Support Enforcement Among Veterans of War.

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**An Applied Research Project
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Abstract: *Over the last century the system of child support in the United States has evolved into a massive sprawling bureaucracy, illustrative of modern American cooperative federalism. Within this system the federal government provides a firm legal basis and substantial funding for state child support agencies, while the states themselves are responsible for the implementation and enforcement of child support orders.*

Recently, the federal government has assumed the role of promoting experimental programs in the states, which focus primarily on noncustodial parent compliance with child support enforcement. Through the Project to Avoid Increasing Delinquencies (PAID), the United States Office of Child Support Enforcement (OCSE) provided the Texas Office of the Attorney General (OAG) with a 1115 grant for a pilot child support program, known as the HEROES Program. This program is specifically designed to bring both active duty military members and veterans into compliance with their child support obligations, as well as assist the families of this group with their child support issues.

The purpose of this applied research project is to conduct a preliminary exploration and evaluation of the HEROES Program, utilizing a mixed methods case study approach, which targets archival records casework data and interview responses of key experts in and around the HEROES Program. Analysis of this data provides an early snapshot of (1) the veteran population under the outreach of the HEROES Program, (2) the relationships between the HEROES Program and other government entities with which it cooperates, and (3) the procedures and guidelines used to evaluate and expedite child support cases for the military population under its outreach.

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Table of Contents

Chapter I - Introduction - Research Purpose	1
The HEROES Program	4
Summary of Chapter Contents	7
Chapter II - A Short History of Child Support in America	9
The 18 th - 19 th Century: The English Tradition and American Case Law.....	9
The 20 th Century: Federal Intervention, AFDC, and the IV-D System	11
The Late 20 th - Early 21 st Century: Federal Legislation and Experimentation	15
Chapter III- Unfolding the Conceptual Framework	20
Pillar Question 1 – Characteristics of the NCP	23
Pillar Question 1a – Ability to Pay	23
Pillar Question 1b – Post Traumatic Stress Disorder (PTSD)	28
Pillar Question 2 – Problems of Bureaucracy	31
Pillar Question 2a – Interstate Orders	32
Pillar Question 2b – Intrastate Multi-level Cooperation	35
Pillar Question 3 – Responsiveness of Child Support Orders	37
Pillar Question 3a – Modification of Orders	38
Pillar Question 3b – Child Support Guidelines	42
Mapping The Conceptual Framework	46
Table 3.1 - Conceptual Framework	48
Chapter IV - Methods - Operationalizing the Conceptual Framework	49
Data Sources – Quantitative – Archival Records Casework	50
Data Sources – Qualitative – Semi-Structured Interviews	51

Table 4.1 – Operationalization Table/IRB number	53
Chapter V - Results – Context	54
Pillar Question 1a – Ability to Pay	56
Pillar Question 1b – PTSD	58
<i>Why Should the Texas OAG Care About PTSD?</i>	60
<i>Are PTSD and Incarceration Connected?</i>	60
Pillar Question 2a – Interstate Orders	61
Pillar Question 2b – Intrastate Multi-Agency Cooperation	64
<i>The Texas Office of the Attorney General</i>	65
<i>Fort Hood and Joint Base San Antonio</i>	67
<i>The Texas Veterans Leadership Program</i>	68
<i>The Veterans Justice Outreach of Veterans Affairs</i>	70
Pillar Question 3a – Modification of Child Support Orders	71
Pillar Question 3b – Texas Child Support Guidelines	73
A Note on Preliminary Findings	75
Table 5.1 - Summary of Findings	76
Chapter VI – Conclusion	77
Objectives and Evaluation	77
Recommendations	80
Table 6.1 - Summary of Recommendation	83
Table 6.2 - Potential Hypotheses For Future Research	84
Concluding Remarks	85
Bibliography	88

Chapter I - Introduction - Research Purpose

The current system of child support in the United States finds its roots in the juridical exposition of British legal theory and a tradition of English common law. The American experience with the practice of child support enforcement, however, has since assimilated the English tradition, forming a dichotomous, two-tiered child support system. One tier is publicly administered at the state level by caseworkers in child support agencies around the nation. The second tier is privately administered in a quasi-judicial manner through civil-courts and the advocacy of private law firms. Since the adoption and subsequent assimilation of the English tradition, child support enforcement in the United States has become a major cooperative effort between the federal and state governments, intricately connected to the simultaneous development of the welfare system during the 20th century. While enforcement under the *private* system has remained relatively uncomplicated, policy problems persist within the ever expanding *public* system of child support.

The noncustodial parents (NCPs) of children under the public system of child support are affected by the enforcement of child support guidelines and collection techniques in varying ways. Decades of social science research indicates that the socio-economic status of the noncustodial parent plays a big role in compliance with the system. Socio-economically disadvantaged noncustodial parents find it hard to maintain consistent child support payments, often developing massive arrearage debt and incurring criminal nonsupport penalties. On the other hand, relatively well off NCPs often evade child support obligations, generating and promulgating the ubiquitous image of the “Deadbeat Dad.”

Veterans of the military represent a unique group of non-custodial parents (NCPs), whose occupational experience appears to affect compliance with the child support system in unique ways (Inbody & Shields, 2010). Recent veterans of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) may experience unemployment as they transition back to civilian life, while older veterans may have fallen into poverty and homelessness. Veterans may also be suffering from war injuries and disabilities such as post-traumatic stress disorder (PTSD), which has the potential to further complicate matters. Recent veterans may also face unusual bureaucratic obstacles relating to the enforcement of interstate and out-of-state child support orders, requiring complex interagency cooperation across state lines for basic tasks such as modification of order levels. In addition, socio-economically disadvantaged veterans may also be adversely affected by (1) failure to modify order levels commensurate with income fluctuations in a timely manner and (2) the specific child support guidelines of the state of jurisdiction.

The United States Office of Child Support Enforcement recognized these concerns and provided the Family Initiative Office of the Child Support Division of the Texas Office of the Attorney General (OAG) with a 1115 grant “to identify and design solutions to the significant financial and emotional support issues that are unique to military families” (OAG, 3). To meet these challenges the Family Initiatives Office recently implemented the HEROES Program, or Help Establishing Responsive Orders to Ensure Support for Children in Military Families.

The HEROES Program has two important goals: to provide “enhanced, family-centered paternity and child support services responsive to the special needs of military

families as well as promote early compliance with child support obligations” (OAG 3). The program began casework in the summer of 2010. Nine months have passed and the program has yet to reach full implementation of program operations. The HEROES Program will last three years, and includes two primary pilot sites in Bexar and Bell counties, potentially coming to include a third pilot site in El Paso.

The purpose of this applied research project (ARP) is to execute a preliminary exploration and evaluation of the HEROES Program, utilizing a mixed methods case study approach that targets (1) archival records casework data and (2) semi-structured interview responses of key experts in and around the HEROES Program. Analysis of data derived from this exploration generates a early snapshot of (1) the veteran population under the outreach of the HEROES Program, (2) the relationships between the HEROES Program and other government entities with which it cooperates, and (3) the procedures and guidelines used to evaluate and expedite child support cases for the military population under its outreach. This analysis should also provide the basis for evaluation of the early implementation of the HEROES Program, in addition to yielding a set of working hypotheses, which may serve as a practical starting point for program evaluators and applied research projects in the future. Finally, the results of this applied research project could prove useful as the HEROES Program attempts to generate a set of best practices for the Child Support Division of the Texas Office of the Attorney General.

The HEROES Program

The HEROES Program is an experimental program of the Texas Office of the Attorney General designed to address child support issues among the families of current military members, as well as families of veterans. The primary aim of the HEROES Program, concerning veterans of the military, is to achieve child support order levels consistent with Texas law.

Under the federal IV-D system, child support in Texas involves a large bureaucracy and massive caseload. Many obstacles block the equitable enforcement of child support orders under this cooperative effort. In many ways these obstacles are built into the functioning of the system. Moreover, competing professional imprints¹ among different professional groups often complicate matters within large agencies. Thus, policy formulation emerges as a coordinated effort and compromise between various competing professional groups, e.g. federal and state officials, social workers, attorneys, psychologists, and non-profit entities.

The HEROES Program provides an ideal subject for a case study in multi-level cooperation and coordination. This program is designed to bypass bureaucratic obstacles by providing non-custodial parents/custodial parents, who are in the military or who are veterans of the military,² with a key point of contact. This point of contact expedites the

¹ This is a reference to Patricia Shields' article "Pragmatism: Exploring Public Administration's Policy Imprint," in which she points out that various professional groups have different organizing principles and, therefore, policy imprints.

² The HEROES Program also outreaches to current military members, who experience unique barriers to equitable child support enforcement. However, the scope of this ARP does not extend to these military members. Charles Evers' applied research project covers current military members under the HEROES program.

child support issue at the organizational level by ensuring easy contact, case management, and mediation for the family of the military member or veteran.³

Vanessa Washington and Michael Hayes of the Family Initiatives Office of the Texas Office of the Attorney General originally proposed the HEROES Program to The United States Office of Child Support Enforcement,⁴ who responded to this proposal with a Section 1115 demonstration grant under the Project to Avoid Increasing Delinquencies. The grant proposal for the HEROES Program describes the purpose of the proposed program.

The purpose of the project is to proactively address the specific needs of military families by providing enhanced, family-centered child support and parenting time services designed to increase compliance with current child support obligations, prevent the accumulation of arrears, and support increased parenting cooperation. The project will also develop educational materials specific to the population of military and veteran parents that will be disseminated across the state and military agencies. (Hayes & Washington 2010, 2)

The HEROES Program was designed to be a three-year experiment, outreaching to a statewide population from two pilot locations in central Texas. It aims to achieve its goals by providing enhanced case management and distributing proactive notification materials to the population of concern. In addition, this program and its evaluators intend to develop a set of best practices for the Texas Office of the Attorney General to incorporate into its field operations. Furthermore, these practices could eventually be useful at the federal level, for example, as military Judge Advocate Generals (JAGs) utilize trainings offered by HEROES staff navigating child support enforcement issues.

In many ways, this program is premised on the idea that appropriate child support levels can produce increased payment regularity and compliance with child support

³ As of this moment Patricia Barsalou is the only caseworker and staff attorney of the HEROES Program.

⁴ Vanessa Washington has since departed and has been replaced by a new program manager under Michael Hayes.

enforcement, resulting in an overall reduction of arrearage debt. This program thus seeks to mitigate the consequences of delayed order modifications by applying state guidelines more expeditiously for the military and veteran population. Also, since much of the overall child support debt is owed by interstate cases and many NCP military/veterans have interstate orders, expediting these cases could decrease the overall debt of the Texas IV-D child support system as a whole.⁵ As a demonstration program under the Project to Avoid Increasing Delinquencies (PAID), the HEROES Program is appropriate to Texas because Texas is home to over 122,000 active duty soldiers and 1.7 million veterans (Hayes & Washington 2010, 6). The Program's pilot sites are in Bell County, which houses Ft. Hood (the largest army base in the U.S); and Bexar County, which houses Joint Base in San Antonio, encompassing Lackland Air Force Base, Randolph Air Force Base, and Fort Sam Houston.

The recent process of base consolidation and realignment in San Antonio has slowed the development of the HEROES Program. Furthermore, the loss of a HEROES caseworker at Bell County has further hindered full implementation. Nine months after casework began the HEROES Program has only handled about 200 cases. However, these numbers have begun to climb as Joint Base San Antonio is now cooperating with the HEROES Program. Furthermore, a new caseworker should soon be hired for Bell County, which should double the casework detail.⁶

⁵ Such a determination, however, cannot be made at this point since the HEROES Program is in its early stages of implementation. As the program nears completion and has compiled a massive casework detail this analysis should be conducted

⁶ The Texas Office of the Attorney General selected the Texas State University Center for Public Policy, Research, and Training as the site of the program evaluation. Dr. Patricia Shields was named Principle Investigator. Dr. Donald Inbody was named Investigator. Dr. Shields appointed Charles Evers and myself as research assistants in the program evaluation. I began formal interviews in late January 2011.

Summary of Chapter Contents

Chapter II of this applied research project (ARP) presents a short history of child support issues in America, starting with the early assimilation of English common law by American courts and ending with the development of a nationwide child support program. The current system of child support involves complex coordination between the federal and state governments and represents a major feature of American federalism. This history concludes that federal support for experimental programs, specifically addressing noncustodial parent issues, has become a major element of child support enforcement in America. The HEROES Program is an example of this development.

Chapter III reviews child support literature with reference to specific issues relating to military veterans and noncustodial parents with child support obligations. This literature review develops three “pillar questions,” concerning (1) noncustodial parent characteristics, (2) bureaucratic obstacles, and (3) responsiveness of child support orders. These pillar questions provide a framework for the establishment of multiple emergent research questions paired with literature sources from which they were spawned.

Chapter IV develops the research methods of this ARP. It explains the operationalization of the conceptual framework and presents specific research questions for inquiry into both archival records and recorded interviews. An interview questionnaire was produced which was used for partially structuring open-ended interviews of experts surrounding the HEROES Program. This chapter also includes a discussion about the specific archival records and research subjects, as well as the conditions of the interview process that took place.

Chapter V describes the results of the interview and data collection process. This chapter is primarily a summarization of relevant archival analysis data and interview responses with reference to the conceptual framework. The results are structured by the conceptual framework in order to give the process structure. This section is the existential extension of the process of inquiry. The time frame within which the interview process took place is also important because the HEROES Program is in the early stages of its full development.

Chapter VI concludes this applied research project by recounting the issues associated with child support enforcement among military veterans and reiterates the findings of this case study of the HEROES Program. This chapter also includes an evaluation of achieved objectives, as well as recommendations for the HEROES Program, and potential hypothesis for future research.

Chapter II - A Short History of Child Support in the United States

The 18th and 19th Centuries: English Tradition and American Case Law

An early American history of child support begins, like many histories of American law, with a review of 18th century British common law. The famous British jurist, judge, and professor, William Blackstone, in his *Commentaries On The Laws of England* provides an early description of child support in its most basic form. Blackstone explains “the duty of parents to provide for the maintenance of their children is a principle of natural law,” which inheres in the act of reproduction (1765, 371). Furthermore, Blackstone conceives of reproduction as a voluntary act, which carries within it an obligation to the child. Thus, Blackstone states of parents:

By begetting them therefore they enter into a voluntary obligation, to endeavor, as far in them as lies, that the life which they have bestowed shall be supported and preserved. And thus the children will have a perfect right of receiving maintenance from their parents. (Blackstone 1765, 299)

Since divorce was a virtually non-existent phenomenon in Blackstone’s era, the obligation of maintenance to the child was premised upon marriage. Without modern paternity establishment techniques unmarried mothers had no objective measure of, or means to establish, biological lineage. For a father to abandon his child was a criminal act, as was a birth outside marriage. To such children English law attributed the title of “bastard.” Bastard children theoretically had the same natural right to maintenance, but in addition the mother held a right to a rudimentary form of paternity establishment. For example, the mother possessed a right to identify the father by naming him to a judge, who “shall cause such person to be apprehended and commit him till he gives security”(361). In addition, the Elizabethan Poor Law of 1601 granted local parishes that provided aid to single mothers the right to seek reimbursement for the cost of the aid.

Thus, if fathers were to run away, “two judges [would] seize their rents, goods, and chattels in order to bring up said bastard child” (Hatcher 1035, 2007). The “aim” of the poor law was to “indemnifying society from the burden of supporting indigent children”(1035). Furthermore, the principle of indemnification was at odds with the goal of providing for the welfare of the child: a feature of the English tradition, which has carried over to the modern American practice of welfare cost recovery (Hatcher 2007).

As Mombrun (2008) noted “there was no legal underpinning for child support in the English system”(225). Nevertheless, the English tradition provided a practical starting point for child support in the United States. Thus, the early system of American child support utilized English practices but also reflected its inconsistencies, providing legally enforceable remedies in some cases and not others (Hatcher 2007, 1035).

By 1808 American courts began providing child support obligations during divorce proceedings, “and many states soon began formalizing such support obligations through divorce codes,” which most states had adopted by the 1930’s (1036). Some state statutes also enacted laws similar to English poor laws, combined with criminal nonsupport laws, which “authorized towns to sue nonsupporting fathers in order to reimburse public aid.” Like the English tradition, these laws had mixed goals, which were designed to “punish nonsupporting parents, protect society, and provide direct assistance to children and their custodial parents.” Furthermore, some states formally criminalized out-of-wedlock births, by passing such laws as the “Maryland Bastardly Acts” (1038).

Prior to federal intervention into state child support practices, state child support laws reflected a social context very different from the contemporary context of American family law. For example, not only was divorce far less frequent during this early period,

the father usually retained custody of the child after marital dissolution. This was largely a condition of the agrarian economic system of pre-industrial America, in which women typically did not have the financial means or opportunity to raise a child without the support of the man (Mombrun 2008, 220). Furthermore, “during these times, child support payments were rare, owing to the fact that parents were only charged with providing a home for their children”(221). In short, there was no comprehensive system of child support since child welfare policy largely varied from court to court and reflected local social norms. Only later in the early 20th century did welfare policy towards children experience a reorientation towards strengthening the mother-child relationship at home by providing assistance to the mothers of poor children (222).

The 20th Century: Federal Intervention, AFDC, and the IV-D System

Federal involvement in child welfare and support policy did not occur until the 1930's when congress passed the Social Security Act, which established Aid to Families with Dependent Children (AFDC). The AFDC program was designed “to provide cash assistance to families with children where one or both parents was absent, incapacitated, or unemployed.” AFDC recipients were numerous and by 1975 estimates indicated that 60% of all single mothers received AFDC at some point during the year. The program, however, “did nothing to prevent poverty, provided meager, below-poverty-level benefits, sharply reduced benefits when mothers earned more, and took away medical coverage when a mother left welfare.” Thus, as Garfinkel & Nepomnyaschy (2010) argued the AFDC program was “akin to a poverty trap” (232-3).⁷

⁷ The observations of Garfinkel and Nepomnyaschy about early 20th century American welfare are strikingly similar to Karl Polanyi's criticism of the English Poor Law in *The Great Transformation*.

In 1965 and 1967 new amendments to the Social Security Act were passed which required states to establish child support units that would pursue support for children receiving AFDC funds (Hatcher 2007, 1041). The AFDC program represented one side of a bifurcated system: one for the poor, and one for the non-poor. During the 1960's the dual system produced a public component which doled out public funds and carried criminal penalties and political controversies, while the private system was largely an uncontroversial, non-criminal, civil-judicial matter (1043). In the 1970's, however, the dual system largely merged, establishing a massive cooperative federalist system.

In 1975 the federal IV-D program, named after Title IV-D of the Social Security Act, replaced the *public* state/local system of child support that had existed for over a century with a new state/federal cooperative effort, giving rise to the United States Office of Child Support Enforcement (OCSE), as well as counterpart agencies in each state. In addition, the federal government funded 75% of state expenditures (Garfinkel & Nepomnyaschy 2010, 233).

In essence, the IV-D program attempted to merge the public and private components of the child support enforcement system by offering child support enforcement assistance to families not receiving AFDC. The consequence of this merger has been that “both forms of child support are now administered under one heavily regulated, government system” (Hatcher 2007,1044). This system featured a strengthened partnership between state and federal agencies, which increased inter-governmental coordination, cooperation, and in some cases, confusion.

The creation of the IV-D system not only represented a major development in American social policy, but also an ideal example of American cooperative federalism.

Jocelyn Crowley (2000) noted that the “child-support program in the United States has been an extraordinary success,” largely attributable to the incorporation of “a new model of federalism,” known as “supervised devolution”(99). Supervised devolution meant that the federal government would assume a two-track policy approach. The first track provided a legislative framework for the states. The second track encouraged states to experiment with new enforcement policies (100).

The federal government provides the states with policy direction, legislative supervision, and technical assistance for implementing new federal laws. The states, in turn, control the program’s actual day-to-day operations by locating parents, establishing paternity, issuing support orders, and enforcing support. (Crowley 2000, 101)

Thus, the federal government would assume most of the cost to the states incurred as a result of running the routine activities of child support enforcement. By 2000 the federal government had assumed upwards of 66% of the cost (Crowley 2000, 101).

At the same time, legislators increasingly began to focus on welfare cost recovery, which coincided with a national shift in perceptions about the non-custodial parent. Right up until the development of the IV-D program, child support workers largely set the agenda and were instrumental in creating child support policy. For example, social workers from the AFDC era championed non-cash benefits like job training and education programs for custodial parents. However, “in the early 1970’s social workers lost control in favor of conservatives, who brought enforcement of child support to the forefront ‘with a single focus: welfare cost recovery’” (Mombrun 2008, 224). During this era American politics also witnessed the rise of the “deadbeat dad.” The deadbeat dad image, however, was perhaps a better description of the social reorientation towards a

conservative emphasis on welfare cost recovery than it was an accurate image of most non-custodial parents.

The hostile reframing of Gerald Ford's "runaway pappy" into the image of the "deadbeat dad," while undoubtedly true in many cases, was not an accurate description of most noncustodial parents (Mincy & Sorensen 1998). A consequence of this reorientation has been that "over the past few decades, we have been experiencing a war against the deadbeat dad, with penalties including felony charges, non-renewal or revocation of professional licenses, jail time, and even offers of government sponsored vasectomies" (225-6). Unfortunately, many socio-economically disadvantaged noncustodial parents have been caught up in the war against the "deadbeat dad."

The rise of the deadbeat dad was accompanied by shifting clientele demographics. As Crowley (2000) noted, prior to the 1980's, the IV-D federal system of support was primarily dedicated to AFDC recipients, and the explicit purpose of enforcement for AFDC families was welfare cost recovery. Collections for mothers receiving AFDC assistance were used to pay for its cost: a feature of the federal system of support that remains in effect to date. In the late 1970's, however, the IV-D system of support began taking on more non-AFDC cases. For example, in 1978 there were about 3.5 million AFDC cases and only 600,000 non-AFDC cases, although total collections from non-AFDC cases were 20% greater. By 1997 the number of non-AFDC child support cases under the IV-D caseload almost equaled AFDC cases (114). This development illustrates the radical shift in the focus of the IV-D child support system, beginning in the 1970's.

The Late 20th - Early 21st Century: Federal Legislation

As the caseload of the *public* system of child support began rapidly expanding during the latter half of the 20th century, the focus of public thought reoriented toward child support enforcement and noncustodial parent compliance. Thus, during the 1980's congress attempted to address enforcement issues with the Child Support Enforcement Amendments of 1984. These amendments implemented "arrearage triggered income withholding" and other penalties for non-payment (Williams 1994, 93). Congress extended these enforcement mechanisms again in 1988 with new federal legislation, addressing two primary issues: periodic review, and calculation of awards. The purpose of the new 1988 Family Support Act (FSA) was to address societal perceptions about inadequate levels of support, caused by "an absence of routinely applied child support guidelines," and the absence of "periodic review" of child support cases (93).

The family support act sought to rectify these deficiencies by mandating presumptive use of child support guidelines in each state and by phasing in a periodic review and updating process for Title IV-D (publicly enforced) child support orders. (Williams 1994, 93)

The child support enforcement system needed a standard method to evaluate and modify cases in order to collect on the perceived post-divorce income increases of the NCP. To this end, the FSA established presumptive guidelines, as well as mandatory periodic reviews every three years for all AFDC cases. In addition, it also provided for review of non-AFDC cases at the request of the parents.

In order to address inconsistent awards calculations, the FSA required states to establish "mandatory numeric child support guidelines," which dictated "presumptive child support obligations." This gave rise to three methods of child support calculation: the percentage of income model, the income shares model, and the Melson formula

(Foohey 2009, 42-3). By 1989 every state had implemented presumptive guidelines, thirty-one of which chose the income shares model. Fifteen chose the percentage of income model, and three chose the Melson Formula. Massachusetts and Washington D.C. chose hybrid models (Williams 1994, 98).

In addition to periodic review and awards calculation, the 1988 FSA sought to address paternity issues. An objective measure of paternity, as previously noted, had been impossible prior to this period of federal intervention. By the late 1980's blood and genetic tests became common practice for paternity establishment. Thus, the FSA required states to use blood or genetic testing to establish paternity, but only in disputed cases (Garfinkel & Nepomnyaschy 2010, 233). The FSA's emphasis on paternity establishment reflected the changing structure of the American family. Between 1980 and 1989, out-of-wedlock births rose from 18 to 27 percent, outpacing paternity establishment rates (Adams et.al. 1994, 109). To remedy this problem the 1988 FSA implemented performance standards for paternity establishment. Thus, states were required to "establish paternity for at least half of all children born out-of-wedlock... to equal or exceed the average paternity establishment percentage for all states, or to increase the paternity establishment percentage by at least 3 percentage points per year" (110). The simple act of paternity establishment, however, proved extremely complicated, requiring the development of a complex system of interagency and interstate cooperation.

The 1980's and 90's saw a dramatic increase in the number of single parent households, and thus the system had to cope with a massive influx of child support cases.

This period was so important in the story of child support in America that child support experts Garfinkel, McLanahan & Robins (1994) concluded,

The American child support system is in the midst of a profound transformation. Local judicial discretion is being increasingly replaced by state and federal bureaucratic regularity. We may be on the verge of buttressing private child support with a publicly guaranteed minimum child support benefit. These vast changes constitute a natural experiment that will affect one-half of our children. (Garfinkel, McLanahan & Robins 1994, 23)

When President Clinton came to power in 1992, he visualized an extensive modification of the welfare system. A year earlier in a speech at Georgetown University he stated “we're going to put an end to welfare as we have come to know it” (Clinton, 1991). In 1993 he was able to double the Earned Income Tax Credit, which was “the most important poverty reduction program for the non-elderly in the US” (Garfinkel & Neponmyaschy 2010, 235). Congress also passed the Omnibus Budget Reconciliation Act in 1993, which changed the process of child support order modification by allowing parents receiving AFDC to request a review of their order despite a substantial change in circumstances. This, however, did not significantly increase the number of modifications and was considered to be too administratively costly (Cancian, Ha & Meyer 2010).

Over the next three years congress attempted to pass a bill which would overhaul the AFDC system of support for needy families, transforming it into a temporary assistance program. In 1996 congress finally passed the Personal Responsibility and Work Reconciliation Act (PRWORA). “In addition to radically altering welfare, [PRWORA] revised rules governing the distribution of child support collections among federal and state government and welfare families” (Lockie 2009, 119). PWRORA required states to establish state registries, a directory of new hires, and to cooperate with

a federal parent locator service. Perhaps most importantly, PWRORA transformed the AFDC program of assistance into what is now known as Temporary Assistance to Needy Families (TANF). TANF funds would come to the states as block grants from the federal government with four basic purposes: to assist needy families and their children, reducing dependency on assistance, preventing out of wedlock pregnancies, and encouraging two parent families (119). In addition to these new modifications, PWRORA enforced compliance with the Uniform Interstate Family Support Act (UIFSA), which required all recipients of TANF to assign their child support rights to the state IV-D agencies (119). The UIFSA, along with the Full Faith and Credit for Child Support Orders Act (FFCCSOA), which required states to enforce the orders of other states, attempted to address inter-state enforcement issues ubiquitous in child support enforcement.

Shortly after Congress passed PWRORA, Congress also passed the Welfare Reform Technical Amendments Act of 1997 and the Child Support Performance and Incentive Act of 1998. These laws implemented new performance measures among the states, governing the areas of (1) paternity establishment, (2) establishment of support orders, (3) and payment/arrearage collections. These performance measures were accompanied by non-compliance penalties, which triggered reductions in TANF block grant levels (Crowley 2000, 104).

Crowley argued that as Congress gradually unfolded a developing legal framework upon the states, the federal government simultaneously assumed a “second track” that supported program experimentation at the state and local levels. Thus, “supervised devolution” constrained the states within a strong legal framework, equipped

with penalties for underperformance. The states, however, were also provided with a supervised “arena of programmatic freedom”(2000, 104).

In recent years the federal government has embraced its role in supporting state experimentation. This effort to promote “programmatic freedom” has led to the development of a community of inquiry,⁸ wherein the states severally generate special purpose trial-and-error programs, reporting the results back to the federal government for evaluation. Since child support collections among middle and upper income NCP’s has generally been successful, recent federal programs tend to target low-income NCP’s, whose socio-economic status had previously been obscured by the “deadbeat dad” paradigm of child support enforcement (Mincy & Sorensen 1998; Bartfield & Meyer 1994). In 2009, the Office of Child Support Enforcement released an overview of these programs, noting that “over the past several years, the Office of Child Support Enforcement (OCSE) has funded many grant and research projects that focused on non-custodial parents (NCPs).” OCSE (2009) indicated that these projects have focused on “fatherhood, employment, incarceration, and child access and visitation.”(5)

While many states, such as Wisconsin, have been involved in this community of experimentation and inquiry, the OCSE recognized Texas for (1) its annual business planning, (2) its resource management, and (3) level of staff involvement in common goals. The OCSE also specifically recognized Texas for its Noncustodial Parent Choices Project, which boasted 57% higher collection than a comparison group, as well a 10% reduction in TANF receipt (OCSE Best Practices 2007).

⁸ The “community of inquiry” is a concept promoted by classical pragmatists and applied to public administration by Shields (2003).

Chapter III - Unfolding the Conceptual Framework - A Note on Pragmatist Theory

The most basic questions that come to mind in the attempt to understand the dimensions of any particular public policy problem are, who are the *public*, and how does the *policy* relate to their specific *problem*? In *The Public and Its Problems* (1928) John Dewey argued that the public comes into being when social interactions generate third party consequences. In this case, the *public* came into being when familial dissolution began to generate negative social consequences, such as poverty. The response of the state has been to mitigate the consequences of familial dissolution by generating public *policies* appropriate to their resolution.

The previous chapter outlined a short history of the public policy response to the problem of increasing marital dissolution in the United States. For the purposes of this applied research project, this chapter attempts to illustrate how child support literature relates to a specific aspect in this history; namely, the problem of military veteran compliance with child support enforcement in Texas. Since there is relatively little existing research on child support enforcement among military veterans, the practical starting point for this exploration is “pillar questions.” These questions form the basis for the unfolding conceptual framework of this chapter.

The conceptual framework of a research project is like the map of a country, which contains necessary relations between major topographical features but excludes specific aspects of the environment. The purpose of the map, however, is not to provide every detail of the terrain. As John Dewey (1938) noted, a map is only useful “if its operational use produces the consequences that are intended to be served.” The purpose of the map is served only if it directs further operations “whose consequences, moreover,

provide the means by which the validity of the map is tested” (403). The intended consequence of the map “is to delimit the problem in such a way that existential material may be provided with which to test the ideas that represent possible modes of solution”(118). Furthermore, the operations directed by the map “modify the prior existential situation, bring into high relief conditions previously obscure, and relegate to the background other aspects that were at the outset conspicuous” (117). Thus, the map eliminates from our view many important details of the environment, but is nevertheless useful if it gets us to where we want to go. In other words, a map represents a theory. Like all theories, however, it always falls short of fully describing reality. The details of reality are revealed as we use the map to navigate terrain.

Just as a map restricts one’s view to key topographical features, the “pillar questions” of this applied research project restrict the scope of inquiry to “pillar” issues, identified in the child support literature. The use of pillar questions as a conceptual framework prioritizes identifying a set of compelling questions. A question is the symbol of the mind overcoming confusion by means of prioritizing key ideas, which provides within itself the subsequent mode of action necessary for further inquiry: another question.⁹

In this study, three broad “pillar questions” about the noncustodial parent and national child support issues generate six sub-pillar questions that provide future direction for inquiry into the HEROES Program, specifically. Applying Dewey’s thought, sub questions serve to further “delimit” the inquiry, narrowing its focus to available “existential material.” To cull this material, an exploratory research purpose usually

⁹ Patricia Shields (2011) introduces the concept of pillar questions as a conceptual framework in *Public Administration Review*’s foundations series on public administration research methods.

presumes the use of working hypotheses as the conceptual framework. However, “pillar questions” serve the interests of a specific type of exploration, in which very little knowledge is available to the researcher, meaning: a type of preliminary exploration into a field that has thus far generated relatively little scholarly literature.

Rather than proceeding forth on unidentified or scrutinized assumptions, the conceptualization of the research purpose helps to draw explicit connections between questions about the subject matter and the literature from which such questions have naturally arisen. Rather than utilizing “working hypotheses” which make assumptions about the particulars of an issue, the use of “pillar questions” acknowledges that the relative ignorance about the subject at hand renders premature any such hypothetical predictions.¹⁰ The subject of child support enforcement among veterans is a relatively untreated subject and is, therefore, perfectly suited for this mode of inquiry: an exploratory research purpose with a “pillar questions” conceptual framework.

¹⁰ Pillar question have also been used by other master’s students at Texas State University: for example, Stephen Este (2007) and Jason Alexander (2009).

Noncustodial Parent Characteristics - (Pillar Question 1)

A review of the national child support literature, particularly with a legal emphasis, reveals important enforcement issues and gives rise to four fundamental questions about (1) the characteristics of the noncustodial parents with child support orders and (2) veterans of the United States Armed Forces. This population within the child support system is a relatively unstudied group. These two bodies of literature, therefore, are treated in relative isolation. Nevertheless, an attempt is made to crossbreed the two domains. The first pillar question is - *What are the pertinent characteristics of the veteran population under the outreach of the HEROES Program?*

Ability To Pay - (Pillar Question 1a)

Poverty has played a consistent narrative role in the development of the child support system in America. The role of poverty becomes apparent by tracing the development of this system to its roots in the Elizabethan Poor Law of 1601 and English common law. Ultimately, the purpose of child support is to ameliorate the effects of economic hardship on children. The wellbeing of the child, however, is dependent on the father's ability to pay. While the poverty of the NCP is a sufficient cause for erratic or nonexistent child support payments, this cause is not necessary for debt to accrue. Both temporary and long-term unemployment can disrupt child support payments. The meaning of economic hardship, within the related concepts of poverty and unemployment, is revealed in the phrase "ability to pay." Poverty and unemployment, therefore, are indicators of "ability to pay."

Sorensen & Zibman (2000) reported that “children with a nonresident parent are nearly four times as likely to be poor and five times as likely to receive food stamps” than children with both parents (1). In 2009 the US Census Bureau reported that 29.9 percent of single-mother households lived in poverty, compared to 5.8 percent of married families (De Nevas-Walt et al.,18). The Census Bureau also reported that children are disproportionately represented in the poverty statistics, “comprising 35.5 percent of people in poverty but only 24.5 percent of the total population” (16). In 2009 the official poverty rate had climbed to 14.3 percent and included 43.6 million Americans, which was the third consecutive annual increase. This was the highest poverty rate since 1994, when President Clinton initiated major reforms to welfare and child support, embodied in PRWORWA (13).

American Presidents in the past were determined to put an end to poverty, but poverty is a feature of all modern societies, arising from a naturalistic condition in which individuals engage in fierce competition over limited resources. From President Johnson’s first declaration of a “war on poverty” to President Clinton’s overhaul of the welfare system, poverty has actually declined by 8.1 percent (14). Sorensen & Zibman (2000) estimated that successful enforcement of child support orders lifted 500,000 children out of poverty. Unfortunately, however, the overwhelming majority of poor children receive no such support (1). Furthermore, in 2010 Sorensen reported that the number of children raised from poverty by means of child support had increased to 625,000 (1). However, during the recent economic crisis the poverty rate has risen two percent, outpacing the increase in poverty during the 1973 recession, but not the 1980’s

recession (DeNavas-Walt et al. 2009, 14). Thus, poverty remains a prominent feature of American life, which disproportionately affects children and single parent households.

From the Elizabethan Poor Law of 1601, to AFDC in 1932, and then TANF in 1998, welfare programs have been linked to child support enforcement through welfare cost recovery. The poor laws allowed parishes providing aid for needy mothers to enforce collections from the father (Hatcher 1035, 2009). The Family Support Act of 1988 required states receiving AFDC funds to enforce child support obligations (Lockie 119). In 1998 PWRORA explicitly linked child support enforcement to poverty by requiring mothers receiving TANF to assign the right to enforce their child support orders to the state. This policy has the potential to generate a conflict of interest between the parents and the agency charged with enforcing the child support obligation.

Because collections were used to offset governmental costs, child support did not make an AFDC participant better off economically, and this was quickly recognized to reduce the incentive for her to cooperate with the agency. Why should mothers (or fathers) cooperate with a system in which their children did not benefit when support is paid? (Cancian et al. 2006, 2)

To deal with this problem, “federal law required that states practices involving AFDC program benefit calculations exclude the first US\$50 in parental support collected for any given recipient’s household, in any given month” (Cassetty & Hutson 2005, 271). The whole point of disregard policies was to “serve as incentives to AFDC recipients to cooperate with the identification and location of the fathers of their children”(271). However, after PWRORA states were no longer required to utilize disregard policies and the father’s entire child support payment could go directly towards paying down the cost of welfare for the mother.

As both mother and father refuse to cooperate with the child support agency, welfare cost recovery may actually reinforce a spurious image of the “deadbeat dad.” This unpleasant cultural narrative is an inaccurate portrayal of many NCP fathers. As Mincy & Sorensen (1998) revealed, the “deadbeat dad” is often more like a “turnip” from which no blood can be squeezed. Their study indicated, “lack of income is a significant barrier to child support payments for a substantial minority of young non-custodial fathers”(45). In addition “as much as 33.2 percent of young non-custodial fathers do not pay child support and are unable to do so without further impoverishing themselves”(47). The average income of a turnip in 1990 was between \$3500 and \$3800; two thirds were African American or Hispanic; two thirds were unmarried; only half had a high school diploma; and the average age was twenty-six (47).

While these statistics indicate something of the nationwide view of NCP ability to pay, little is known about the current situation of NCPs who are veterans. Many recent veterans are discharged at around the same average age of “turnips” but simultaneously display higher levels of education. After discharge, recent veteran NCPs may experience trouble finding a new job and maintaining steady employment. However, national estimates suggest veterans have a much lower poverty rate than the general population. Bureau statistics from 2000 indicated that veterans were almost half as likely (5.6%- Older Vets, 6.2%-Younger Vets) to be in poverty than the general population (10.9%). Unfortunately, in 2009 the Bureau of Labor Statistics estimated that young veterans (age 20-24) from Gulf War II were twice as likely to be unemployed than older veterans (age 25-34). Thus, the overall Gulf War II veteran unemployment rate in 2009 was 10.2 percent, while the young veteran unemployment rate was 21.6 percent, slightly above

their peers in the general population, whose unemployment rate is currently estimated at 19.1% (BLS 2009).

Such mixed estimates indicate the problematic nature of this particular situation. Williamson & Mulhall (2009) noted the unique characteristics of recent veterans of Operation Enduring Freedom and Operation Iraqi Freedom, but more importantly, urged caution in making comparisons to their civilian peers.

Today's veterans are a unique population. New veterans are young, overwhelmingly male, and their race and ethnicity demographics are slightly different from the general population. Almost all Iraq and Afghanistan veterans have a high-school diploma and come primarily from America's working middle-class families. So direct comparisons between Iraq and Afghanistan veterans to the rest of the American population should be made carefully. (Williamson & Mulhall 2009, 2)

Williamson & Mulhall (2009) further noted that many recent veterans are having trouble adapting skills developed in the military to the civilian economy. They reported that unemployment rates among this group "may be as much as 2% higher than their civilian peers." This is not surprising, given that veterans of Vietnam "earned significantly less than their civilian peers for decades after the war's end"(1). Perhaps a similar conclusion should be assumed for recent veterans returning from lands as foreign to American business owners as Iraq and Afghanistan.

While these statistics indicate something of the nationwide view of NCP "ability to pay," little is known about the current situation affecting veterans under the outreach of the HEROES program. The indeterminacy of this situation gives rise to the first major sub question to branch from the broader pillar question of recent veteran/NCP characteristics is - *What is the role of "ability to pay" in child support enforcement among veterans under the outreach of the HEROES Program?*

Post Traumatic Stress Disorder – (Pillar Question 1b)

Among the characteristics of the veteran NCP potentially affecting child support enforcement are mental health issues, such as post-traumatic stress disorder (PTSD). PTSD is a mental affliction that has particular relevance to war veterans and can have long lasting and devastating effects on the soldier's life far beyond the battlefield. Thus, PTSD has the potential to disrupt the flow of child support payments, particularly as the soldier struggles to find employment in his transition to civilian life (Williamson & Mulhall, 2009). Disruptions of income can quickly lead to arrears debt.

Post-traumatic stress disorder is not a new affliction that is particular to modern warfare. It is simply a new name for an ageless phenomenon, which has afflicted soldiers as long as wars have been fought. Egyptian doctors first noted "hysterical reactions" in 1900 B.C. Soldiers in Homer's 8th century B.C. novel *The Odyssey* suffered from "flashbacks and survivor's guilt." In 490B.C. Herodotus noted a soldier going blind after witnessing the death of another soldier next to him. But, it wasn't until the American Civil War that names like "irritable heart," "soldier's heart," and "railway spine," were applied to the afflicted soldier. Then in World War I the famous term "shell shock" was coined, along with "war neurosis" and "gas hysteria." The term post-traumatic stress disorder emerged in 1980 when it was included in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III) (Leach & Nidiffer 2010, 4-6).

The early history of America reveals the inhumane treatment of soldiers afflicted by PTSD. In fact, they were commonly perceived as cowards, who simply refused to fight, and were conflated with deserters, who made a conscious decision not to fight. As much as 25 percent of George Washington's army deserted during the American

Revolution. Washington enforced extremely harsh punishments against those who would not fight. Washington, thus, issued around 700 execution orders. There is no measure for how many soldiers simply could not fight as a result of PTSD (6).

During World War II the official attitude was much different. The most famous example of the shift in attitude towards PTSD was when then General Dwight Eisenhower fired General Patton for slapping a man with shell shock (1). Thus, the old perspective that soldiers afflicted with PTSD were simply cowards was beginning to shift to the benefit of the afflicted soldier.

While the rate of PTSD has declined significantly for American soldiers since the World Wars, PTSD remains an important factor for consideration in the maintenance of the fighting force. During WWI the British reportedly sent home 80,000 soldiers, “or one seventh of their military forces as a result of disability discharges secondary to shell shock”(8). During WWII the United States sent home 400,000 troops due to psychiatric problems, “roughly equivalent to the number of soldiers killed in action”(9). More recently, 15.6-17.1% of Operation Iraqi Freedom veterans and 11.2% of Operation Enduring Freedom veterans met criteria for PTSD and related mental afflictions (11). Clearly, instances of PTSD in contemporary American wars are far lower than in the World Wars of the early 20th century. The dual wars in Iraq and Afghanistan could, however, prove to be much longer conflicts and affect a substantial number of soldiers.

With approximately 10-20% of the 1.9 million returning veterans experiencing psychological difficulties sufficiently significant to warrant treatment... the level of needed psychological health resources has been insufficient, placing these service members at risk, as well as placing demands not only upon the family members of service members with PTSD, but also upon health care providers and the Veterans Administrations attempting to evaluate and provide appropriate treatments and benefits for service members with PTSD.
(Leach & Nidiffer 2010, 11)

This startling realization should be of no surprise to the child support worker who expects to deal with veterans who are suffering with PTSD on a regular basis. However, it is not known how exactly PTSD affects the collection of child support enforcement. It is easy to imagine that such individuals may have a very difficult time acquiring and maintaining employment after returning home from war. To that end, Williamson & Mulhall (2009) noted “as public awareness of troops’ psychological injuries has increased, so too has the threat of employment discrimination against returning vets” (3). The specter of discrimination, based on the spurious image of the “wacko vet,” presents a very real threat to employment.

Williamson & Mulhall (2009), furthermore, noted that recent veterans may experience problems effectively communicating how skills developed in the military are applicable to the employer. Quoting a Military.com survey, they noted as much as 3/4ths of returning veterans reported an inability to relate the importance of skills like “adaptability, teamwork, and mission focus” (2).

On a related note, Waterstone (2010) argued that PTSD is generally under-diagnosed, in part due to the history of ignorance about PTSD and reluctance to label it a disability. Waterstone (2010) also noted “it is only recently that PTSD and similar mental disabilities have been taken seriously for purposes of disability compensation screenings” (1124). The under reporting of PTSD could potentially harm veterans in their transition to civilian life. Contributing to this line of argument, Fink (2010) argued that PTSD is under compensated by the Veteran’s Affairs office since the diagnostic criteria for a disability benefits determination require “credible evidence that an in-service stressor occurred, and show that medical evidence supports a conclusion that the incident is linked to current

PTSD diagnosis”(229). This is problematic for veterans who do not have combat designations but nevertheless witness “the horrors of war,” and is troubling considering that “PTSD is the fourth most prevalent service-connected disability” (235). Fink (2010) argued that one solution to the problem would be to extend “the presumption of occurrence” to post 9/11 veterans of OIF and OEF (245). This would have the added benefit of reducing the burden of identification on mental health professionals (247). Russell (2009) argued that the creation of a “specialized veterans treatment court” in Buffalo, New York provides a model for addressing the problem (357).

Compounded by lost benefits from under diagnosis and the social stigma of the “wacko vet,” PTSD presents a significant obstacle to the financial security and employment of veterans. Since financial security is the cornerstone of consistent child support payments, PTSD can potentially affect the ability to pay, particularly at the crucial transition phase from military life to the market economy. Thus, a sub pillar question of key significance becomes - *What is the role of PTSD in child support enforcement among veterans under the Outreach of the HEROES Program?*

Problems of Bureaucracy – (Pillar Question 2)

Child support enforcement involves complex webs of communication and cooperation at the interpersonal, interagency, and interstate levels. As child support workers navigate the process of establishment, enforcement, and modification of child support orders, custodial parent (CP) and noncustodial parent (NCP) cooperation presents the first stumbling block. This is compounded by the fact that many child support orders are interstate or out-of-state. The modification and enforcement of such orders could present

particular bureaucratic stumbling blocks as the child support worker attempts to coordinate efforts with agencies across the country. Furthermore, the enforcement and modification of child support orders involves coordination between many agencies and entities within the state of origin. Thus, intrastate multi-agency cooperation could also present obstacles to the social worker during the course of child support enforcement.

The second pillar question of this applied research project is - *What are the bureaucratic obstacles to child support enforcement among veterans under the HEROES Program?*

Interstate Child Support Orders – (Pillar Question 2a)

Interstate orders can place a significant burden on child support enforcement. The simple fact of distance between the father and the mother and the child support agency creates a problematic context in which the fragile process of collections is situated. Interstate orders not only require cooperation between the parents and the agency, they also require interstate agency cooperation. The simple administrative task of locating the father is a major problem in enforcing interstate orders. As a result, fleeing the state has been a common way for deadbeat dads to evade child support obligations in the past. A 1992 GAO study estimated that as much as 37 percent of NCPs lived out-of-state, more than half of which did not make consistent child support payments (GAO 1992).

The interstate element in these cases is not a small technicality; in fact, the interstate factor generates significant practical and economic difficulties that state-based support enforcement efforts have not been able to address effectively. (Estin 1998, 572)

The federal government recognized the unique challenge that interstate issues pose for child support enforcement in 1950, when Congress passed the Uniform Reciprocal Enforcement Support Act (URESA), also known as “the Runaway Pappy Act,” which

allowed the CP to enforce a child support order across state lines (Calhoun 1995, 927). Decades later in 1988 Congress created the U.S. Commission on Interstate Child Support, which made 120 recommendations for improving establishment and enforcement of interstate child support awards. Then in 1992 Congress passed the Child Support Recovery Act, which criminalized “the willful failure to pay child support owed to a child in another state” (Estin 1998, 547). Nevertheless, Zimmerman (1994) identified a particularly problematic situation: “If a noncustodial parent is found in a second state, he or she may flee to a third state before action can be initiated in the second to enforce the creditor judgment... URESA does not address the question of what actions the first two states should take under these circumstances” (49). Moreover, citing GAO statistics from 1990, Zimmerman (1994) indicated that 25-65 percent of interstate cases lacked correct addresses; 40-78 percent lacked important employment information, and 50-96 percent lacked information about wages and income (49).

The interstate dimension of child support enforcement also represents a significant constitutional issue, potentially affecting the due process rights of the non-custodial parent, inherent the 5th Amendment. This right, however, is offset by three Constitutional clauses: the general welfare clause, the interstate commerce clause, and the full faith and credit clause (57). Section 5 of the 14th Amendment could have also played a similar role, but as Zimmerman carefully demonstrated,

Due process of law is designed to protect the rights of individuals from arbitrary government actions and not to resolve interstate disputes... a question may be raised relative the fairness of a congressional statute assigning jurisdictions to the ‘home’ state of the child. Under such as statute, the custodial parent would have the unilateral right to move to another state, possibly for forum-shopping purposes, and the obligor would have no recourse. (Zimmerman 1994, 58)

Zimmerman concluded by noting that collections of interstate child support would be “a serious problem for the foreseeable future” (60). His insights were timely and prescient. In the same year he wrote *Child Support: Interstate Dimensions* (1994) Congress passed the Full Faith and Credit for Child Support Orders Act (FFCCSOA), which represented an assertion of power beyond traditional uses of the commerce clause and the full faith and credit clause (Estin 1998, 550). Then in 1996 Congress passed PRWORA, which in addition to creating the TANF system, required states to establish automated case registries. PRWORA also mandated changes in state laws to “permit administrative rather than judicial enforcement of interstate support orders” (548) and required states to adopt the Uniform Interstate Family Support Act. Three years after UIFSA had taken effect, Hatamyar (2000) concluded that the UIFSA had been reasonably successful in addressing some of the issues associated with interstate child support orders.

Interstate orders, nevertheless, continue to present problems to child support workers, not only in their attempts to collect support from uncooperative parents, but also, and perhaps more importantly, in their interactions with the agencies of other states. Thus, the interstate dimension of child support enforcement represents a problematic situation as old as the creation of the United States itself: what is the appropriate distribution of power between the states and the federal government, and how are the various state and federal agencies to cooperate?

Interstate child support orders are particularly relevant to enforcement among military service members. Soldiers are regularly relocated to different states and deployed to foreign countries, thus the UIFSA included provisions for international enforcement of

child support (Booth 2009). In fact, the issue of out-of-state orders is perhaps one of the most important aspects of child support enforcement among military service-members.

The people who comprise the American military services have been recognized as a distinct population with characteristics that demand separate study and appropriate public policy responses. The distinctive character is largely due to the mobile lifestyle, frequent and multiple deployments overseas without family presence, and multiple tours in combat zones. (Inbody & Shields 2010, 6)

In addition to interstate agency cooperation, the child support agency is also required to cooperate with federal agencies, such as the United States Office of Child Support Enforcement (OCSE), the Department of Justice (DOJ), the Internal Revenue Service (IRS), and the Department of Defense (DOD). The Department of Defense, here, includes the military bases located near HEROES Program pilot sites.

The particular child support enforcement obstacles among veterans, arising from these complex relationships, are relatively unknown. The sub pillar question arising from the recognition of this particular concern is - *How do interstate orders affect child support enforcement among veterans under the outreach of the HEROES Program?*

Intrastate Multi-Agency Cooperation – (Pillar Question 2b)

An issue closely related to interstate agency cooperation is the issue of intrastate multi-agency cooperation. Child support agencies must interact with a multitude of different state agencies, such as employment commissions, health and human services, and attorney general's offices, etc. Child support agencies may also be required to deal with non-profit groups such as mothers advocacy groups, fathers advocacy groups, veterans groups, and so on. This presents a unique problematic context in which a high degree of communication, coordination, and cooperation are required to achieve policy goals. This

task, furthermore, may become burdened by interagency secrecy, legal restrictions, and bureaucratic obstacles.

Sloper (2004) noted that multi-agency cooperation is a “key policy priority,” which has been “highlighted in many research studies.” Sloper attempted to develop a comprehensive review of the available research in order to gain perspective on “the facilitators and barriers” to positive outcomes for children and families. The results of his study suggested that there are “consistent findings on facilitators and barriers,” which include (1) clear aims, roles, responsibilities, and timetables, (2) multi-agency steering groups dedicated to information sharing, and (3) training/support staff (571).

Multi-agency coordination is a problem not only for the social worker, attempting to deliver services to the family; significant burdens are also placed on the family itself. As such, “children and families have a range of different needs which do not fall into separate agency segments.” Families must contact and cooperate with social workers from different agencies in order to access available services. As Sloper noted, interagency fragmentation can produce obstacles to access to services. Establishment of a “single point of contact, a ‘key worker,’ ‘named person,’ or ‘link worker’” can address many of the problems associated with interagency cooperation. Nevertheless, this goal has been problematic in its implementation, since effective cooperation requires “changes at the level of individual practice,” which often “challenges existing professional cultures” (572).

Sloper identified seven models of “joint working,” derived from broader literature on the subject: strategic level working, consultation and training, placement schemes, centre based delivery, co-ordinated service delivery, multidisciplinary and multi-agency

teams, and case or care management (573-74). Sloper identified co-ordinated multi-agency service delivery through a key contact person as the least common. The key contact person model, however, is perhaps the most effective form of multi-agency cooperation, since it “aims to ensure that the service is co-ordinated at the point of delivery to children and families” (574).

Multi-agency coordination is an issue of key significance to the HEROES Program since child support caseworkers often coordinate with multiple agencies and organizations. Thus, a sub-pillar question of key significance becomes - *How does the HEROES Program cooperate between various intrastate agencies and organizations?*

Responsiveness of Child Support Orders – (Pillar Question 3)

Child support agencies operate effectively when they are responsive to the needs of both children and noncustodial parents. Socio-economic hardship and bureaucratic obstacles can present major problems to establishment, modification, and enforcement of child support orders. Veterans may be subject to fluctuations in income, unemployment, or homelessness, which should prompt the modification of child support levels. Recent veterans may be particularly vulnerable to the conditions of the market economy, legal obstacles that developed while deployed overseas, and bureaucratic obstacles related to interstate orders as they demobilize from the military and transition back to civilian life. The responsiveness of child support orders to these changing circumstances is necessary to avoid delinquency in payment and increasing debt arrearage. Thus, a third pillar question of key significance is - *What factors affect the responsiveness of child support orders among veterans under the outreach of the HEROES Program?*

Modification of Child Support Orders – (Pillar Question 3a)

Ideally, child support orders would be completely responsive to changes in the income of the NCP. Downward fluctuations in income, predictably, decrease the ability to pay child support, placing a financial strain upon the NCP. Upward fluctuations, not reflected by commensurate increases in child support payments, result in lost child support. Even though the NCP's economic situation is beyond the reach of the agency's powers, rules that the agency implements to enforce the child support order can adversely affect the future stability of low-income NCPs. Child support agency policies should promote modifications based on changes in the income of the NCP, so that low income NCPs are not financially devastated by increasing arrearage debt due to financial instability. Concurrently, so that the agency can increase the wellbeing of the child, rising income should also reflect a modification of child support levels. Both sides of this coin are reflected by a legal history that emphasizes the responsiveness of child support order to fluctuations in income.

Cancian et al. (2010) argued "the underlying theory behind child support guidelines implies that child support orders should change when the income levels of the noncustodial parents change." If child support orders are not responsive to changes in income, the NCP may experience further economic degradation and increased arrearages. Unfortunately, according to a Wisconsin study, "a substantial proportion of fathers experience large changes in earnings, but relatively few of the associated child support orders are modified"(799). Cancian et al. argued that the literature has focused on levels of support, ability to pay, and effects of enforcement, rather than the effect of modifying

child support orders. Their study attempts to explain a correlation between modification of orders and income levels (800).

The 1988 Family Support Act required states to implement a mandatory triennial review of child support orders, which the 1993 Omnibus Budget Reconciliation Act updated by allowing either parent to request a review of the child support order. Cancian et al. (2010) indicated that a number of “demonstration projects” were undertaken, which revealed that collection of specified information about income did not lead to an increase in modification of child support orders. Furthermore, these projects demonstrated that such programs were administratively costly. Thus, PWRORA repealed the requirement and implemented a policy of modification at the request of the custodial parent every three years (800).

The state has a clear rationale for implementing responsive child support orders for NCPs with increasing income since such orders would result in larger child support payments. However, Cancian et al. (2010) analyzed pre-1987 orders in Wisconsin and found, “in some cases revisions were not pursued because they might have resulted in downward modification of child support orders... of the 14% of modifications that were pursued, there was an average increase in child support orders of \$116 per month” (803).

Clearly agencies have an incentive to pursue upward changes in income, yet the state may not realize the benefit of lowered orders as well.¹¹ Dads who simply can't afford to pay, or “turnips,” represent a third of total child support cases. As Mincy & Sorensen (1998) argued, punishing turnips does not produce positive affects for child support enforcement. Conversely, they argued that the arrearage problem could be

¹¹ On a related topic, King (2009) argues that automated inflation adjustments should be made based on increasing cost of raising children. Nevertheless this is potentially unconstitutional, as it could violate the due process rights of the NCP (2009, 135)

mitigated in part by making child support orders more responsive to downward changes in income.

Most states set child support order levels according to the principle of “continuity of expenditures,” which holds that the child should receive the same level of support after divorce. This principle has generally held that an order should be modified under two conditions: the number of children changes, or the income of either parent changes. Under these conditions orders should change relatively often, commensurate with fluctuations in income. However, parents are often reluctant to pursue modifications since doing so can “disrupt a delicate balance in the relationship between the parents” (Cancian et.al. 2010, 801). Furthermore, bureaucratic obstacles prevent modification of child support since the process is administratively costly. Thus, modifications are often pursued only when a significant upward change in income occurs (802). As a result, most states have adopted “quantitative modification standards” to screen requests by implementing a threshold percentage of change standard, usually requiring a ten to twenty percent income fluctuation. Section 156.401(2) of the Texas Family Code states that a modification can occur if “it has been three years since the order was rendered or last modified and the monthly amount of the child support award under the order differs by either 20 percent or \$100 from the amount that would be awarded in accordance with the child support guidelines.”

Cancian et al. (2010) also indicated that 75 percent of NCPs in Wisconsin experienced substantial fluctuations in income over a three-year period. Among this group there were evenly split increases (38%) and decreases (37%) in income, with 19 percent experiencing a 50 percent increase in income and the same percentage

experiencing a 50 percent decrease in income (809). Thus, “the earnings of noncustodial fathers do change significantly over time, with rough comparable proportions showing large percentage increases and large percentage decreases”(810). Unfortunately, 70 to 80 percent of NCPs in this group did not experience a modification of their child support order. Among NCPs that experienced large decreases in income, only 3 percent experienced a commensurate modification of support levels, compared to a 9 percent increase for NCPs with large increases in income (811).

Further contributing to low income NCP research, Bartfield & Meyer (1994) found that lowering absolute levels of child support for low income NCPs actually increases the compliance of the NCP, and therefore, the consistency and regularity of support payments to the child. It should be noted, however, that Bartfield & Meyer also found no such affect on middle and high income NCPs. Only fathers with very low incomes were positively affected by lowered support orders, leading Bartfield & Meyer to conclude that “[t]hese results suggest that a father’s ability to pay, in addition to his willingness to pay, determines the extent to which he fulfills his child support obligation.” Furthermore, Bartfield & Meyer argued “compliance increases substantially with income, especially at the lowest income levels. Additionally, the detrimental effect of extremely low income on compliance rates is offset by having a lower order (relative to income)”(232). In addition, Zimmerman (2000) noted “several new studies have added the important insight that low-income fathers tend to have the actual means to pay small support awards on a consistent basis” (106).

The degree to which child support orders reflect the socio-economic status of the noncustodial parent is a function of the responsiveness of the order itself. While federal

law only requires review of an order every three years, recent veterans transitioning into the civilian market economy require timely support order reviews. The issue of modification of child support orders could, therefore, present challenges unique to recent veterans, given that they likely experience fluctuations in income after being discharged from the military. Thus, a sub pillar question arising from the recognition of this particular concern is - *What are the obstacles to modification of child support orders for veterans under the outreach of the HEROES Program?*

Child Support Guidelines – (Pillar Question 3b)

Passage of the 1988 Family Support Act (FSA) required states to adopt presumptive guidelines. Three basic models for child support calculation are prominent in the literature: the percentage of income standard, the income shares model, and the Melson Formula. These models are used to calculate the level of support owed to the CP. Prior to the FSA, child support levels were determined by judges on a case-by-case basis. Unfortunately, “the traditional case-by-case method was inadequate and problematic” (Foohey 2009,42). Through the FSA Congress implemented “mandatory numeric child support guidelines,” which could only be deviated from if a judge or court believed the guidelines to be “unjust or inappropriate”(42). The inherent purpose of these guidelines would be to ameliorate the inconsistencies created by the case-by-case method and “balance the implicit tradeoffs in splitting one household into two”(42). Unfortunately, the guidelines themselves are imperfect and result in differing affects on parents of similar socio-economic status (42-3).

The percentage of income model is the simplest of the three. It applies a percentage to the NCP's net or gross income and ignores the income of the CP. Two variations of the percentage of income model are the "flat percentage model," which ensures that the child receives a consistent percentage of the NCP's income; and the "varying percentage model," which applies different percentage levels to different levels of income. These models are analogous to the difference between a flat tax and a progressive tax (44-45). Fourteen states apply the percentage of income model, and all of these states implement increases based on number of children.¹²

According to King (2009), this model results in the "moment in time" problem, in which the increasing cost of raising the child is not reflected by inflation adjustments. The primary goal of the percentage of income model is to "preserve individual children's economic well being such that children are not made economically worse off when their parents divorce." The downside of this model is that "in furtherance of this goal the percentage of income standard transfers a sizable portion of the non-custodial parent's income to the custodial parent regardless of the relative impact on the non-custodial parent's standard of living" (108-09). Critics also note that the percentage does not decrease as income rises, in addition to the fact that this model does not take into account the income of the CP (Foohey 2009, 46). Nevertheless, as Foohey argued:

Beyond these critiques, and in contrast to the main criticism levied against it (and implicit in the argument against not taking into account the custodial parents income), the percentage of income standard also should be more explicitly criticized for unrealistically expecting lower-income obligors to be financially able to pay such a large percentage of their income in child support, even if such a higher percentage is necessary to maintain their children's economic wellbeing. (Foohey 2009, 47)

¹² Texas law will be further be outlined in the results and analysis section of this ARP, as it will largely be premised upon the legal interpretation of the Assistant Attorney Generals at the HEROES Program. Their experience can place Texas law into context.

The income shares model is the most popular in the United States and is in place in 36 states. It is more sophisticated than the percentage of income model and addresses its critics in part by taking into consideration the income of the CP. The income shares model is an attempt at cost sharing, and sets obligations through a determination of combined income prior to familial dissolution. This model was developed by Dr. Thomas Espenshade under the Child Support Guidelines Project, who developed estimates of child-rearing expenditure across differing levels of income (Foohey 2009, 49-51). Critics that argue against the income shares model assert that these estimates are “based on faulty economic research and data that inaccurately estimates the cost of raising children”(50). More importantly, as Foohey argued, this model still lacks a viable economic solution for financially overburdened NCPs (turnips) (52).

King (2009) similarly argued that, like the other two models, the Melson formula does not adequately reflect the interest of the child. She noted, “when one carefully examines the striking language that varies significantly from the income shares method and the percentage of Obligor’s income method... it is fairly easy to see how only three states have adopted the Melson Formula – the primary reason being that the parents are put first, as opposed to the best interests of the child” (133). King (2009), however, focused on upward modifications based on inflation adjustment, not downward modifications necessary in cases where the NCP experiences declining income.

The Melson Formula was developed by a Judge in Delaware named Elwood Melson, Jr. in 1979 and is the most complicated of the three standard models. It is only used in three states. The Melson Formula is like the income shares model but goes far beyond it in an attempt to achieve comprehensiveness. It starts with the net income of

both parents then subtracts a “self-support reserve.” Next, any remaining income is applied to the child’s “predetermined primary support need,” which is calculated using economic data, similarly used in Espenshades research (Foohey 2009, 52). Next, a percentage of any remaining income, after the child’s primary self-support need is met, is added to the child support obligation.

The Melson Formula is generally fairer to poor NCPs because it has a “self-support reserve” for the NCP, unlike the percentage of income model and the income shares model. Delaware has a self-support reserve level of \$970 per month, much higher than the \$6800 annual figure associated with poverty (53-54). Nevertheless, Foohey argues against the Melson formula:

Like the other two models, the Melson Formula should be criticized for expecting lower-income obligors to pay more than financially feasible. But because the Melson Formula includes an allowance for basic needs, it is not the lower income obligors that are the most likely not to be able to financially pay; rather, it is those obligors whose income falls at the low end of ‘middle income’ that are required to pay substantial portions of their income in order to equalize the standards of living across the two resulting households. And it is in these cases that the obligors are unable to afford their support obligations without slipping close to the poverty line on which the allowance for basic need is built. (Foohey 2009, 54)

These comments should be particularly relevant to recent veterans since they are less likely to be impoverished than the general population, but slightly more likely to be unemployed. Thus, since they may be economically at the lower end of middle class, recent veterans may experience a unique benefit from adjusted calculations based on their specific needs. The sub pillar question arising from the recognition of this particular concern is - *What is the role of guidelines in child support enforcement among veterans under the outreach of the HEROES Program?*

Mapping the Conceptual Framework

In this chapter, a brief review of child support enforcement and military veteran literature in the United States prompted three pillar questions and six sub-pillar questions that relate to the enforcement of child support orders among veterans under the outreach of the HEROES Program. These questions are integrated into the conceptual framework found in **table 3.1** below. This table serves to operationalize the research purpose by illustrating the connection between the literature sources, mentioned above, and the sub pillar questions derived from their review.

The first pillar question (PQ1) to arise from this preliminary exploration into child support enforcement among veterans is - *What are the pertinent characteristics of noncustodial parent (NCP) veteran population under the outreach of the HEROES Program?* From this pillar question emerges two sub-questions, which attempt to develop a particularized image of this population's characteristics. The first sub-pillar question (PQ1a) is - *What is the role of "ability to pay" in child support enforcement among veterans under the outreach of the HEROES Program?* The second sub-pillar question (PQ1b) is - *What is the role of PTSD in child support enforcement among veterans under the outreach of the HEROES Program?*

The second pillar question (PQ2) to arise from a review of literature concerns potential bureaucratic stumbling blocks, relating to child support enforcement. Interstate enforcement issues in particular may uniquely affect veterans under the HEROES Program. Thus, the first sub-pillar question (PQ2a) is - *How do interstate orders affect child support enforcement among veterans under the outreach of the HEROES Program?* Second, child support requires complex coordination between intrastate agencies and

entities. Thus, the second sub-pillar question (PQ2b) to arise is - *How does the HEROES Program cooperate between various intrastate agencies and organizations?*

The third pillar question (PQ3) to arise from this exploration deals with aspects of the enforcement process, primarily relating to the responsiveness of child support orders in relation to the specific characteristics of the NCP. It asks - *What factors affect the responsiveness of child support orders among veterans under the outreach of the HEROES Program?* To further explore issues related to responsiveness of child support orders the first sub-pillar question (PQ3a) asks - *What are the obstacles to modification of child support orders for veterans under the outreach of the HEROES Program?* The next sub-pillar question (PQ3b) attempts to explore issues of responsiveness related to child support guidelines, and asks - *What is the role of guidelines in child support enforcement among veterans under the outreach of the HEROES Program?*

Table 3.1 - Conceptual Framework

Pillar Question #1- Characteristics– What are the pertinent characteristics of the NCP/veteran population under the outreach of the HEROES Program?	Supporting Literature
PQ1a – <i>Ability to pay</i> – What is the role of “ability to pay” in child support enforcement among veterans under the outreach of the HEROES Program?	Mincy & Sorensen 1998, USCB2009, Sorensen & Zibman 2000, Hatcher2009, Lockie2009, Cancian Meyer & Roff 2006, Cassetty & Hutson 2005 BLS 2009, Williamson & Mulhall 2009
PQ1b – <i>Post Traumatic Stress Disorder</i> – What is the role of PTSD in child support enforcement among veterans under the outreach of the HEROES Program?	Leach & Nidiffer 2004, Williamson & Mulhall 2009 Russell 2009, Waterstone 2010, Fink 2010
Pillar Question # 2 – Bureaucratic Obstacles – What are the bureaucratic obstacles to child support enforcement among veterans under the HEROES Program?	Supporting Literature
PQ2a – <i>Interstate Orders</i> – How do interstate orders affect child support enforcement among veterans under the outreach of the HEROES Program?	GAO 1992, UCICSE 1992 Booth 2009, Estin 1998 Calhoun 1995, Inbody 2010, Zimmerman 1994, Hatamyar 2000
PQ2b – <i>Intrastate Multi-Agency Cooperation</i> – How does the HEROES Program cooperate with intrastate agencies and organizations?	Sloper 2004
Pillar Question #3- Responsiveness –What factors affect the responsiveness of child support orders among veterans under the outreach of the HEROES Program?	Supporting Literature
PQ3a – <i>Modification</i> - What are the obstacles to modification of child support orders for veterans under the outreach of the HEROES Program?	Cancian Ha & Meyer 2010 Mincy & Sorensen 1998 Bartfeld & Meyer 1994 Zimmerman 2000 King 2009
PQ3b – <i>Guidelines</i> - What is the role of guidelines in child support enforcement among veterans under the outreach of the HEROES Program?	Foohy 2009 King 2009

Chapter IV - Methods - Operationalizing the Conceptual Framework

The previous chapter of this applied research project utilized a “pillar questions” conceptual framework, which operationalized the research purpose by illustrating the link between literature sources and sub-pillar questions derived therein. In this chapter, six sub-pillar questions are further refined into more specific research questions, generated in an attempt to elucidate factors relevant to the exploration of the HEROES Program. The connection between the conceptualization of the research purpose and the operationalization of the conceptual framework should be seamless. The usefulness of this operationalization, however, is determined by the relevance of the data generated by these questions.

Methods of research shape the direction of inquiry by determining the focus of data collection efforts. As data are revealed, this focus may be narrowed, broadened, or changed altogether. In the long run, research methods should be responsive to the subject matter at hand. For this ARP’s purposes, a preliminary inquiry into the early stages of the HEROES Program dictates the use of broad questions, providing a broad focus on multiple data sources.

This ARP focuses on a combination of incomplete quantitative archival records data, as well as qualitative semi-structured/open-ended interview responses. This mixed methods approach generates both a nomothetic overview and an idiographic depth, suitable to a broad exploratory research purpose. The quantitative data derived from archival records draws a reliable image of the noncustodial parent/veteran in question, while qualitative interview responses provide deeper insights into the process of casework under the HEROES Program.

As Babbie notes in *Observing Ourselves*, “researchers with a quantitative bent sometimes look down on qualitative research as imprecise and unscientific; [while] qualitative researchers sometimes regard quantitative research as superficial and misguided” (1986, 85). This applied research project disregards this arbitrary distinction by utilizing a more pragmatic mixed-methods approach, suitable to exploration into relatively untreated subjects, such as the preliminary evaluation of the HEROES Program. The sources of data and their collection methods are described below.

Data Sources - Quantitative - Archival Records

The focus of the quantitative portion of this case study is a group of veterans, mostly from Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), who have child support cases in Central Texas under the outreach of the HEROES program. The United States Office of Child Support Enforcement (OCSE) and the Texas Attorney General’s Office (OAG) concluded that this group merits special public policy approaches to child support enforcement, as indicated by its grant for the HEROES Program. This group was sampled through outreach by HEROES Program staff on the basis of internal and external referrals.

The HEROES Program has already collated much of the data from its current casework but is in an ongoing process of collecting data from external referrals on homelessness, unemployment, and disability status. The document source for this data is the HEROES Combined Casework.xls. This document was sanitized of confidential information by the Attorney General’s Office. As of March 21, 2011 this archive included about 220 cases, excluding about 50 cases collected by a recently departed

second caseworker. Ninety-eight of these cases are veterans. As anticipated, casework at this point comprises a relatively small sample size. Therefore, the quantitative aspect of this research project is relatively superficial. A much broader qualitative research effort was made to complete the study.

Data Sources - Qualitative - Interview Subjects

In many ways the substance of this research project is in its interviews. The quantitative side serves only to augment the responses derived from semi-structured, open-ended interviews of experts involved in the lives of veterans under HEROES. The qualitative aspect of this case study focuses on the testimony of expert witnesses in and around the HEROES Program. Experts were interviewed from the Field Operations branch of the Child Support Division of the Texas Attorney General's Office (OAG), the Family Initiatives branch of that same office, the Texas Veteran Leadership Program (TVLP), and the Veteran Justice Outreach (VJO) under the federal office of Veterans Affairs (VA).

This applied research project utilized a snowball sampling technique to gather appropriate subjects for interview. Snowball sampling is a "non-probability sampling method, often employed in field research, whereby each person interviewed may be asked to suggest additional people for interviewing" (Babbie 2010, 193). This snowball started with one primary staff member at the HEROES Program: Assistant Attorney General, Patricia Barsalou. This "pillar" expert was in close contact with many other relevant individuals and was able to provide references to many experts surrounding the HEROES Program.

The overall sample size of this applied research project is relatively small, due to the fact that the HEROES Program is staffed by only one caseworker at the moment. Moreover, obtaining the perspectives of HEROES Program management during the time allotted proved challenging. Thus, the HEROES caseworker perspective dominates the program's self-perceptions. This perspective was supplemented by the perspectives of Melissa Munoz, Senior Regional Attorney of the Texas Office of the Attorney General - Child Support Region II; Jason Doran, Director of the Texas Veterans Leadership Program (TVLP); Eddie Rodriguez, Resource Specialist at the TVLP; Sherman Weeks, Resource specialist at Camp Mabry under the TVLP; and Desi Vasquez, Psychologist at Veterans Affairs (VJO/VA). Finally, the views of the HEROES Program management were expressed in a post-evaluation comment on this ARP by Michael Hayes, Director of the Family Initiatives Office of the Texas Office of the Attorney General.

Interviews took place between late January 2011 and early March 2011, providing an in depth exploration of child support issues relating to veterans in Texas. These interviews comprised over ten hours of recorded audio, which was converted into coded transcripts and integrated back into the conceptual framework in the results chapter of this ARP. The interviews were open ended, presuming that interview questions were imperfect. This presumption allowed the respondent maximum latitude to answer the questions with as many details as possible. The interviews were guided by research questions, developed through the operationalization of the conceptual framework. Three broad "pillar" questions generated six sub-pillar questions. From these six sub-pillar questions were derived multiple research questions. The research questions illustrated in **Table 4.1** formed the basis of quantitative and qualitative inquiry.

Table 4.1 - Operationalization of the Conceptual Framework

Pillar Question 1	What are the pertinent characteristics of the NCP under the outreach of the HEROES Program?	
PQ1a	Data Sources	Open Ended Research Questions
How does “ability to pay” affect child support enforcement among veterans under the HEROES Program?	HEROES Staff	1 - How many veterans under HEROES are unemployed?
	TVLP Staff	2 - How many custodial parents of veterans under HEROES receive TANF aid?
	Archival Records	3 - How many veterans under HEROES are homeless?
PQ1b	Data Sources	Open Ended Research Questions
What is the role of PTSD in child support enforcement among veterans under the outreach of the HEROES Program?	HEROES Staff	1 - How many veterans under HEROES have PTSD?
	TVLP Staff	2 - How do HEROES staff identify PTSD?
	VJO Staff Archival Records	3 - How does PTSD affect child support enforcement under HEROES?
Pillar Question 2	What are the Bureaucratic Obstacles to child support enforcement among veterans under the HEROES Program?	
PQ2a	Data Sources	Open Ended Research Questions
How do interstate orders affect child support enforcement among veterans under the outreach of the HEROES Program?	HEROES Staff	1 - How many veterans under HEROES have interstate and out-of-state child support orders?
	OAG Staff Archival Records	2 - How do HEROES staff work with other states in enforcing interstate/out-of-state orders?
PQ2b	Data Sources	Open Ended Research Questions
How does the HEROES Program interact with various intrastate agencies and organizations?	HEROES Staff	1 - How does HEROES staff coordinate and collaborate with other agencies and entities?
	TVLP Staff VJO Staff Archival Records	2 - What are the obstacles to effective coordination and collaboration?
Pillar Question 3	What factors affect the responsiveness of child support orders among veterans under the outreach of the HEROES Program?	
PQ3a	Data Sources	Open Ended Research Questions
What are the obstacles to modification of child support orders for veterans under the outreach of the HEROES Program?	HEROES Staff	1 - How do HEROES staff identify veterans who have experienced a substantial change in income?
	OAG Staff Interviews Archival analysis	2 - Under what circumstances does a HEROES caseworker suggest a child support order be modified?
PQ3b	Data Sources	Open Ended Research Questions
What is the role of guidelines in child support enforcement among veterans under the outreach of the HEROES Program?	HEROES Attorneys	1 - What guidelines are used to assess child support amounts for veterans under HEROES?
	OAG Staff Interviews	2 - What affect do these guidelines have on veterans under HEROES?

Chapter V - Results

The previous chapter utilized an operationalization framework that generated a set of research questions relevant to the analysis of archival records and interview responses. The present chapter utilizes this set of research questions in an attempt to elucidate factors relevant to the initial research purpose. Furthermore, many of the essential descriptive details important to a basic understanding of the functioning of the HEROES Program were not revealed until after the interview process began. This chapter, therefore, begins with a note on the context of the HEROES Program and then proceeds with a discussion of the results,¹³ which unfolds according to the sub pillar questions framework, outlined in **table 3.1**: PQ1a, PQ1b; PQ2a, PQ2b; PQ3a, PQ3b. This chapter then concludes with a summary of findings in **table 5.1**.

Context

The HEROES Program is currently staffed by one Assistant Attorney General caseworker in San Antonio, Patricia Barsalou, who was recruited from the Field Operations Division of the Texas Attorney General's Office into the Family Initiatives Office. Mrs. Barsalou conducts outreach and case management for the HEROES Program for both active duty military members and veterans.

Child support issues are very different between active duty military members and veterans. Since active duty military members are employed, income withholding assures timely child support payments. This eliminates the problem of NCP unemployment seen

¹³It should be further reiterated that much of the results relating to the self-perception of the HEROES Program are dominated by the experiences of the sole HEROES caseworker. As previously mentioned staffing issues resulted in the loss of an additional caseworker, and cooperation issues obstructed the inclusion of HEROES management perspectives during the allotted time.

in veterans. Also, the active duty group seems to be more compliant with child support enforcement, presumably also the result of being employed by the military. Most active duty military members, however, will soon be returning veterans and will face many of the same economic hardships that current veterans are facing.

HEROES originally intended on focusing outreach only on recent veterans from Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF). However, this approach was quickly dropped in light of many referrals from older veterans. This decision was prompted by the senselessness of turning away veterans with serious child support issues, who did not fit into the preconceptions of the original grant proposal. As such, this ARP also broadened its focus to all veterans, although this distinction undoubtedly may prove useful for future research purposes.

The HEROES Program identifies soldiers in need of case review through internal and external referrals. The Field Operations Division of the Attorney General's Office generates an internal referrals list of non-custodial parents (NCP). This list of NCPs is populated with military members who are delinquent on child support payments. Outreach to NCPs on this list is done through cold calling the NCP, the employer, the custodial parent, or anyone who may be in contact with the NCP. These NCPs can be hard to reach and in many cases are evading the child support system.

In contrast, external referrals are generated through proactive outreach by the HEROES caseworker and the managing social workers of the HEROES Program. They make regular contact with military judge advocate generals (JAGs) and attend parenting order legal clinics (POLC) at Ft. Hood on a bi-weekly basis. These site visits usually generate 10-13 new cases per visit, which in addition to referrals from other sources

approximates the maximum workable bi-weekly caseload. Outreach at Ft. Hood was originally the duty of an additional HEROES attorney/caseworker, who has since left the program and has yet to be replaced. In addition, managers at the HEROES Program intend to hire a third attorney in El Paso by April.

The HEROES Program had initially intended on generating referrals at San Antonio military bases. Until recently, however, outreach to soldiers at military bases in San Antonio was blocked by the organizational consolidation of Kelly Air Force Base, Randolph Airforce Base, Lackland Airforce Base, and Ft. Sam Houston under Joint Base San Antonio. After consolidation, HEROES made contact with Joint Base San Antonio on February 25th. On February 28th the HEROES caseworker stationed in San Antonio began receiving referrals.

The HEROES caseworker keeps a combined casework detail that captures important referral data, homeless status, employment status, TANF status, and special issues encompassing PTSD. On January 26th there were 189 cases in this detail, including those of the recently departed second caseworker. Two months later there were 264 cases. This increase reflects that Joint Base consolidation no longer presents as significant a hindrance to the referrals process as it did before February 28th.

Ability to Pay – (Pillar Question 1a)

In many ways the HEROES Program targets an economically disadvantaged group. Ability to pay plays an important role in child support for veterans under the outreach of HEROES. Contrary to the deadbeat dad image of child support, fifty-three percent of veterans within the HEROES casework are simply unemployed. It is not surprising that

they are having issues paying child support; especially since, according to senior regional attorney Melissa Munoz, Texas courts presume that the non-custodial parent earns minimum wage if there is no evidence of income.

Of the ninety-eight veterans with child support cases under HEROES, thirty-four percent are reported to have at one point or another utilized temporary assistance to needy families (TANF) and/or Medicaid to augment their poverty. HEROES identified these cases by checking arrearage owed to the state of Texas, rather than the custodial parent. This fact is a reflection of welfare cost recovery policy, implemented by the state, whereby child support payments are used to pay for the cost of temporary government assistance (TANF) to the custodial parent, as well as the medical bills of the child. As Michael Hayes indicated, acquiring TANF is very hard in Texas since the income threshold for qualification is so low.

Alarming, eleven percent of the ninety-eight veterans currently under the casework of the HEROES Program are homeless. One veteran had been living in the woods for five years, while his arrearage debt built, which accumulated based on whatever his income was before becoming unemployed and homeless. In accordance with Texas state law, the OAG includes veteran disability benefits as income in a determination of child support amount. Some confusion seems to exist, as conflicting interview responses indicated, over whether these benefits can or cannot be garnished. Nevertheless, the disability amount may be added to the overall determination of income on top of the minimum wage presumption, increasing the economic hardship of unemployed and homeless veterans.

As Jason Duran, Director of the Texas Veteran's Leadership Program (TVLP), noted, veterans have become popular targets for people that want money for their programs. He dubs such organizations "poverty pimps." In his words many new veteran support organizations claim that they can do more than they really can in order to receive grant funding. He noted, however, that the HEROES Program has the ability to do some good for veterans at a reasonable cost. Eddie Rodriguez, TVLP resources specialist in San Antonio, corroborated this impression and further noted that the HEROES Program has been the only reference for socio-economically disadvantaged veterans with child support issues in his region.

PTSD – (Pillar Question 1b)

Everyone surrounding the HEROES Program seems to have a working knowledge of disabilities, such as post-traumatic stress disorder (PTSD). The HEROES Program is acutely aware of the negative impact that PTSD can have on child support enforcement. Seventeen percent of the veterans within the present HEROES casework have documented PTSD. All but three are unemployed, four of these veterans are homeless, and four have debt to the state as a result of TANF or Medicaid use. Clearly PTSD plays an important role in assessing the character of veteran NCPs. Furthermore, all but four veterans were referred to the HEROES Program by the Veterans Justice Outreach, which indicates that they also likely have pending criminal cases.

As Dr. Desi Vasquez noted, the official documentation of PTSD can be problematic. For example, veterans simply may not recognize that they are suffering from PTSD. As Mrs. Barsalou indicated, many soldiers think "PTSD is that guy who shot a

bunch of people at Ft. Hood.” In other words, many veterans simply do not think that their economic, social, and personal problems are related to their experiences in the military. Moreover, they have been taught to “tough it out.” Unfortunately, veterans also may feel alienated from Veterans Affairs (VA), which is for their “granddaddies;” not for themselves. This is problematic since the VA has the ability to diagnose and provide benefits. Many of the veterans in contact with the HEROES Program have simply avoided reaching out to the VA. As a common practice, she has developed a habit of asking veterans if they have reached out to the VA and encouraging them to do so if they have not.

Dr. Desi Vasquez is the primary PTSD resource for HEROES staff. He is currently employed with the Veterans Justice Outreach (VJO) in San Antonio under the United States Office of Veterans Affairs (VA). The VJO is an important PTSD resource for the HEROES Program. Mrs. Barsalou indicated that she now uses the PTSD training that she received from the VA to screen NCPs for potentially undiagnosed PTSD. She routinely asks veterans, usually at the end of a meeting, how they are doing and if they are sleeping at night. If she feels that a veteran may have an undiagnosed disability, she will refer them to the VA.

Jason Doran is also familiar with the effect that PTSD can have on the lives of veterans. The Texas Veterans Leadership Program (TVLP) is an important resource for employment opportunities. Unfortunately, as Mr. Doran mentioned, getting a veteran a job doesn't mean that they will be able to keep it. Mr. Doran's experience has been that the TVLP can provide opportunities for the veteran, but if PTSD and other issues are not addressed the opportunity may be wasted. Thus, the TVLP must be conscious of the

potential for “burning bridges” when making referrals to employers. In other words, in some cases, continuous employment is often dependent on treating other characteristics such as PTSD. If it goes untreated, the soldier may lose his job and burn an employment connection for the TVLP.

Many veterans are also suffering from peripheral issues related to PTSD. For example, Dr. Vasquez indicated that alcoholism and recreational drug use are common ways for veterans to self-medicate their affliction. This attempt at self-medication often causes greater problems, leading into a recursive cycle of attempted levity in which solutions create more problematic issues. These issues are compounded by the complex family dynamics of child support. Dr. Vasquez also noted that many veterans envision suicide when faced with these child support issues.

Why Should the Texas OAG Care About PTSD?

From the standpoint of the Attorney General’s office, the incentives for pursuing inquiry into PTSD are (1) that PTSD training could improve communication efforts between caseworkers and the NCP and (2) that child support order levels are based on a net income calculation, which includes disability benefits for PTSD. To further spell out this last point, helping a veteran obtain benefits for a service-connected disability could augment the child support payment, if not increase the overall child support amount.

Are PTSD and Incarceration Connected?

In many cases, when veterans do not pay child support, their orders end up as criminal non-support actions. In fact, thirteen of the veterans under the casework of HEROES are

incarcerated, five of which have at one point been under the TANF/Medicaid system. Generally, the IV-D court handles all child support matters. However, after numerous failed attempts to contact the NCP, punitive consequences follow. In many ways the HEROES Program is about making contact with veterans in order to help resolve underlying child support issues, such as PTSD and pending criminal matters.

The HEROES caseworker indicated that active duty military members are generally much better about handling their support payments, but veterans are often apathetic and unorganized. This may be due to many reasons such as lack of bureaucratic structure after being discharged and feelings of social isolation, which are magnified by marital or familial distress. Furthermore, as both Jason Doran and Desi Vasquez noted, PTSD often plays a part in criminality. Thus, a very high percentage of military members encountered at the Veterans Justice Outreach suffer from PTSD and face criminal charges. These veterans are referred to the HEROES Program from the VJO for assistance in resolving child support issues. Thus, the HEROES Program can be conceptualized as a prison diversion program.

Interstate Orders – (Pillar Question 2a)

There are actually two types of interstate cases. The first type is one in which Texas has jurisdiction but the NCP lives in another state. The second type is one in which jurisdiction is in another state but the NCP resides in Texas. Unfortunately, the HEROES combined casework only identifies the state of jurisdiction, not the locations of CP and NCP. Therefore, it is unknown at this point how many Texas cases have NCPs in different states.

The HEROES Program has ten out-of-state cases in its current casework of ninety-eight veterans. However, given a brief glance at the combined active-duty/veteran casework, out-of-state cases appear to be more common among active duty soldiers. Including 121 active duty soldiers in this calculation increases the number from ten to forty-seven. This could be due to a number of reasons, the first of which is that veterans might typically be discharged in the state of the originating child support order, whereas active duty soldiers are often stationed in out-of-state locations. Thus, out-of-state casework may not be as big an issue for veterans as it is for active duty soldiers.

There are many issues associated with out-of-state orders. The first issue is contacting the custodial parent and the non-custodial parent to negotiate a modification of the child support order. In such cases either party may be unreachable or the NCP may simply be evading the child support agency. Second, communication between the two parties is sparse, compared to families living in closer proximity. This creates a situation in which the likelihood of successful mediation of a dispute is significantly diminished. Third, requesting a modification of a child support order based on a change in economic circumstances in out-of-state cases is problematic because (a) many states apply different guidelines that include CP income and standard of living estimates (information which may be impossible to obtain by the HEROES worker), and (b) other states have no obligation to accede to such a recommendation even if it were easier to make. For this reason, the lead HEROES caseworker no longer attempts to provide the CP or NCP with “ballpark” estimates of modified child support amounts since doing so might be totally arbitrary in light of incomplete information. Out-of-state orders generate a fourth issue: since other states use different guidelines for assessing income, NCPs often experience

seemingly arbitrary increases in child support amounts. When this occurs NCPs receive notice to respond within twenty days (or whatever time frame the state may allow) in order to contest the increase.

Although this ARP largely excludes active duty issues, a major point of concern, which Mrs. Barsalou compellingly conveyed, is that of housing (BAH) and sustenance (BAS) allowance for active duty soldiers. When active duty soldiers are stationed in different parts of the country, cost of living fluctuates. For example, the cost of living in Hawaii is far higher than the cost of living at Ft. Hood. The soldier stationed in Hawaii thus receives a much larger BAH and BAS allowance, which the state of Texas includes in a determination of income when assessing child support levels. This determination is made regardless of the NCPs cost of living. The active duty soldier stationed in Hawaii may be unduly burdened by an arbitrarily high child support amount.

The primary point of concern with regard to veteran's issues arises when the active duty soldier is discharged and fails to receive a downward modification of child support. This is particularly problematic especially in light of high veteran unemployment. If the veteran fails to receive a downward modification commensurate with a substantial change in circumstances, arrearage debt could build to impossibly high levels. This problem can stimulate some peripheral consequences. Soldiers often resist providing the child support agency with their leave and earnings statements (LES), which indicate BAH and BAS levels. This provides the child support agency worker with an arbitrary incentive to estimate the total income of the soldier. Such an estimate is usually made on the high side. Clearly this issue can be extremely problematic for equitable child support enforcement and would most likely require a change in state or federal law.

Perhaps the only advantage to navigating out-of-state orders is that the internal procedures of the Attorney General are less cumbersome in out-of-state cases. This is due to the simple fact that a request for a modification of an out-of-state order does not include as many staff members in the Attorney General's Office. For example, when a modification of a case within the state of Texas is made, several staff members up the chain of the command must be contacted, in addition to whatever regional field offices may be involved in the case. This process is totally eliminated in out-of-state cases. Thus, in some ways, out-of-state cases can be less burdensome for the HEROES Program than Texas cases.

Intrastate Multi-agency Cooperation – (Pillar Question 2b)

In the third chapter of this ARP, the literature briefly discussed a few different models for child support caseworkers. Ironically, this topic in the review was the least populated with literature sources. The insight derived from this literature, however, was perhaps the most prescient to the current study. The “key point of contact” model was illustrated as the most effective of the various models for casework, but was also recognized as the least utilized. The HEROES caseworker is a perfect example of the “key point of contact” model of casework. In fact, this specific term was used multiple times through the course of the interviews. Examination of the “key point of contact” model under the HEROES Program dictates the segmentation of data results into categories based on the various organizations to which the HEROES caseworker is a “key point of contact.”

The Texas Office of the Attorney General

The primary partner of the HEROES Program is the Texas Attorney General's Office. The HEROES Program makes recommendations about specific cases to regional field offices, which either agree or disagree to their recommendation. The discretion of the field office arises from the fact that every case that the HEROES Program reviews originates in either a specific region of Texas field operations or out-of-state.

Interestingly, aside from cooperation with military bases, many of the presumed external bureaucratic obstacles to cooperation with other agencies and organizations did not seem to be that big of an issue. As interviews indicated, much of the bureaucratic impedance *initially* came from field offices. As the HEROES Program reached out to field offices to request modifications of child support orders, many were very receptive and viewed HEROES as taking some of the burden of their caseload; others perceived the program as Family Initiatives "meddling" in their affairs. However, according the Michael Hayes this issue was quickly resolved, and the HEROES Program now receives full cooperation with field offices.

The distinction between Family Initiatives and Field Operations in the Texas Attorney General's Office is an important one, which seems to provide an interesting contrast of professional imprints within their respective spheres of operations. The Attorney's perspective dominates Field Operations; while the Office of Family Initiatives is dominated by the social worker's perspective. According to interview responses, the HEROES Program was conceived in "non-attorney space" and thus has been tricky implementing. On the other hand, Michael Hayes indicated in a post-evaluation comment

on this ARP that the real cultural difference between Family Initiatives and Field Operations resides in the different sizes of the two entities.

According to interview responses, the first difference of organizational culture between Family Initiatives and Field Operations is, as a matter of policy, Field Operations operates on the assumption that no one (including veterans) deserves special breaks in the child support system. Jason Doran of the TVLP agreed with this position and indicated that military members are accustomed to following orders and behaving with honor. On the other hand, through the HEROES Program, Family Initiatives provides an expedited “key point of contact” to veterans. This is a service that the rest of the NCP population does not receive.

According to the lead HEROES caseworker, some in the HEROES Program originally envisioned entering courtrooms on behalf of veterans, which raises a key issue: as a matter of policy, the Attorney General’s Office takes neither side in family disputes, representing instead the interest of the state. Thus, the courtroom is a place for Field Operations attorneys, not HEROES Program attorneys. Again, according to the lead HEROES caseworker, some OAG staff envisioned HEROES attorneys as modifiers of child support orders. HEROES caseworkers, however, can only make recommendations to modify a child support orders. This problem appears to have given rise to staffing issues in which the managers of the HEROES Program believe that caseworkers *must* be attorneys. However, attorneys interviewed in the OAG do not necessarily share this belief.

The real benefit of the HEROES Program is not in advocacy for the soldier, which it does not do, or in extra breaks, which it does not provide. The real benefit of the

program is the fact that it can expedite the routine processes of child support enforcement for the soldier through the “key point of contact” model. The primary tool for expediting these processes is a direct phone line to the HEROES caseworker that cuts through a lengthy automated phone system, which everyone else under the child support system must navigate.

Field Operations is a massive bureaucracy in which regional offices handle an impossibly high caseload. The OAG maintains casework by constructing and implementing policies for a wide array of situations. The Attorney General's office provides opportunities for staff to advance new ideas through policy formulation groups. This is a very important aspect of agency culture and indicates an inclusive and inquiring spirit within the context of solving problematic situations. In the end, the agency level purpose of the HEROES Program is to provide a model of best practices to be incorporated into routine agency operations that can be executed by caseworkers on a mass scale.

Fort Hood and Joint Base San Antonio

The military is a big partner of the HEROES Program. Unfortunately, coordination with military bases in San Antonio has not been as smooth as anticipated. The base realignment and joint consolidation of Lackland AFB, Randolph AFB, and Ft. Sam Houston into Joint Base San Antonio hindered access to military members for casework under the Program. Originally, Mrs. Barsalou would be responsible for San Antonio, while a second caseworker operated at Fort Hood in Bell County. After the second caseworker left the HEROES Program, Mrs. Barsalou began commuting to Ft. Hood to

take appointments for casework and participate in parenting order legal clinics (POLC). POLCs provide a great opportunity for HEROES caseworkers to meet face to face with military members. Unfortunately, POLCs do not provide much of an opportunity for contact with veterans. In fact, military bases have not been a very good place to find veterans in need of outreach. Only eleven out of 98 veterans were referred to HEROES from a combination of military base activities at Ft. Hood, Joint Base San Antonio, and other Yellow Ribbon events. The military has primarily been a resource for active duty military members. Nevertheless, trainings done at military bases by the HEROES Program have been helpful to judge advocate generals (JAG).

There is also a big education component of the HEROES Program with the JAGs. For example, JAGs have apparently been informing military members that Texas only looks at base pay when calculating child support levels. This is not true, however, since both military housing allowance (BAH) and military sustenance allowance (BAS) are actually included. As mentioned above, this may not be a very big issue for someone living at Ft. Hood but is a major issue for someone living in a high cost area. If the soldier doesn't offer up the leave and earnings statement, which includes the BAH and BAS, then increased payments could be applied retroactively after the caseworker finds out.

The Texas Veterans Leadership Program (TVLP)

The TVLP is a major resource for the HEROES Program, and as an interview with Eddie Rodriguez indicated, the HEROES Program has also been a helpful resource for the TVLP. The TVLP is actually a lot like the HEROES program in that it acts as a referral

program or “key point of contact” for veterans. The TVLP, however, has much broader range of issues that it deals with and cannot provide the in depth knowledge, experience, and proximity to legal authority which the HEROES Program provides to veterans with child support issues.

The HEROES Program has received thirteen referrals from the TVLP, primarily in San Antonio. As Eddie Rodriguez (TVLP Resource and Referral Specialist) indicated, the HEROES Program has been the only child support resource for veteran referrals in his area. When Eddie Rodriguez comes across veterans with child support issues he can easily refer them to the HEROES Program by providing them with a direct line to the HEROES caseworker.

In addition to becoming a great referral source for the HEROES Program, the TVLP can be very helpful for the custodial parent. For example, one of the primary activities of the HEROES Program is to make recommendations for modification of child support orders. When a child support order is reduced, due to a substantial change in income, the NCP can be referred to the TVLP. The TVLP can help the NCP find employment in addition to providing important services to the custodial parent and child. In other words, the TVLP can attempt to supplement the lost child support due to decreased order levels. Jason Doran indicated that there is a danger in taking an attitude that veterans deserve a special break since the children of veterans could be harmed by such a break. The TVLP is, thus, very concerned with helping the families of veterans, as well as the veterans themselves. This approach makes the TVLP a perfect partner for the HEROES program, which largely focuses largely on NCP issues. Thus, the HEROES

Program has referred twenty-seven veterans to the TVLP, making it the number one outgoing referral source in the program to date.

The Veterans Justice Outreach of Veterans Affairs

The VJO is a branch of the United States Office of Veterans Affairs. The mission of the VJO is to mitigate the criminalization and incarceration of veterans suffering from service related mental illnesses and substance abuse. The VJO provides enhanced access to services for these problems in addition to making contacts with local courts to help mitigate criminal issues. Unfortunately, many of the child support issues which VJO staff come across are outside the scope of their abilities. Dr. Desi Vasquez indicated that the HEROES Program has been very helpful for expediting child support issues. Thus, thirty-two veterans have been referred to the program from the VJO, making it the number one incoming referral source for the HEROES Program.

The VJO is also proving to be an important resource for veterans with criminal or PTSD issues. This is particularly pertinent given that, as the HEROES caseworker noted, the HEROES Program originally envisioned entering courts. Since it became obvious that this was legally problematic, the VJO became a perfect partner for the HEROES Program. Dr. Desi Vasquez mentioned that PTSD could be particularly difficult for a social worker to deal with. The VJO has therefore provided the HEROES Program with PTSD training, which interviews revealed has been very helpful. When HEROES caseworkers come across a potentially undocumented case of PTSD, they can refer them to the VJO. As a result, as of the time of these interviews, the program has referred eighteen veterans to the VJO.

Modification of Child Support Orders – (Pillar Question 3a)

The focus of this applied research project has primarily been the operations of the HEROES Program that relate to the modification of child support orders. As veterans experience trouble finding employment after being discharged from the military, modification of child support orders are necessary to reflect substantial changes in income. This is particularly true given the recent financial crisis in the US economy and the high unemployment rate. Modification of child support levels is simply a matter of applying state guidelines. Nevertheless, many noncustodial parents may not realize that when they experience a dramatic decrease in income, their child support order levels should be responsive. Thus, unresponsiveness of child support orders leads to an increase in arrearage debt. The HEROES Program is able to address this problem by making a request to Field Offices for a review and adjustment of order levels. In fact, with respect to veterans, this is the number one activity of the HEROES Program. As such, 35 percent of veterans in the present HEROES casework have requested a review and adjustment (RVAJ) for modification of child support levels, due to a substantial change in income.

The first issue associated with increasing the responsiveness of child support orders relates to the ability of child support caseworkers to identify veterans in need of outreach. The number one obstacle to the modification of unresponsive child support orders is that veterans exiting the military may not be aware that they need to contact the child support agency to request a review of their orders. The HEROES Program is, thus, based in large measure around educational outreach to organizations that work with veterans, such as military bases, the TVLP, and the VA. If veterans do not realize that they need to contact the child support agency, there is virtually no effective way to

identify them amid a massive statewide caseload. As a result, all but eight cases in the current HEROES casework exist because of contact initiated by the veteran through a referral process.

Contact can be categorized under either internal or external referrals. All external referrals in the HEROES casework are the result of proactive outreach by HEROES and other organizations in conjunction with an effort by the veteran to seek assistance. All eight internal referrals currently in the HEROES casework were established through the Attorney General's NCP list of delinquent child support cases. The HEROES caseworker indicated that NCPs on this list have been almost totally unresponsive, most likely because they are evading child support enforcement.

One obstacle to identifying veterans in need of outreach is that the Attorney General's Office does not currently tape match files with the military. However, Senior Regional Attorney, Melissa Munoz did indicate that a tape match with the VA, based on wage withholding of VA benefits, could be potentially useful for identifying new cases. Nevertheless, initial contact with the veteran is the biggest obstacle to making modifications to child support orders. Absent the HEROES Program a modification could take as much as eight months. Many times it has been very hard to get the NCP to respond to Attorney General's Office paperwork. Furthermore, the child support review procedure (CSRP), involving mediation between CP and NCP, can simply stall out. When this happens the parties go back to court to negotiate a new order amount. The important point in all of this is that as the months pass by, the NCP is required to pay the previous amount based on prior employment with the military. Thus, arrearage debt continuously builds, and the veteran falls further and further into economic despair. The

HEROES Program is designed to cut through this process by expediting cases and preventing arrearage debt.

Texas Child Support Guidelines – (Pillar Question 3b)

As a general rule, Texas only considers the income of the non-custodial parent when setting child support levels. Thus, levels are based on a percentage of total income, including a long list of potential sources. For present purposes, disability benefits for PTSD are included in a calculation of total income. This also includes housing (BAH) and sustenance pay (BAS) for active duty military. The net resources calculation of income is found in section 154.062 of the Texas Family Code. Interviews indicated that the Texas percentage of income method is preferred because it is simple to calculate. For one child, 20 percent of income is taken. For two, the number is 25 percent. Three is 30 percent. Multiple families, however, complicate things. For example, a second biological child, from a different mother, reduces the amount owed to the first to 17.5 percent.

One problem with Texas guidelines is that, philosophically speaking, unemployment and poverty are presumed to be voluntary. For example, section 154.068 of the Family Code states that in “the absence of evidence of the wage and salary income of a party, the court shall presume that the party has wages or salary equal to the federal minimum wage for a 40-hour week.” This means that a homeless person could potentially be accruing arrearage debt based on a minimum wage standard while living in the woods or on the street. This would amount to \$227.83 a month for one child. This presumption, however, can be rebutted by evidence. Mrs. Munoz noted that one of the challenges in trial is whether a person’s lack of employment is based on an inability or an

unwillingness to work. Moreover, there is a suspicion that someone may be hiding his or her employment. So for example, if someone had a job until they were served with their modification notice, but now they don't, suspicion would be triggered. Many of the details of this process, however, are in case law and at the discretion of the courts.

The modification of a child support order is based on the legal notion of a substantial change in circumstances, found in section 156.401 of the Texas Family Code. In addition, a modification review is automatically triggered once every three years. As Mrs. Munoz further indicated, the agency has an incentive to set support orders at reasonable levels since federal performance measures include a percentage of current support collected per month. If child support orders are set unreasonably high, the agency will fall below the federal performance measure when it cannot collect the full amount. Since this program is designed to increase the responsiveness of child support orders to fluctuations of income, it is compatible with federal and state objectives. Thus, in many ways the primary goal of the HEROES Program is the more efficacious application of Texas statutory guidelines.

A Note on Preliminary Findings

It should be noted at this point that the findings outlined above are preliminary. What this means is, first, the quantitative data will have changed by the time of this applied research project's reading. This is because the casework of the HEROES Program will have grown, the result of time passing and the result of hiring new caseworkers. Second, many of the expressed viewpoints of the experts that were interviewed in this applied research project may change over the course of the HEROES Program's lifespan. A summary of these preliminary findings is illustrated below in **table 5.1**.

Summary of Preliminary Findings - Table 5.1

Pillar Question 1a – Ability to Pay
<ul style="list-style-type: none"> • 53% of veterans within the present HEROES casework are unemployed. • 34% have utilized TANF and/or Medicaid. • 11% are homeless.
Pillar Question 1b – Post Traumatic Stress Disorder
<ul style="list-style-type: none"> • 17% of the veterans within the present HEROES casework have documented PTSD. • Unknown numbers of veterans may have undocumented PTSD and may feel distanced from the VA. • PTSD can lead to or prolong unemployment and may be associated with incarceration. • PTSD screening could be beneficial for the Child Support Division of OAG.
Pillar Question 2a – Interstate Orders
<ul style="list-style-type: none"> • 10% of cases in the HEROES casework are out-of-state cases. • Veterans are less likely than active duty to have out-of-state cases. • Contacting the CP/NCP is the biggest obstacle to successfully working out-of-state cases. • Differing state guidelines problematize modification of orders in out-of-state cases. • BAH and BAS allowances problematize determination of net income for NCPs in high cost states.
Pillar Question 2b – Intrastate Multi-Level Cooperation
<ul style="list-style-type: none"> • The HEROES caseworker represents the “key point of contact” model of casework. • The OAG is the primary partner of HEROES, has the opposite organizational culture, and presents the greatest bureaucratic impedance to the HEROES Program as a result of competing ideals. • 11% of veterans under HEROES were referred from military bases in Bell and Bexar counties - referrals from Joint Base San Antonio had been slowed due to base realignment. • 13% of veterans were referred to HEROES from the TVLP. The HEROES Program has referred 27% of its veterans to the TVLP. The TVLP is a great resource for unemployment issues. • 32% of present veteran referrals came from the VJO. 18% of outward referrals from the HEROES Program went to the VJO. The VJO is a great resource for PTSD and incarceration issues.
Pillar Question 3a – Modification of Child Support Orders
<ul style="list-style-type: none"> • 35% of veterans under HEROES had review and adjustment for modification (RVAJ) issues. • The biggest obstacle to modification of child support orders is getting the veteran to contact HEROES. • A review of child support orders can be requested by the CP/NCP at any time. • A modification can only occur in light of a substantial change in income (20% fluctuation). • The HEROES “key point of contact” model expedites the process of modification for the veteran under outreach.
Pillar Question 3b – Texas Child Support Guidelines
<ul style="list-style-type: none"> • Texas uses a percentage of income model. • In the absence of any demonstrable income, Texas assesses child support based on minimum wage. • Texas includes all BAH and BAS in a determination of net income • Texas includes disability payments in determination of net income, including PTSD service connected disabilities. • The HEROES Program is designed to acquire “right sized” orders for veteran NCPs, in accordance with the Texas Family Code

Chapter VI - Conclusion

The previous chapter organized and narrated the data findings according to three pillar questions and six sub-pillar questions, established in the conceptual framework outlined in chapter III, and summarized these findings in **table 5.1**. Chapter VI concludes this applied research project with a review of the federal, state, and program level objectives, as well as an evaluation of whether or not the HEROES Program is meeting its objectives. The section labeled *objectives and evaluation* is followed by a discussion of recommendations, derived from comments made during the interviews and subsequent analysis. The *recommendations* section is followed by a discussion of *potential hypotheses* for future research. Finally, this Chapter closes with some broad *concluding remarks*.

Objectives and Evaluation

The federal objectives of the HEROES Program arose out of the rationale of the Project to Avoid Increasing Delinquencies (PAID). The core assumption of this initiative is to obtain “right-sized” orders. According to the respondents, the HEROES Program is not so much about the idea that veterans deserve a break, but that they may have unique issues that merit such attention. In addition, it seems that the federal government has become the progenitor of experimentation within the states. The HEROES Program is therefore an experiment that could potentially generate solutions for national problems in handling child support issues for the military population; though, as was mentioned in the literature review of this ARP, the Federal government has not been very good about capitalizing on the results of state level experimentation.

State interests in this program are similar to federal objectives since Texas is concerned with developing a set of best practices, which could be incorporated into the regular field operations of the Attorney General's Office. In addition, getting "right sized" orders reduces the amount of uncollected child support by making compliance more realistic. Any interest in collections and arrears reduction is probably minimal, however, since the HEROES Program has outreached to so few NCPs at this point. Nevertheless, these numbers will undoubtedly increase as the program eventually hires new attorneys in Temple and El Paso.

The immediate goal of the HEROES Program is to identify active duty and veteran NCPs in need of outreach. To achieve this goal the HEROES Program has established connections with many organizations such as Joint Base San Antonio, Fort Hood, the TVLP, and the VJO. These connections appear to be paying off now that the lead HEROES caseworker has received many referrals from these organizations. Furthermore, there has been a recent surge in referrals from Joint Base San Antonio, which was not included in the aforementioned HEROES casework. In this respect, the HEROES Program appears to be a success.

After NCPs are identified, the program goals shift to making outward referrals and recommendations. If an NCP is unemployed, then the caseworker would make a referral to the TVLP. If the NCP appears to be suffering from PTSD, or is dealing with criminal issues, then a referral would be made to the VJO. Furthermore, recommendations are made to regional field operations offices concerning a range of issues; the most important of which (for this ARP's purposes) is the modification of child support order levels, due to a substantial income fluctuation upon discharge from the

military. In addition, the HEROES Program has a related goal of educating JAGs at military bases by providing accurate information about child support enforcement in Texas.

The total efficacy of the HEROES Program, specifically regarding outreach to active duty military members at Ft. Hood, has been delayed by the failure to (1) retain a second caseworker and (2) hire a new one. The result of this has been that the remaining caseworker has taken on the responsibilities related to Ft. Hood outreach and casework. Coincidentally, San Antonio operations had been slowed by the base realignment during these past few months. Nevertheless, base realignment is mostly complete and the San Antonio caseworker is now receiving many referrals from Joint Base San Antonio.

This specific staffing problem appears to arise from the demand for a caseworker who is both an attorney and a veteran. As others have indicated, however, this position may not require that HEROES caseworkers have either of these characteristics. First, HEROES caseworkers operate with limited legal force. They simply make recommendations. They do however prepare legal documents. As one attorney indicated, it would be easy enough for a HEROES caseworker to accomplish the same tasks by cooperating with field operations attorneys (a prospect which would certainly be true if policies generated by HEROES are incorporated into regular field operations). Second, any benefit from mutual veteran status between the caseworker and the NCP remains problematic. As Jason Doran of the TVLP indicated, veterans often have trouble relating their issues to non-veterans; although as he also noted, there is a further sub distinction-discrimination between combat and non-combat veterans. This chain of logic has the

potential to devolve into fallacy.¹⁴ Regardless, the potential of the HEROES program to generate useful policies for application by hundreds of non-veteran caseworkers in Field Operations seems to be more important. Furthermore, the primary HEROES caseworker seems to be doing an outstanding job, despite the fact that she is not a veteran.

These interpersonal dynamics are perhaps too convoluted and messy for a temporary pilot program such as HEROES to navigate. Moreover, if the ultimate purpose is to generate useful policies for application by non-attorney/non-veteran caseworkers in Field Operations, it seems more fitting that HEROES Program staff share that resemblance. A policy question emerges from this issue: how can non-veteran caseworkers cooperate with veterans in the resolution of their particular child support issues? A corollary question of equal significance is, can the HEROES Program save grant money by employing non-attorneys as caseworkers? Moreover, can the HEROES program more easily retain non-attorney/non-veteran caseworkers?

Recommendations

The “street-level bureaucrats” of child support enforcement are potentially the best source for ideas about improving the system in which they operate. Many of the recommendations of this applied research project were derived from the responses of these interview subjects.

The lead caseworker at the HEROES Program indicated that when the program began there was little direction for the collection of relevant data points. As casework began, she created a rough data collection tool, capturing many important characteristics

¹⁴ Specifically, the “no true Scotsman” fallacy. The consequence of this fallacy is the promotion of further cultural insularity, which may have led many veterans to isolate themselves from the civilian world in the first place.

of the noncustodial parent. A few months into the Program, at the request of this applied research project, she included important data entry variables, such as employment, homelessness, and TANF status. At the close of the interview portion of this research project, she recommended that a more streamlined data entry tool be generated for future casework. One problem with the present data collection tool is that it does not provide easy calculation of totals based on discreet variable collation. As a result, data points were added up manually. This could become very problematic as casework increases. Thus- *A more streamlined data entry tool should be generated for the HEROES Program and utilized by incoming HEROES caseworkers.*

The HEROES combined casework only identifies the state of jurisdiction for a child support case in its combined casework detail.xls, but not the locations of CP and NCP. It is unknown at this point how many Texas cases have NCPs or CPs in different states. Therefore - *The HEROES caseworker(s) should identify both the location of the NCP and the location of the CP, in addition to the state of jurisdiction.*

The Senior Regional Attorney of Child Support Division II indicated that identifying noncustodial parents that have recently been discharged from the military is problematic. Currently, the only way to identify veterans in need of child support services is through a process of comparing one massive case-file with a previous one to find DFAS as the previous employer. A potential solution to this problem is a database tape-match between the Child Support Division of the Texas Attorney General's Office with the Texas Workforce Commission or the United States Office of Veterans Affairs. Thus - *The potential for a database tape match with the TWC or VA should be further explored for better identification of veteran NCPs.*

Through the course of her casework with the HEROES Program, the lead caseworker became aware of a gross inequity relating to the calculation of income under Texas child support guidelines. She indicated that military housing (BAH) and sustenance (BAS) allowances varied by location. A perfect example is found within her present casework. A soldier who lives in Hawaii may be receiving thousands of dollars more in BAH and BAS since the standard of living is so much higher in Hawaii. Unfortunately, these allowances are included in the determination of net income in order to calculate child support amounts, leading to wildly inaccurate order levels. Mrs Barsalou indicated that this issue should be addressed, perhaps by a cap on the amount used in the determination of net income. Thus - *The inclusion of widely disparate BAH and BAS pay in the calculation of income should be addressed, perhaps with a cap on the amount included.*

An interview with Dr. Desi Vasquez, a psychologist at the Veteran's Justice Outreach under the United States Office of Veterans Affairs, revealed that cases may be referred to the HEROES Program to address a child support issue; but, subsequent action may be unknown to the VJO. Dr. Vasquez indicated that many times a veteran's mental health might be hinging on the resolution of a particular child support issue. The VJO, therefore, needs to be updated on the status of child support cases that they refer to the HEROES Program. Thus - *A progress report for cases referred by VJO, TVLP, and other organizations should be developed to keep them updated on the status of their cases.*

Finally, the experiences of the HEROES Program should be fully exploited to the advantage of the Texas Attorney General's Office. If nothing else, the HEROES Program has the potential to elucidate the nature of enforcing child support orders among the

active duty and veteran population. Veterans in particular represent a unique population of noncustodial parents. As such, an educational training program should be developed for caseworkers. Also, statewide policies should be implemented that address veteran child support issues. These policies should emphasize the “key point of contact” model, which heavily utilizes outbound referrals sources, such as the TVLP and VJO. Thus - *An educational “working with the military” training module should be developed for Field Operations caseworkers. This training module should emphasize referral sources such the VJO and TVLP.*

Summary of Recommendations - Table 6.1

R1	A more streamlined data entry tool should be created for HEROES caseworkers
R1a	The HEROES caseworker(s) should add the location of the NCP and the location of CP next to the location of the jurisdiction of the case in the combined casework detail.xls
R2	The potential for a database tape match with the VA or TWC should be further explored for better identification of veteran NCPs.
R3	The inclusion of widely disparate BAH and BAS pay in the calculation of income should be addressed, perhaps with a cap on the amount included.
R4	A progress report for cases referred by VJO, TVLP, and other organizations should be developed to keep them updated on the status of their cases.
R5	An educational “working with the military” training module should be developed for Field Operations caseworkers. This training module should emphasize referral sources such the VJO and TVLP.

Potential Hypotheses For Future Research – Table 6.2

H1	PTSD is positively correlated with criminality among veterans under the HEROES Program.
H2	PTSD is positively correlated with unemployment among veterans under HEROES
H3	PTSD is positively correlated with homelessness among veterans under HEROES.
H4	Veterans with diagnosed PTSD are more likely to be making regular child support payments than those with undiagnosed PTSD; or, Diagnosing PTSD increases compliance with child support obligations.
H5	Outreaching to NCPs on the <i>internal</i> OAG NCP list is more problematic than outreach to <i>external</i> referrals.
H5a	NCPs on the <i>internal</i> referral list are more likely to be evading child support enforcement than NCPs from <i>external</i> referrals.
H6	The time that it takes to complete a review and adjustment for modification of child support levels is significantly reduced under the HEROES Program.
H7	The minimum wage presumption of income does not result in increased compliance with child support enforcement
H7a	The minimum wage presumption of income results in higher arrearage among NCPs who lack evidence of income.

Concluding Remarks

The history of child support in America, like many aspects of American governance, is marked by the spirit of adaptation and experimentation. As marital dissolution rapidly increased during the second half of the 20th century, policy makers endeavored to ameliorate the unintended consequence of child abandonment and broken homes.

Military service placed even greater strains upon the rapidly dissolving family unit, as multiple deployments and untreated combat related disabilities destroyed the last vestiges of familial coherence for many military members. Children are now the most vulnerable and economically disadvantaged members of society. Single parents struggle to make ends meet in an increasingly maladapted political economy. Amidst this social chaos, the state has attempted to mitigate the consequences for the child. However, financial consequences related to unremitting debt have arisen out of the unresponsiveness of child support orders. The system thus maintains a delicate balance of interests between the child's quality of life and the ability of the non-custodial parent to remain under a roof at night.

Veterans are a particularly vulnerable group, whose experiences in the military may hinder successful reintegration into civilian life. Many times, young people enter the military right after high school having never experienced what life is like in the new market economy. They exit one social bureaucracy (the public education system) only to enter another (the military), finally returning to a devastated market economy and high unemployment rates.

Fortunately for veterans, there are countless organizations and agencies staffed by remarkable individuals literally waiting by the phone to help them in any way that they

can. The HEROES Program is one such experiment. In its design, the program has the potential to bring many veterans into compliance with their child support obligations by ensuring (1) identification and contact is made with veterans in need of services, (2) that their child support orders reflect fluctuations in income, and (3) that issues common to veterans such as homelessness, unemployment, and PTSD are addressed through referral to important organizations, such as the Texas Veterans Leadership Program and the Veterans Justice Outreach.

The program has gone through some tough start up obstacles. Base realignment in San Antonio has hindered outreach to military members and the loss of a second HEROES caseworker at Ft. Hood slowed progress as well. However, base realignment has been largely completed in San Antonio, and the program is now receiving referrals from Joint Base San Antonio. Hopefully the HEROES Program managers will soon hire a new caseworker at Ft. Hood, allowing the San Antonio caseworker to focus on outreach in her region. Furthermore, plans have been made for hiring a third caseworker in El Paso, which could significantly increase the casework.

The biggest strength of this program is that it identifies and targets a specific sub group of non-custodial parents, and generates a set of suggestions for how to identify and dissolve potential stumbling blocks to compliance with the child support agency. This may seem like special treatment, but veterans are a special group of non-custodial parents, whose specific issues impact compliance in specific but manageable ways. For example, PTSD may keep veterans from interacting with society and its institutions. However, utilizing a set of basic principles of interaction instilled through simple

educational training modules could help caseworkers make appropriate referrals to medical professionals like those employed at the Veteran's Justice Outreach.

Furthermore, the consequences of reducing a child support order in the face of fluctuating income are borne by the custodial parent and the child. Thus, contacts with the Texas Veterans Leadership Program can potentially help supplement the lost income of the custodial parent. However, as of this point there is no empirical research to demonstrate this impact. A survey of custodial parents who are referred to the TVLP for downward modification could be undertaken to determine the veracity of this statement. Unfortunately, as Mr. Doran indicated, the TVLP will likely be a temporary program since our dual wars may be ending soon. The HEROES Program is also a temporary experiment. It is designed to generate workable solutions to problematic situations. Whether or not the program will reach full implementation, as described in the grant proposal, is a question for future research; finally, whether or not the experiences of the program and its caseworker(s) are utilized will reflect the strength of this particular community of inquiry.

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