

Child Support Enforcement and the U.S. Military: Exploring the Barriers Associated with
Program Implementation

by

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Abstract

Purpose: Active duty military personnel are a unique segment of the United States population. Service members and families live and work in a high cost environment. As a result, military members are more likely than the general population to experience marriage dissolution. The purpose of this research is to explore the impediments associated with the implementation and operation of a broadly defined child support enforcement program designed to assist a military population.

Method: As this work is exploratory, and to a great deal, introductory, pillar questions are used to guide the inquiry process. Sub-pillar questions were developed in order to answer each main pillar question. These pillar questions were developed based on a review of the literature. The literature reviewed focused on active duty military personnel and program implementation. A case study methodology is used to assess the impediments associated with the implementation and operation of a broadly defined child support enforcement program. The data-collection techniques used in this research are semi-structured interviews, document analysis, and direct observation.

Findings: The preliminary findings indicate the military lifestyle makes expedited access and referral the most valuable resources a broadly defined child support enforcement program can offer service members and their families. The most common services requested from soldiers and their families include help with enforcement, custody and visitation, paternity establishment, review and adjustment, and order establishment. The military population in general is often reluctant to ask for help. As a result, enforcement agencies should establish a proactive outreach program. Broadly defined child support programs should employ comprehensive training programs, which encourage employees to participate and follow existing policy.

About the Author

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Chapter I- Introduction

Active duty military personnel are a unique segment of the United States population. Members of the military are expected to live and work in an environment that is different from the general population. This environment has a high cost, not only for the military member but also for that military member's entire family. The military environment may have an especially negative impact on the service member's relationship with their children. Military families are expected to function within an environment that includes many deployment related obstacles, which typical American families will never face. These obstacles include: "long periods of separation; mental health problems; frequent relocation; children's behavioral reactions to a deployed parent's absence; and the constant threat of severe physical injury" (Savitsky et al. 2009, 329). Many military families are often unable to cope with these challenges. As a result, dissolution of marriage is very common among military families.

Active Duty Service Members

Active duty military personnel must cope with the simultaneous demands of the military and the family unit. These two institutions make great requests of service members in terms of "commitments, loyalty, time, and energy" (Segal 1986, 9). As with any competition, there may only be one winner and one loser. More often than not, the loser is the family unit. Hogan and Seifert (2009) assert, "those who have had two or more years of active-duty service are more likely to become divorced" (430). Since active duty military personnel with dependent children are vulnerable to divorce, it is necessary to develop systems of support to assist this unique population. Active duty personnel have made many sacrifices for their country at the expense of the family unit. This population deserves a

specialized support program designed to assist service members working their way through the child support enforcement system.

When implementing a program designed to assist a unique population, it is essential to identify their extraordinary challenges. Military families are faced with many unique challenges “such as repeated relocations that often include international sites, frequent separations of service members from families, and subsequent reorganization of family life during reunions.” While dealing with these challenges, military families must also address issues that are common to all families. These common family issues include “child care, elder care, education, parenting concerns, and career choices” (Drummet et al. 2003, 279).

When a family unit dissolves, the number of unique challenges service members face continues to grow. The dissolution of a military family can present complicated child custody and visitation issues, involving questions of jurisdiction. In military families spouses often reside in different states, or even countries. In these cases, which court has the jurisdiction to dissolve the marriage is unclear (Anderson & Berenson 2009, 221). When children are involved, custody and visitation issues complicate the divorce. The “frequent and often unexpected relocations, both short and long-term, that are inherent in military life can be extremely disruptive to custody and visitation arrangements”(227). The complexity of military family dynamics requires that those working with this unique population have a keen awareness of these matters.

Administrative Impediments

The success of new programs often hinges on an agency’s ability to navigate the minefield of administrative impediments. These impediments fall into four primary categories, including (1) organizational culture, (2) training, (3) interagency cooperation,

and (4) interstate cooperation. Agencies that address these impediments are better prepared to meet the goals of their programs. Failure to address these impediments will dramatically limit the overall effectiveness of the program.

Strong organization culture allows an agency to guide employee attitudes and behaviors. A strong culture also enables the agency to quickly adapt to changing circumstances, in addition to producing a workforce that is highly invested in agency outcomes. Comprehensive training, however, is required to successfully implement a new program. Training ensures that employees understand their roles in the implementation process. A comprehensive training program sends a strong message to staff members that they are valued; this in turn enhances employee motivation and commitment (Santos and Stuart 2003, 30). Agencies should promote an atmosphere of cooperation during the program implementation process. Interagency cooperation allows agencies to coordinate activities and/or share resources to achieve shared goals, which they could not achieve individually (Thomas 1997, 225). Agencies operating within the child support system need to have policies in place that mandate interstate cooperation. Strong relationships between states will allow agencies to pursue noncustodial parents attempting to shirk their support obligations.

Agencies working with military members and their families should be aware of the competing priorities of the different parties involved in the child custody disputes. Civilian spouses working through the child support system will obviously have different priorities than an active duty service member. For example, it may be a priority for civilian spouses to secure a portion of their former spouse's retirement. Child support agencies need to be able to direct civilian spouses to the appropriate channels of help.

Child support agencies need to be prepared to work with and assist service members who are working their way through the child support system. Service members are a unique population that faces many obstacles, which without proper assistance can put them at a disadvantage when dealing with issues such as child custody and visitation. These obstacles include: “long periods of separation; mental health problems; frequent relocation; financial strain; children’s behavioral reactions to a deployed parents absence; and the constant threat of severe physical injury” (Savitsky et al. 2009, 329).

Research Purpose

The purpose of this research is to explore impediments associated with the implementation and operation of a broadly defined child support enforcement program designed to assist a military population. This study explores two specific types of impediments. First are administrative impediments an agency encounters during the implementation and operation of a child support enforcement program. These administrative impediments include (1) organizational culture, (2) training, (3) interagency cooperation and (4) interstate cooperation. Second are impediments that military parents encounter as they work their way through the child support enforcement system. These impediments include (1) custody, (2) visitation, (3) family strain, and (4) the military environment. Each of the impediments experienced by military personal is directly related to the sacrifices they make for their country.

This applied research project explores how best to remedy these impediments by examining the HEROES Program. The HEROES Program is a pilot project currently being administered by the Texas Office of the Attorney General. This program is intended to “provide parents with 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 2009, 2). The exploration of the HEROES Program was very preliminary in nature and is by no means final. Further, at the time of this study the HEROES Program was not fully staffed and was still in its infancy.

Chapter Summaries

Chapter one provides an introduction to the challenges faced by active duty personnel and their families. An introduction to the impediments often encountered during the program implementation process is provided. This chapter also states the research purpose and provides chapter summaries.

Chapter two reviews the literature on child support policy, administrative impediments, and the military environment. The first part of this chapter explores the evolution of child support policy. The next section examines the administrative impediments that are associated with the program implementation process. The third part discusses the challenges that active duty military personnel face.

Chapter three provides the legal and organizational setting of the Texas child support enforcement system. The first section of this chapter provides a brief overview of the Texas Family Code, which provides the legal framework for child support enforcement in the state of Texas. The second section of this chapter will examine the Texas Office of the Attorney General and the role that the agency plays in child support enforcement.

Chapter four presents a conceptual framework, developed from the review of the literature. The literature review establishes two main pillar questions. Sub-pillar questions were then developed, in order to answer each main pillar question.

Chapter five describes the research methodology used to assess the impediments that are associated with the implementation of a child support enforcement program, working with a military population. This chapter also discusses the operationalization of the conceptual framework. The advantages and disadvantages of case study research are also examined.

Chapter six presents the results with respect to the use of document analysis, structured interviews, direct observation, and participant observation. These results are categorized within the pillar question conceptual framework.

Chapter seven presents recommendations and conclusions based on the results of this study. Additional findings deemed relevant to the research purpose of this applied research project are discussed in this chapter. Suggestions for future research are also presented in this chapter.

Chapter II-Literature Review

Chapter Purpose

This chapter examines the scholarly literature on child support policy, administrative impediments, and the military environment. The first part of this chapter explores the evolution of U.S. child support policy. The next section examines the administrative impediments associated with the program implementation process. The third part discusses the challenges faced by active duty military personnel.

Overview: Evolving Child Support Policy

Child Support policy in the United States has been evolving since the country's founding. Child support policy in the 18th and 19th century was largely based on common law, including the idea that the "man of the house" was best suited for raising children after the dissolution of a marriage. However, as with any social issue, norms and ideals change; that change was eventually reflected in public policy.

In the early 20th century philanthropic organizations began to provide women with financial support. This was done with the intention of keeping the family unit intact. Support for the family unit was further bolstered in 1935 with the passage of the Social Security Act. This Act was the first to address the fact that families still remain families, even when one of the parents is no longer in the home. Furthermore, such families may need additional support from the government in order to survive.

It was during the mid-20th century that state legislatures began to take action to ensure that noncustodial parents were held accountable for their child support obligations. This was accomplished with the passage of the Uniform Reciprocal Enforcement of Support

Act of 1950. This Act enabled state governments to work across state lines in order to aid in the collections of child support arrearages.

Finally, in the modern era the government shifted its policy stance once again with the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). In passing PRWORA the United States hoped to achieve four main goals. The government now strived to “provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives; end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage; prevent and reduce the incidence of out-of-wedlock pregnancies; and encourage the formation and maintenance of two parent families” (Loprest et al. 2000, 158).

Early Child Support Policy

The idea of post-divorce financial support for custodial parents is not new. However, the current conventional wisdom, which states that the mother will automatically gain child custody and receive financial support after marriage dissolution was not always the case. In fact, 18th century common law held that the “father had an absolute right to the control and custody of his legitimate minor children” (Klaff 1982, 337). During this time, “in the relatively rare event of divorce or separation, fathers expected to be granted custody of their children” (Garfinkel et. al. 1998, 14). The use of common law remained in place until the emergence of the tender years doctrine in the mid-1800’s.

The tender years doctrine holds that the “mother is the preferred custodian for young children and that the mother’s care is in the best interest of the child” (Klaff 1982, 335). The tender years doctrine took the form of a legal presumption in most states and

was taken as a generally accepted rule of thumb for child custody decisions (Klaff 1982, 336). The tender years doctrine remained the norm for the remainder of the 19th century.¹

Early 20th Century Child Support Policy

The majority of social support for destitute mothers in the early twentieth century came from charities and philanthropic organizations. Support from these organizations came from mothers' pensions, which had the primary goal of keeping families together. Mothers' pensions were very restrictive, "limiting aid to white widows raising their children in suitable homes." Support was withheld from divorced mothers and children that were born out of wedlock. During this period, there was a "stigma surrounding divorced mothers and children born out of wedlock, and this stigma led many to label those women needing aid as undeserving." Prior to the availability of mother's pensions the only option for destitute mothers was to enter a poorhouse. When a mother entered a poorhouse it almost always "meant the dissolution of a family because children were generally taken away and placed in orphanages or apprenticeships" (Schoen 1997, 2). The social support available to destitute mothers in the early twentieth century had the primary goal of providing long-term assistance for "deserving" families to ensure that those families remained together.

Social policy in the United States remained consistent until the passage of the Social Security Act of 1935, which created the federal assistance program, Aid to Dependent Children (ADC). This act enabled "each state to furnish financial assistance to needy dependent children." The act defined a dependent child as a "needy child under the age of

¹ Courts to this day tend to award custody to the mother, but may award custody to the father if it is in the best interest of the child. See: Elrod and Dale (2008).

sixteen or under the age of eighteen if found by the state agency to be regularly attending school, who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity” of a parent or guardian (Osborn 1954, 158).

The Social Security Act of 1935 marks the first time that legislation was developed that specifically addressed the continued absence of a guardian from home. Osborn (1954) states, “among the foremost reasons for absence from home are desertion, divorce, and illegitimate parenthood”(161). The Social Security Act of 1935 was a direct response to the growing number of children that were needy, due to a parent's absence from the home. In fact, from 1940 to 1952, the “number of families with children under the age of eighteen in which parents were divorced increased from 185,000 to 534,000.” The impact of this increase can be seen in the percentage of ADC cases that were related to a parent's absence from the home. In 1942 thirty-nine percent of ADC cases were related to a parent's absence. By 1951 that number increased to 51.5 percent (162). The Social Security Act of 1935 is the first indication that the federal government was prepared to assume some responsibility for children with absent parents.

Mid-20th Century Child Support Policy

In response to the growing number of divorces in this country, the states banded together to pass the Uniform Reciprocal Enforcement of Support Act of 1950. The Reciprocal Enforcement Act was a multistate agreement hashed out by the National Conference of Commissioners on Uniform State Laws (ULC). The ULC attempts to “provide states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law” (nccusl.org 2011). The Reciprocal

Enforcement Act act sought to “implement the policy of placing the burden of support on the primary family members, and to prevent deserted dependents from becoming public charges” of the state. This was accomplished by every state making the decision to pass reciprocal legislation in order to facilitate the enforcement of support obligations. Prior to the passage of reciprocal legislation, dependents had to “pursue the deserting provider across state lines to enforce support obligations or to recover on a support judgment against the provider in another state” (Stanford Law Review 1961, 901).

This reciprocal legislation also addressed the fact that at this point there was not a clear course of action for a breach of support. The reciprocal legislation facilitated the enforcement of criminal sanctions for breaches of support by “eliminating two of the traditional requirements for extradition: that the provider must have fled from justice, and that he must have been in the state seeking extradition when the offense was committed” (901).

This act addressed the two major issues that were plaguing child support enforcement during this time. Before the passage of this act there was no substantive way to hold delinquent providers accountable after they crossed state lines. This act facilitated interstate cooperation and also allowed dependents to seek criminal sanctions against providers that crossed state lines.

The Modern Era of Child Support Policy

The passage of the Title IV-D amendment to The Social Security Act in 1975 signaled the modern era of child support policy (Waller & Plotnick 2001, 90). The Title IV-D amendment was developed to address previous failed efforts to reform a child support system that was still seen as ineffective and inefficient. This act “created the federal Office

of Child Support Enforcement and required each state to establish a Child Support Enforcement (CSE) Agency to administer the program.” These enforcement agencies are required to work with families, who are “receiving assistance through AFDC, Medicaid, or Foster Care; it also serves other families who voluntarily seek CSE assistance” (Nixon 1997, 161).

The creation of the federal Office of Child Support Enforcement was intended to strengthen the “partnership in child support enforcement between federal and state governments which remains the basis of current policy” (Waller & Plotnick 2001, 90). This partnership provides custodial parents with improved services, such as “opening child support cases, locating noncustodial parents, establishing paternity, and establishing, enforcing and modifying child support orders” (91). Increased cooperation allows states to “employ a number of techniques including wage withholding, regular billings, delinquency notices, property liens, and intercepting unemployment insurance benefit payments and tax refunds” (Nixon 1997, 161).

Child support policy in the United States was further refined by the Child Support Amendments of 1984. These amendments set forth strict guidelines that the states were required to adhere to during child support enforcement. The Child Support Amendments of 1984 required states to “adopt expedited procedures for establishing paternity and support orders, to develop guidelines for setting support levels, to establish income withholding and other means of ensuring compliance for noncustodial parents who fall behind in their payments and to offer enforcement services to non-welfare families” (Nixon 1997, 90). These amendments were put in place to address the fact that at this time there

was no mechanism that triggered income withholding when noncustodial parents fell behind in support payments.

Paternity Establishment and the Law

Paternity must be established in order for a support order to be issued. The federal government did not begin to address the issue of paternity establishment until the 1980's. This was done with the Child Support Enforcement Amendments of 1984 and the Family support Act of 1988 (Crowley 2003, 45). The federal government developed this legislation in response to the fact that "out of wedlock births rose from 18 percent to 27 percent of total births between 1980 and 1989" (Adams et al. 1994, 109). The 1988 law "introduced standards of paternity establishment across the country, and it offered financial assistance to those states pursuing DNA laboratory testing to match putative fathers with their children" (Crowley 2003, 45). Adams et al. (1994) maintain that paternity establishment is important because it provides psychological benefits to children born out of wedlock. However, paternity establishment is also "the basis for child support orders and potential reductions in child poverty and savings in public welfare costs" (109). The 1988 law required states to meet one of three performance standards in paternity establishment: "to establish paternity for at least half of all children born out of wedlock who are receiving state child support services, 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).

In 1996, the Personal Responsibility and Work Opportunity Act (PRWORA) contained provisions that specifically addressed paternity establishment. PRWORA "required that states introduce voluntary paternity acknowledgement programs that ask

fathers to accept their legal responsibilities for their children after the mothers give birth at the hospital” (Crowley 2003, 46). The goal of this program would be to identify the father early on in the process, while he is still involved in the life of his child. Crowley (2003) asserts that it is because of programs like these that “paternity establishments have increased from 111,000 in 1978 to 1,556,000 in 2000” (46).

Current Child Support Policy

In 1996, US social policy shifted its focus from helping needy families to making sure that these families were off the welfare rolls as soon as possible. In order to ensure that this goal was achieved, the US legislature passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This act “replaced Aid to Families with Dependent Children (AFDC) with Temporary Assistance for Needy Families (TANF), imposed time limits on the receipt of federal cash assistance, reduced support for education and human capital development, and promoted self-sufficiency through work as a primary goal of welfare reform” (London et al. 2004, 148). The stated goal of the TANF program was to “provide assistance to needy families with or expecting children and to provide parents with job preparation, work, and support services to enable them to leave the program and become self-sufficient” (Schoen 1997, 4). In order to meet the stated program goals, TANF has strict requirements that both the recipients of TANF and the states must adhere. For example, TANF recipients who refuse to enter the workforce can have their benefits reduced or terminated. Furthermore, states that fail to meet the minimum participation rate can have their TANF funds reduced the following year (4).

The passage of PRWORA had a dramatic impact on child support enforcement. In fact, under PRWORA custodial parents receiving TANF funds are required to cooperate

with child support enforcement agencies. Custodial parents “must help to identify and locate noncustodial parents for the collection of child support.” Custodial parents that refuse to cooperate can be penalized with a reduction in benefits or complete termination of benefits. Policy makers hoped that this program would “promote child and family well-being by promoting employment, marriage, responsible fatherhood, and increased child support collections” (Hollar 2003, 92). The policy shift, espoused in the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, advocates employment rather than support and remains in place at this time.

Uniform Interstate Family Support Act

When Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), they also included a federal fund contingency provision (Frost 2008, 15). As a prerequisite of receiving federal funding, this contingency provision required all states to adopt the Uniform Interstate Family Support Act by 1998 (UIFSA). Enforcement guidelines were strengthened under The Family Support Act of 1988. This act was developed to address two main issues that existed in child support enforcement policy at the time. First, there were “inadequacies in levels of original child support orders, compared with the economic costs of child rearing, resulting from an absence of routinely applied child support guidelines.” Second, there was an “absence of a mechanism for periodic review and updating of child support orders.” The Family Support Act addressed these issues by “mandating presumptive use of child support guidelines in each state and by phasing in a periodic review and updating processes for Title IV-D child support orders.” Policy makers hoped that these mandates would lead to a child support payment system in

which payment would be submitted in a similar fashion as payroll taxes (Williams 1994, 93).

Under the Family and Support Act of 1988, states have complete discretion to develop their own child support guidelines. States have generally used one of three models to develop their guidelines. These models include the percent of obligor income model, the income shares model, and the Delaware Melson formula. The first model uses a percentage of the obligor's income to determine the amount of support owed. Under this model support levels are determined by using a set percentage of either gross or net income (Williams 1994, 96). The next method, the income shares model, is "based on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together." This model simply divides the "support obligation between the two parents in proportion to their relative incomes" (97). The "income shares model is the most popular guideline, and currently is enacted in 36 states" (Foohey 2009, 49). Finally, the Delaware Melson formula requires three steps when determining obligor support levels. First, the amount of income needed for self-support is calculated. Next, the remaining income is applied to support the primary needs of the child: "to the extent that the parents have any remaining income available after meeting both parents' and children's support needs, the parent contributes an additional percentage of income toward child support" (98). The Melson formula is the most complicated and least utilized model.

The Family Support Act mandates that each state create a set of guidelines in order to ensure that child support orders are comparable to the costs of child rearing. This act also mandates that child support orders be periodically reviewed to ensure that child-

rearing costs will be covered in the future. The Family Support Act placed the responsibility of developing child support guidelines on each individual state.

The Uniform Interstate Family Support Act of 1988 was amended in 1996. The Personal Responsibility and Work Opportunity Reconciliation Act mandated that every state adopt the 1996 version of the Family Support Act. This amended version contains the provisions mentioned above, as well as new provisions that further standardized child support enforcement procedures. Under the Family Support Act, the “support order now may be sent directly to the obligor’s employer in another state, which triggers wage withholding by the employer without the necessity of a hearing unless the employee objects” (Robinson 1996, 6). The Family Support Act also mandated that “all judicial or administrative agency enforcement activity must begin with the registration of the existing support order in the responding state” (Robinson 1996, 7). The Family Support Act enables states to create uniform procedures in the areas of establishment, modification, and enforcement.

US Military Personnel and the Law

Active duty military personnel are a unique segment of the US population not only because of the service they provide to their country, but because they are often governed by a different set of rules. Congress has recognized the fact that US military personnel are a unique population entitled to special protections. Since the Civil War Congress has drafted numerous pieces of legislation that dictate the protections that will be provided to military personnel. While the protections provided have changed, the belief that military personnel should not be penalized for their service has not changed. The current US law that applies solely to military personnel and their families is the Servicemembers Civil Relief Act.

Servicemembers Civil Relief Act

The idea that military personnel are entitled to some sort of civil protections during the course of their service is not new. What has changed is the amount of protection that the legal system is willing to provide to military personnel. During the Civil War, Congress passed the Act of June 11, 1864, which “suspended any action, civil or criminal, against federal soldiers or sailors while they are in service of the Union and made them immune from service of process or arrest.” During World War I, Congress again enacted protection for military personnel with the passage of the Soldiers and Sailors Civil Relief Act of 1918. This Act “gave trial courts the discretion to grant relief when a litigant’s military status would materially affect the service member’s ability to protect his or her legal rights or comply with the obligation in question” (Estrin, 2009). As the United States entered World War II, Congress passed the Soldiers and Sailors Civil Relief Act of 1940. This Act provided the same protections as the 1918 Act with a few minor changes. The 1940 Act included “additional benefits with respect to public lands, changed the method of administering the provisions of guaranteed insurance premium protection, and raised from \$50 to \$80 the monthly rental of family dwellings in the non-eviction provision” (Missick, 2008). The essential provisions of this Act remained unchanged until the 2003 US invasion of Iraq.

In 2003 Congress passed the Servicemembers Civil Relief Act (SCRA), in order to provide further protections to military personnel. The purpose of this Act was to enable service members to “devote their entire energy to the defense needs of the Nation” (Missick, 2008). This new Act does not leave it to the discretion of the courts to determine if a stay of proceedings is necessary. Under the 2003 Act a “stay of proceedings is mandatory upon a properly supported application by the service member, but not so if the

statutory conditions are not met.” The Servicemembers Civil Relief Act now affords “protection to Army, Navy, Air Force, Marine Corps, and Coast Guard service members, including active duty members, reservists, and National Guard members called to active duty” (Estrin, 2009).

The ability of a service member to request a stay of proceedings in child custody hearings can be problematic, “because the granting of a stay suspends either the case or some designated proceeding within it.” This process is further complicated by the fact that most states utilize the “best interest of the child doctrine.” Using this logic, the court must consider all relevant factors, including “the wishes of the child’s parents; the wishes of the child; the interaction and interrelationship of the child with his or her parents, siblings, and other persons who may significantly affect the child’s best interests; the child’s adjustment to his or her home, school, and community; and, the mental and physical health of all individuals involved.” Family court judges often feel “a continuing obligation to consider what is in the best interest of the child, even though many of these considerations directly conflict with military service” (Estrin, 2009). The result of the reliance on the “best interest of the child doctrine” is that military parents have lost custody of their children in the course of serving their country.

Service members are not fully protected under the Servicemembers Civil Relief Act. A case involving a National Guard Soldier, Virginia Eva Crouch, provides an ideal example. This example, however, is unique because the Ms. Crouch was both the service member in the case and the mother. Ms. Crouch divorced her husband in December of 1996. At this time, both parties agreed on a joint custody arrangement. The child lived primarily with Ms. Crouch until the National Guard activated her. Acting on the news of her deployment,

Ms. Couch and her former husband ironed out a custody arrangement. Both parties decided that their daughter would live with Mr. Couch until she returned from active duty. When Ms. Couch returned from active duty, however, her husband informed her that she would need a court order to regain custody of her daughter. The Court held that “at the time that the agreed order was executed it was the intent of both parties that the child would be returned to the physical custody of [Eva] at the conclusion of [Eva’s] military alert” (Missick, 2008). The Court also held that it would be in the child’s best interest to remain in her father’s custody. Ms. Couch maintained that this ruling was unjust, asking the court not to hold her service against her. In the end Ms. Couch regained custody of her daughter, but only after “having devoted nearly two years and \$25, 000 in legal fees to the custody battle (Missick, 2008).

The Servicemembers Civil Relief Act also fails to fully protect service members against accusations of mental incompetence. It is not uncommon for former spouses to argue that combat deployment has rendered their spouse mentally incompetent. Former spouses can argue that, “after such a traumatic experience, the servicemember is not mentally capable of caring for a child, and should therefore not be given custody” (Missick, 2008). Currently there is no “rebuttal presumption that the servicemember is mentally fit to engage with his or her children” (Missick, 2008). This is not unreasonable since military members “must undergo a Post Deployment Health Reassessment and that mental health assessments are given at regular intervals once the servicemember has returned home” (Missick, 2008). Creating a rebuttal presumption of physical and mental fitness would protect the service member from unwarranted attacks by a former spouse, who is

attempting to use the service member's deployment experiences against him/her (Missick, 2008).

The Servicemembers Civil Relief Act was intended to allow service members to "devote their entire energy to the defense needs of the Nation" (Missick, 2008). However, given the lack of protection provided during child custody hearings, it is unlikely that service members will be able to devote their entire energy to the defense needs of the nation.

Custody and Visitation

Married service members that have "two or more years of active duty service are more likely to become divorced" than the general population. Furthermore "compensation and benefits in the military provide an incentive for earlier marriage than might otherwise be the case" (Hogan & Seifert 2009, 430). The premature nature of many military marriages makes them more vulnerable to dissolution. This grim reality means service members need to be aware of the protections provided by the federal government during custody and visitation proceedings.

Custody and visitation issues often arise when the service member is deployed in a foreign country. The Servicemembers Civil Relief Act (SCRA) contains certain provisions designed to protect military members. Under SCRA service members are allowed to request a procedural stay. To be granted a procedural stay, a service member must provide two things: "1) a letter or other communication (a) explaining how her current duties materially affect her ability to appear; and 2) a letter or communication from the servicemember's commanding officer saying that (a) the service member is unable to appear due to military duty and (b) is not currently authorized for military leave"

(Douglass, 2009). Service members who provide the court with the proper documentation should receive a stay of proceedings. Unfortunately, it is fairly common for a “lack of familiarity with the law to create confusion among both the lawyers and judges involved, resulting in a denial or misapplication of the stay” (Douglass, 2009). This lack of familiarity often extends to the service member as well. In order to inform service members of their rights many “state and local bar associations are setting up pro bono programs to assist service members in exercising their rights under SCRA” (Anderson & Berenson 2009, 226). These pro bono programs are designed to ensure service members are aware of their rights and can alert the court to the protections they are provided under SCRA.

Currently the courts determine what is in the best interest of the child before making custody and visitation decisions. Many states still tend to award primary custody to the mother. However, judges have increasingly begun to award custody to the father if it is in the child’s best interests (Elrod and Dale 2008, 384). Unfortunately, the military lifestyle often hinders the service member’s ability to gain/retain custody and visitation rights. A judge is required to make these decisions when parents are unable to resolve custody and visitation issues.

The constant relocation service members experience makes the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) important. The UCCJEA holds “that if the child has a home state, only that state may make the initial custody determination, unless the home state declines jurisdiction” (Zorza 2000, 4). Further, a child’s home state keeps its status for six months after a child leaves, regardless of why the child has left, provided a parent or a person acting as a parent remains in the home state” (Zorza 2000, 4). Under this act “no other state’s court may modify an issuing court’s child-custody

determination unless it has jurisdiction to make an initial child custody determination” (Zorza 2000, 5). The main purpose of the UCCJEA is to prevent simultaneous proceedings in “different states or the wrongful modification of a court order of a previous state by a court of a new state” (Zorza 2000, 5).

The Uniform Marriage and Divorce Act lists five gender-neutral factors for judicial consideration in the course of a custody or visitation decision (Elrod & Dale 2008, 393). They include (1) the parent’s wishes, (2) the child’s wishes, (3) an examination of the relationships between all the people involved in the child’s life, (4) the child’s environment, and (5) the mental and physical health of all parties involved.

The consideration of these factors can be detrimental to the military parent’s custody and visitation rights. The life of a service member is demanding and complicated. Service members must be ready to relocate at a moment’s notice. Furthermore, military service can give rise to mental problems that can hinder the ability of service members to care for themselves and their children. When judges are charged with deciding how to award custody and visitation rights, the consideration of these five factors can count against service members. The SCRA does not protect service members from charges of mental incompetence (Missick, 2008). This vulnerability, combined with the constant threat of relocation, can cause the court to determine that it is not in the best interest of the child to award primary custody to the service member. This displays the “inherent conflict that exists between placing the highest priority on the needs of the child and protecting those called to national service” (Missick, 2008).

The aforementioned factors may further complicate custody and visitation matters for active duty service members. The literature is largely silent on the specific impact that

military service has on child custody proceedings. However, literature pertaining to broad custody and visitation issues may be applied to active duty service members. For example, mothers seeking sole physical custody are successful 80%-85% of the time (Kelly 2006, 36). According to Segal (2004), 87% of active duty service members are male (26). Using this data, we can assume that the majority of service members are not gaining sole physical custody of their children. Since service members rarely get sole physical custody, we can assume joint custody arrangements are typical for military personnel.

Since service members are often subjected to periodic and sudden relocations, joint custody arrangements may be problematic for active duty service members. According to Welsh (2010), 25% of children involved in a divorce have a parent residing in a different city (216). The fact that 75% of single mothers will relocate within four years after separation or divorce increases the likelihood that service members will be separated from their children (216). These facts make it difficult for service members to have consistent face-to-face interactions with their children.

The above facts demonstrate that active duty service members are not likely to gain sole physical custody of their children; instead, service members are often awarded joint custody of their children. Joint custody “entitles both parents to make major decisions about their children” (Kelly 2007, 37). These major decisions include, but are not limited to, medical, education, and day care decisions. However, given that service members often reside in different locations than their children, a joint decision making process is problematic. The lack of literature makes it difficult to quantify the true impact of national service on custody/visitation arrangements.

Administrative Impediments

A number of administrative impediments exist that can hinder successful program implementation. These impediments include organizational culture, training, interagency cooperation, interstate cooperation, and agency discretion. Failure to address these administrative impediments during the program implementation process can result in program failure and poor program performance.

Organizational Culture

Strong organizational culture plays a pivotal role in the process of program implementation. Organizational culture is defined as “a system of shared values defining what are important norms, defining appropriate attitudes and behaviors,” which in turn guides employee attitudes and behaviors (Detert et al. 2000, 852). A review of the literature demonstrated that there are four mechanisms that can be used to successfully develop organizational culture.² Charles O'Reilly (2001) identifies four mechanisms that are used by agencies to foster a strong culture (20). They include:

1. Participation- Agencies encourage employees to be involved and send signals to the individual that he or she is valued. Employees are encouraged to make incremental choices and develop a sense of responsibility for their actions.
2. Management as Symbolic Action- Clear visible actions on the part of management in support of cultural values. When top management not only says that something is important but also consistently behaves in ways that support the message employees began to believe what is said.
3. Information from Others- messages from managers are important, so too are consistent messages from coworkers. Strong cultures are typically characterized by a consensus of what is important to the organization.
4. Comprehensive Reward System- A final mechanism for promoting and shaping culture is a reward system, but not simply monetary rewards. Rather, these systems focus on

² See Detert et al. (2000), Fey & Denison (2003).

rewards such as recognition and approval, which can be given more frequently than money. Recognition by one's boss or coworkers for doing the right thing can be more potent in shaping behavior than an annual bonus.

Agencies that utilize these mechanisms are more likely to have a strong culture.

Agencies with a strong culture are able to adapt to changing circumstances better than agencies with a weak culture. Fey and Denison (2003) argue that "adaptable organizations have a clear sense of purpose and direction" and are more capable of "expressing a vision of the future" (688). Agency adaptability is a key ingredient of successful program implementation. When adopting a new program, it is essential that employees understand that this new program has a sense of direction and that this direction leads to the future success of their agency. Agencies that possess strong culture also encourage, and expect, high involvement from their employees. This occurs when agencies "empower people to organize around teams, and develop human capability" (688). High involvement enables employees to have direct input into the decisions that will impact their agency. This direct input can be used to strengthen the policy implementation process. Finally, strong organizational culture is closely related to successful agency performance and enhances an agency's ability to train employees, as well as work with other agencies and states during the program implementation process.

Training

To achieve successful program implementation, agencies must make sure that their employees fully understand their roles in this process. This can be accomplished by developing a comprehensive training program. Effective training programs will result in improved agency morale and performance. An investment in a comprehensive training program "constitutes a powerful signaling device to reassure employees that they are

valued by their employers, which in turn enhances employee motivation and commitment to the organization” (Santos and Stuart 2003, 30). This enhanced employee motivation will increase the likelihood that employees will carry out the agency mission effectively.

Training can also increase employee motivation and competency if it is thought that the participation in the training programs will be adequately rewarded for the application of their new skills and knowledge (Santos and Stuart 2003, 41). Santos and Stuart (2003,41) maintain that employees that perceive training as leading to higher pay or better promotion prospects are more likely to transfer what they learned to their work.

It is also important that employees understand that their agency considers training a pivotal aspect of employment. Agency leaders can “trivialize training through symbolic behavior such as hiring unqualified practitioners, or reflexively firing trainers at the first sign of an economic slowdown” (Bunch 2007, 148). When employees view the training process as something that is taken seriously by their supervisors, they will be more likely to take it seriously themselves. The training process is meaningless if “training is perceived as a waste of time and as a way to avoid work” (Bunch 2007, 148).

Agencies must be entirely committed to the training process to make certain that their training program produces the desired result. This commitment includes a stringent hiring process and a devotion of adequate resources. Failed training programs “can result from incompetent or indifferent trainers; however, highly qualified practitioners, ready to assess needs and evaluate results, may be stymied by management’s unwillingness to spend time and money on proper design” of the training program (Bunch 2007, 145). The hiring of competent employees and devotion of adequate resources will increase the likelihood of program success. Before the implementation of a training program, it is

important that agency supervisors conduct an “analysis of training needs, are involved in deciding about training content and methods and setting objectives for performance improvement” (Santos and Stuart 2003, 41). Agencies that operate in this manner are able to implement successful training programs.

Interagency Cooperation

Public agencies operate in an environment that, in many ways, necessitates interagency cooperation. Thomas (1997) defines interagency cooperation as an “effort by public officials in at least two agencies to coordinate their activities and/or share resources to achieve something they cannot achieve individually” (225). Interagency coordination enables public agencies to pool resources, such as expertise and information, in order to better carryout-shared objectives (Lundin 2007, 629). The review of the literature demonstrates that there is a clear relationship between interagency cooperation and successful policy implementation.³

Strong interagency cooperation may facilitate agency innovation. The fact that “stakeholders come together from a range of different policy perspectives can, in itself, produce greater dynamism through the sharing of ideas, expertise and practice.” The sharing of ideas, expertise and practice may enable the agency to “improve the reach, diversity and quality of their services” (Lindsay et al. 2008, 718). Patricia Sloper (2004) summarized agency traits that facilitate interagency cooperation. They include (1) clear and realistic aims and objectives, (2) clearly defined roles and responsibilities, (3) commitment of both senior and frontline staff, (4) strong leadership, (5) an agreed timetable for implementation of changes, and (6) the linking of projects into other planning

³ See Lundin (2007), Sloper (2004), Thomas (1997).

and decision making processes (575). Furthermore, agencies that conduct joint training programs and monitor and evaluate policies and procedures regularly are more likely to embrace interagency cooperation (576).

Patricia Sloper (2004) also summarized the agency traits that hinder interagency cooperation. They include constant reorganization, frequent staff turnover, lack of qualified staff, and different professional ideologies and agency cultures. Agencies that possess these traits are more likely to have noncooperative relationships with other agencies (567). In noncooperative relationships “goals are incompatible, perhaps even zero sum; agencies therefore hoard resources, deceive rivals, and design their strategies on the basis of whatever information is available regarding the intentions of others” (Thomas 1997, 225). Noncooperative relationships may hinder the development and implementation of a public policy.

Interstate Cooperation

Interstate cooperation is necessary to ensure that noncustodial parents are not able to avoid their child support obligations by simply leaving the state of jurisdiction. Understanding the importance of this issue, the federal government has passed legislation that encourages states to work together in a cooperative manner.

In 1992 the National Conference of Commissioners on Uniform State Laws developed the Uniform Interstate Family Support Act (UIFSA). This act was specifically drafted to address the interstate issues that existed within child support enforcement. UIFSA provided for the “validity of only one support order at a time, by establishing mechanisms by which states could use long-arm jurisdiction rules to implement wage-withholding orders, and creating time limits under which states must respond to requests

for interstate aid in enforcing support” (Crowley 2000, 113). In order to execute a wage withholding order, the custodial parent only needs an existing support order and the current employment location of the noncustodial parent (Jensen 2007, 49). The relative ease of this process makes wage withholding one of the most effective tools of interstate child enforcement.

The passage of the Personal Responsibility and Work Opportunity Act (PRWORA) in 1996 further demonstrated the federal government’s commitment to interstate cooperation. PRWORA contained provisions that improved interstate enforcement measures by requiring “standardized forms for case processing, use of telephonic hearings, and the creation of more flexible standards for the admissibility of evidence” (Crowley 2000, 113). States were required under this act to use these enforcement measures as a condition of federal aid. Under PRWORA states are also subject to performance requirements. These performance requirements are enforced using financial penalties. States must meet minimum standards for the number of orders established and for the amount of current monies collected out of total monies due (41). According to Crowley (2003), “penalties are 1 percent of the state’s total Temporary Assistance for Needy Families block grant in the first year of such a failure to meet these standards, and 2 percent penalty in the second year”(43). Connecting state performance with the amount of block grant monies received encourages states to work towards mutually beneficial outcomes.

State Discretion

The federal government has enacted numerous statutes to provide a framework for child support enforcement on the state level. However, the statutes often fail to assert

complete authority over child support enforcement. Responding to ambiguous federal statutes state governments take the liberty of filling in the gaps. The practice of “filling in the gaps” is a prime example of dynamic federalism. Dynamic federalism “rests upon and supports judicial doctrines that affirm the existence of the states and their independent law making powers, but otherwise calls for a passive approach on the part of the courts, leaving the states to their own devices in terms of fending off attempts by the federal government to defeat state regulation” (Engel 2006, 176). For example, the Family Support Act of 1988 called for states to develop child support guidelines. However, the Family Support Act failed to address how each state should go about developing these guidelines. Texas filled in the gaps by utilizing the percentage of income model to determine child support guidelines for the state (Foohey 2009, 49).

Dynamic federalism allows states to “function as laboratories of democracy” (182). Laboratories of democracy allow each state to design their own methods and procedures for child support enforcement. If these methods are successful other states can then adopt similar policies and procedures.

Agency Discretion

Agencies are given a great deal of discretionary authority to carry out the task of program implementation. Because of this discretionary authority, administrators have a considerable amount of power when it comes to the implementation and interpretation of public policy (Keiser & Soss 1998, 1134). Public agencies are left to interpret and enforce “legislative mandates that can range from extremely vague to extremely detailed” (Lerner & Wanat 1983, 502). Extremely vague legislation requires the administrator to rely on his or her own interpretation of the mandate. This bureaucratic ignorance can in turn lead to

an interpretation of the policy and its goals that runs counter to the intentions of the framers of that policy. The discretion that an agency possesses directly impacts the general public. Keiser and Soss (1998) maintain, “public agencies write the rules that dictate how general legislation will be used in specific situations, and they apply these rules to particular individuals” (1133). The manner in which these rules are applied to individuals can have a large impact on the level of service provided to that individual.

Given the impact that administrative discretion can have on individuals, it is necessary for that power to be restricted. There are two generally accepted categories of administrative control that limit the amount of administrative discretion that agencies can exercise. The first limitation to administrative discretion comes in the form of *ex ante controls*. Epstein and O’Halloran (1994) maintain that *ex ante controls* “are the procedures, including reporting and consultation requirements, which an agency must follow to make policy.” The second limitation to administrative discretion comes in the form of *ongoing controls*, which are the “institutions or procedures that check agency action on a regular basis.” These *ongoing controls* “include instruments of congressional oversight, such as direct and indirect monitoring” and “judicial oversight implemented through existing administrative law” (698). These control mechanisms are designed to address the emerging problem of bureaucratic ignorance among administrators.

The only absolute way to limit agency discretion and bureaucratic ignorance is for “today’s authorities to specify, in excruciating detail, precisely what an agency is to do and how it is to do it, leaving as little as possible to the discretionary judgment of bureaucrats” (Epstein & O’Halloran 1994, 701). However, limiting agency discretion in this extreme manner severely limits the flexibility of the agency. Epstein and O’Halloran further assert,

“one of the main reasons that bureaucracies are created in the first place is to implement policies in areas where Congress has neither the time nor expertise to micromanage policy decisions and restricting flexibility limits the agency’s ability to adjust to changing circumstances”(701). However, legislative bodies should not be too vague when developing public policy. Agencies are more likely to face criticism from the general public if they are forced to implement a vague policy or program. According to Lerner and Wanat (1983), “when those criticisms come, they are likely to be on value laden grounds because value judgments must be made by bureaucracies when it interpolates fuzzy mandates” (506).

Military Environment

According to Segal (1986), when working with service members, administrators must recognize that they are dealing with members of two societal institutions. These two institutions are the military and family unit. These institutions make great demands of service members in terms of “commitments, loyalty, time, and energy,” and are therefore referred to as “greedy institutions” (9). The demands made of service members are not seen within the civilian population. Service members must find a way to balance these demands and at the same time satisfy the needs of each institution. Furthermore, “greedy institutions are characterized by the fact that they exercise pressures on component individuals to weaken their ties, or not to form any ties, with other institutions or persons that might make claims that conflict with their own demands” (11). Evidence of the military being a “greedy institution” can be seen in the demands made of service members. These demands include geographic mobility, residence in foreign countries, periodic separations from family, and risk of service member injury or death.

The family unit, “like other social institutions, depend for their survival on the commitment of their members, for whose participation and loyalties they compete with each other and with other social groups” (Segal 1986, 10). Families expect service members to be “emotionally committed to the family, to display affection toward other members, to identify with the family as a unit, and to fulfill role obligations” (13). Demands made by the military can make it difficult for the service member to meet the expectations of the family unit. Service members are often unable to emotionally commit to the family unit because of mental problems developed while serving their country. Traumatic experiences can result in mental problems, which cause the service member to seem detached and unwilling to engage in conversations with family members (Bisson 2007, 399). Service members are often unable to fulfill the traditional paternal roles and responsibilities.

When working with members of the US military, administrators must recognize that military lifestyles often have a negative impact on the family unit. According to Burrell et al. (2006), there are four primary ways that military lifestyles have negative effects on family institutions. These include geographic mobility, residence in foreign countries, periodic separations from family, and risk of service member injury or death (44). Each of these issues can damage a marriage to such an extent that divorce is unavoidable.

Military marriages are often strained by the fact that relocation orders can appear at any given moment. Military families can expect to be relocated, on average, every two to three years (Burrell et al. 2006, 44). The threat of constant relocation can place undue strain on a marriage. When families are relocated to a foreign country, the strain on the marriage increases even more. Relocation “removes families from the support system of

extended families and hometown communities” (Hashmand 2007, 172). This lack of a support system leaves military families vulnerable and could, in turn, damage the family unit.

Periodic separations from family are perhaps the most damaging to the family unit. During enlistment periods, “soldiers can be separated from their families for several reasons, such as to go on field training exercises, to attend school, or to deploy to peacekeeping or combat missions” (Burrell et al. 2006, 45). The stress of being separated from one’s spouse for extended periods of time has a negative impact on the family unit. Karney and Crown (2007) assert “service members and their spouses agree that the strains of military service, and especially the demands of being separated by deployment, take a negative toll on their marriages” (50). When spouses are separated from each other, the burden of managing family affairs is shifted onto the remaining parent. Separation can also lead to feelings of isolation and loneliness, which further stress the family unit (Burrell et al. 2006, 45).

The risk of service member injury or death during deployment also has a negative impact on the family unit. When a spouse is deployed, military families live in constant fear that their loved one will either be injured or killed. Burrell et al. (2006) maintains, “outcomes associated with fear include physiological arousal, nervous tension, and efforts to escape or withdraw” (45). This fear produces high stress levels that are transferred to the family unit as a whole.

Marriages are further strained when the deployed spouse returns from combat. Many service members returning from deployment often come home with mental problems. The literature demonstrates that the “consequences of deployment for marriage

may be felt most keenly when spouses are reunited and must adjust to the changes that each has gone through in the other's absence" (Karney & Crown 2007, 53).⁴ Soldiers returning from Afghanistan and Iraq "revealed high rates of mental health problems, especially among those who experienced combat"(41). This "exposure to combat can cause lasting, and often negative, changes in service members behavior"(55). Spouses of returning soldiers must be prepared to deal with a spouse that has mental problems due to his combat experience.

Post-Traumatic Stress Disorder

One of the most common service member disabilities is Post Traumatic Stress Disorder. According to Bisson (2007), "PTSD is a disorder in which the affected person's memory, emotional responses, intellectual processes, and nervous system have all been disrupted by one or more traumatic experiences"(399). All soldiers returning from deployment are required to complete a "post-deployment health assessment" (PDHA) (Hoge et al. 2006, 1024).

Hoge et al. (2006) recently analyzed the form 303 and form 905 PDHA's of soldiers and Marines between May 1, 2003 and April 30, 2004. The analysis of these PDHA's shows that "19.1% of soldiers and Marines who returned from Operation Iraqi Freedom met the risk criteria for a mental health concern"(1027). This demonstrates that the risk of becoming afflicted with PTSD is prevalent among combat experienced soldiers and Marines. The prevalence of PTSD among soldiers and Marines make it imperative that counseling is available upon returning from deployment. The PDHA data shows that

⁴ See Anderson & Berenson (2009), Burrell et al. (2006), Drummet et al. (2003), Gibbs et al. (2007), Hashmand (2007), Hoge (2006), Lamberg (2004), Karney & Crown (2007), Savitsky (2009)

“approximately one third of Operation Iraqi Freedom veterans accessed mental health services in the first year after deployment, 12% per year received a diagnosis of a mental health problem, and an additional 23% per year were seen in mental health clinics but did not receive a diagnosis” (1030). Even more concerning is the fact that many service members are not seeking treatment at all. In fact “most soldiers that met the screening criteria for a mental health disorder had not received any health services” (Sareen et al. 2007, 844). Many service members fear that seeking help would be seen as a weakness and that this weakness could lead to differential treatment (Sareen et al. 2007, 844).

Clearly there is both a need and a demand for health services. Those who work closely with both active duty military and veterans should be able to recognize the symptoms of PTSD. Agency employees will be able to refer service members to available resources, after they identify the members of their client base that are suffering from PTSD. This could increase the number of service members that seek treatment for their mental health issues.

Impact on the Children

Children of deployed service members are deeply impacted by the absence of a parent for extended periods of time. The stress that arises when the noncustodial parent is deployed can later inhibit the care of the child, potentially leading to child maltreatment, which includes “neglect, physical abuse, emotional abuse, and sexual abuse” (Gibbs et al. 2007, 528). The American Medical Association recently conducted a 40-month study of 1,771 families of enlisted service members with children under the age of eighteen. The American Medical Association defines “family” such that it also pertains to a single parent home. The underlying rationale is that a family remains a family even after marriage

dissolution. The only aspect of the family unit that changes is the location of the members of that family. After marriage dissolution occurs the same parental responsibilities remain. The families participating in this study were still intact during this 40-month period. This study found that “the rate of child maltreatment was 42% greater during deployments compared to times when soldiers were not deployed” (532).

Family counseling can have a positive effect on both non-deployed parents and their children. Gibbs et al. (2007) maintains, “the greater rate of child maltreatment associated with deployment suggests the need for enhanced support for civilian parents in terms of additional resources, more effective services, development of services that those parents at greater risk will be likely to seek out and accept, and greater outreach to connect parents to services”(535).

Child maltreatment is not the only impact related to parental deployment. Children of deployed military personnel often display signs of depression and withdraw during their parent’s deployment (Lamberg 2004, 1541). Lamberg asserts that it is not uncommon for children to become more mature and independent during these deployment periods. When a deployed parent returns home and observes these changes, it is important that he/she does not attempt to revert the child back to the way the child was before deployment (1541). Children coping with the death of a parent are likely to experience “sadness, anger, trouble sleeping and distractibility.” Specialized treatment is needed for children that suffer from traumatic grief. Traumatic grief “hinders their expressing sadness and recalling happy memories of the deceased parent” (1542). Agencies that work with military families need to be aware of the challenges that the children of deployed service members experience during the absence of a parent.

Chapter Summary

US child support policy has been evolving since the founding of this country. This evolution has typically been a response to the changing demands of the populous. For example, the Uniform Reciprocal Enforcement of Support Act of 1950 was enacted to address the growing number of divorces that were occurring in the US at that time. As new problems arise in the child support enforcement community, public policy will continue to evolve in order to address these new problems.

Agencies and administrators should be aware of the administrative impediments associated with the program implementation process. Impediments include organizational culture, training, interagency cooperation, interstate cooperation, and agency discretion. These issues should be addressed before the program implementation process begins. Failure to address these issues will lead to an inefficient and ineffective program.

There are a number of obstacles that military members and their families face as a result of serving their country. These obstacles include: “long periods of separation; mental health problems; frequent relocation; financial strain; children’s behavioral reactions to a deployed parents absence; and the constant threat of severe physical injury” (Savitsky et al. 2009, 329). Public agencies must be aware of these obstacles and also must be able to develop a plan of action that addresses these issues.

Chapter III-Setting

Chapter Purpose

The purpose of this chapter is to illustrate the legal and organizational setting of the Texas child support enforcement system. The first section of this chapter provides a brief overview of the Texas Family Code, which provides the legal framework for child support enforcement in the state of Texas. Second, this chapter details the legal framework for the modification of support, possession, and access orders.⁵ Next, this chapter examines the Texas Office of the Attorney General and its role in child support enforcement. Finally, this chapter concludes with a brief discussion of the HEROES Program, which is a pilot program designed to assist a military population navigate the child support system is provided.

Texas Family Code

Chapter 154 of the Texas Family Code (Family Code) provides the legal framework that courts and child support enforcement agencies must operate within. The Family Code dictates the manner in which support orders are issued, paid, and disbursed. The courts and child support enforcement agencies in Texas must adhere to the stipulations of the Family Code.

Under the Family Code the court may order either parent, or both parents, to support a child in the manner specified by the order. The Family Code states that support must continue until at least one of three conditions are met. These three conditions are:

1. Until the child is 18 years of age, or until graduation from high school, whichever occurs later.

⁵ Child support, possession, and access are discussed as three separate issues in this chapter. However, Texas is one of only two states in this country in which the courts address all three issues in one court order.

2. Until the child is emancipated through marriage, through removal of the disabilities of minority by court order, or by other operation of law.
3. Until death of the child.

The Texas Family Code also dictates the manner in which child support must be paid. The Family Code allows the court to mandate four types of payment for child support. The allowable payment types are periodic payments, a lump-sum payment, annuity purchases, or a set aside of property. The Family Code also states that the court shall order the payment of child support to the state disbursement unit. In a Title IV-D case the court or the Title IV-D agency shall implement income withholding to be paid to the state disbursement unit, or if appropriate, to the state disbursement unit of another state.⁶ The Family Code also allows the court to order support to be withheld from the disposable earnings of the obligor. Wage withholding decreases the likelihood of arrears from accumulating. When a wage withholding order is issued, obligors are not given the opportunity to miss a payment.

When support orders are issued there can be no discrimination based on marital status or sex. The Family Code states the sex of the obligor, obligee, or child cannot be considered when making a decision about award amounts. Furthermore, the court cannot discriminate based on the marital status of the parents of the child. These provisions are included to ensure that decisions are made in the best interest of the child.

⁶ "Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support or medical support obligation.

"Title IV-D agency" means the state agency designated under Chapter 231 to provide services under Part D of Title IV of the federal Social Security Act

The Texas Family Code also directly addresses military duty. Section 153.702 states if a “conservator is ordered to military deployment, military mobilization, or temporary military duty that involves moving a substantial distance from the conservator's residence so as to materially affect the conservator's ability to exercise the conservator's rights and duties in relation to a child, either conservator may file for a temporary order under this subchapter”. If the conservator with the right to designate primary residence is called to duty Section 153.703 allows the service member to appoint a conservator in their absence. This is only allowed if the “conservator with the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may render a temporary order to appoint a designated person to exercise the exclusive right to designate the primary residence of the child during the military deployment, military mobilization, or temporary military” Section 153.708 holds that temporary orders may be enforced by or against the designated person to the same extent that an order would be enforceable against the conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

Section 153.707 enables service members who have been called to duty to call for an expedited hearing. The Texas Family Code states a “motion by the conservator who has been ordered to military deployment, military mobilization, or temporary military duty, the court shall, for good cause shown, hold an expedited hearing if the court finds that the conservator's military duties have a material effect on the conservator's ability to appear in person at a regularly scheduled hearing.” Finally, section 153.709 states that once the “conservator has exercised all additional periods of possession or access awarded under this section, the rights of all affected parties are governed by the terms of the court order

applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.”

The Family Code also contains provisions concerning the death of the obligee, which state that support obligations do not terminate upon the death. Under this provision any assets remaining at death should go towards the support of the child. The Family Code states that a child support payment, held by the Title IV-D agency or state disbursement unit, made before, on, or after the date of death of the obligee, shall be paid proportionately for the benefit of each surviving child that is named in the support order. This payment is not to go to the state of the obligee.

The Family Code also dictates the manner in which the net resources of the noncustodial parent are calculated. The state of Texas is one of fourteen states which use the percentage of income standard (Foohey 2009, 44). The family codes states that gross income should first be compounded on an annual basis and then should be recalculated to determine average monthly gross income. The Title IV-D agency shall annually promulgate tax charts to compute net month income, subtracting from gross income social security taxes and federal income tax withholding for a single person claiming one personal exemption and the standard deduction. The Family Code lists five resources that should be calculated. These resources include 100 percent of all wages and salary income, as well as other compensation for personal services; interest, dividends, and royalty income; self-employment income; net rental income; and all other income actually received.

The Family code also holds that the obligor must furnish information sufficient to accurately identify that party’s net resources and ability to pay child support. Furthermore, obligors are required to furnish the court with copies of tax returns for the past two years

and current pay stubs. This information will be used to determine the obligor's ability to pay child support. In the absence of evidence of wage and salary income of the obligor, the court shall presume that wages or salary is equal to the federal minimum wage for a 40-hour week. The Texas Family Code contains provisions to address obligors that are intentionally unemployed or underemployed. Thus, if the court determines that the actual income of the obligor is significantly less than what could be earned, because of intentional unemployment or underemployment, the court may apply the support guidelines to the earning potential of the obligor.

After the obligors net resources have been calculated, it falls to the court to determine the amount of child support that will be paid. The courts calculate the monthly net resources of the obligor and then determine the amount that should be paid on a monthly basis. Support levels are set based on the number of children and monthly income of the obligor. Section 154.125 of the Family Code provides a schedule that the court shall apply when rendering the child support order. This schedule is illustrated in Table 3.1. According to the schedule outline by the Family Code, child support is awarded based on the number of children owed support by the obligor. Each child is entitled to a percentage of the obligor's net resources. The percentage of income owed increases as the number of children increases. The calculation starts at 20 percent for one child and increases by five percent for each additional child. Obligor's with six or more children pay no less than the amount for five children.

Table 3.1

Child Support Guidelines Based on the Monthly Net Resources of the Obligor	
Number of Children	Percentage of Net Resources
1 Child	20% of Obligor's Net Resources
2 Children	30% of Obligor's Net Resources
3 Children	35% of Obligor's Net Resources
5 Children	40% of Obligor's Net Resources
6+ Children	Not less than the amount for 5 children

(From sec 154.125 of the Texas Family Code)

Many obligors have multiple children in different households. When this situation occurs the courts can refer to the Family Code. Section 154.128 of the Texas Family Code contains provisions for computation of support for children in more than one household. Under the Family Code the court shall apply the percentage guidelines along with the following computations:

1. Determine the amount of child support that would be ordered if all children whom the obligor has the legal duty support lived in one household.
2. Compute a child support credit for the obligor's children who are not before the court by dividing the amount determined by the total number of children whom the obligor is obligated to support and multiplying that number by the number of obligor's children who are not before the court.
3. Determine the adjusted net resources of the obligor by subtracting the child support credit computed from the net resources of the obligor.
4. Determine the child support amount for the children before the court by applying the percentage guidelines for one household for the number of children of the obligor before the court to the obligor's adjusted net resources.

Section 154.129 of the Texas Family Code also provides an alternate method of computing support for children in more than one household. This method can be used in lieu of performing the computations discussed above. This alternative method is displayed

in Table 3.2. When using the alternative method of computation, the court may determine the support amount by applying the percentages in Table 3.2 to the obligor's net resources. The court has the discretion to determine which method will be used to compute support for children in more than one household.

Table 3.2

**Multiple Family Adjusted Guidelines
(% Of Net Resources)**

Number of children before court							
Number of children obligor has a duty of support	1	2	3	4	5	6	7
0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
7	13.00	17.33	21.60	31.27	30.67	31.38	32.00

(From Sec. 154.128 of the Texas Family Code)

Modification-Possession and Access

Chapter 156 of the Texas Family Code dictates the process for obtaining a modification of an order that provides for the conservatorship, support, or possession of and access to a child. According to the Texas Family Code, any party affected by an order may file a suit for modification in the court with continuing-exclusive jurisdiction. The only

entity that can modify possession and access orders is the court with continuing-exclusive jurisdiction.

Section 156.101 of the Family Code discusses when it is appropriate for a court of jurisdiction to modify an existing possession and access order. There are three instances where modification is deemed appropriate under the Texas Family Code. These instances include:

1. The circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed.
2. The child is at least 12 years old and has expressed to the court the name of the person who is the child's preference to have exclusive right to designate the primary residence of the child.
3. The conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months.

Under this section the third instance does not apply to members of the military who have temporarily relinquished primary care and possession of their child during military deployment, military mobilization, or temporary military duty. Section 156.105 of the Texas Family Code states that military deployment, military mobilization, or temporary military duty, does not by itself constitute a material and substantial change of circumstances sufficient to justify a modification of an existing possession and access order.

Those parties petitioning the court for modification of an existing possession and access order must provide an affidavit to the court that demonstrates a modification is warranted. Section 156.102 states evidence must be provided supporting at least one of the three allegations in the Texas Family Code. These allegations are:

1. The child's present environment may endanger the child's physical health or significantly impair the child's emotional development.

2. The person who has the exclusive right to designate the primary residence of the child is the person seeking or consenting to the modification and the modification is in the best interest of the child.
3. The person who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child for at least six months and the modification is in the best interest of the child.

If the court determines there is not sufficient evidence to support at least one of the above allegations, the court shall deny the relief sought and refuse to schedule a hearing for modification.

Modification-Child Support

Section 156.401 describes the circumstances in which modification of an existing child support order is appropriate. The court may modify an existing support order if the circumstances of the child or person affected by the order have materially and substantially changed since the enactment of the order. The court can also modify an existing support order if it has been three years since the order was rendered, or last modified, and the monthly amount of the child support differs by either 20% or \$100 from the amount that would be awarded in accordance with the child support guidelines.⁷ The Texas Family Code also allows the court to modify an existing support order if all parties involved agree to an order, under which the amount of support differs from the amount that would be awarded in accordance with the child support guidelines.

Under section 156.402 of the Family Code the court may consider the child support guidelines for single and multiple families to determine whether there has been a material or substantial change of circumstances sufficient to warrant a modification of an existing support order. The court is not at liberty to add any portion of the net resources of a new

⁷ Child support guidelines are illustrated in Tables 3.1 and 3.2

spouse to the net resources of an obligor, or obligee, in order to calculate the amount of child support to be ordered in a suit for modification.

Section 156.408 of the Texas Family Code applies to the modification of support orders rendered by another state. Under the Texas Family Code, if both parties and the child reside in this state a court may modify the order, rendered by an appropriate tribunal of another state. The Texas Family Code also contains provisions for the modification of an existing support order when both parties do not reside in this state. According to section 159.201 of the Texas Family Code, a tribunal of this state may exercise jurisdiction over a nonresident individual or the individual's guardian if:

1. The individual is served with a citation in this state.
2. The individual submits to the jurisdiction of this state by consent.
3. The individual resided with the child in this state.
4. The child resides in this state as result of the acts or directives of the individual.
5. The individual engaged in sexual intercourse in this state and the child may have been conceived by that act of intercourse.
6. The individual asserted parentage in the paternity registry maintained in this state by the bureau of vital statistics.
7. Any other basis consistent with the constitutions of this state and the United States for the exercise of personal jurisdiction.

The guidelines allowing the state of Texas to establish personal jurisdiction come from the Uniform Interstate Family Support Act (UIFSA). All 50 states have enacted UIFSA in an attempt to ensure uniform application of the law. UIFSA establishes the rules, which require every state to defer to the child support orders entered by the state courts of the child's home state. The child's home state has continuing exclusive jurisdiction unless a

number of guidelines are met. These guidelines are listed in article 2 of the Uniform Interstate Family Support Act. The conditions that must be met for a state to establish personal jurisdiction, are identical to the guidelines listed in section 159.201 of the Family Code, which have been previously discussed.

Section 159.607 of the Family Code allows those wishing to contest a state's claim of jurisdiction to do so. A party contesting the validity or enforcement of an order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

1. The issuing tribunal lacked personal jurisdiction over the contesting party.
2. The order was obtained by fraud.
3. The order has been vacated, suspended, or modified by a later order.
4. The issuing tribunal has stayed the order pending appeal.
5. There is a defense under the law of this state to the remedy sought.
6. Full or partial payment has been made.

Texas Office of the Attorney General

The Texas Office of the Attorney General is the official child support enforcement agency for the state of Texas. The mission of the child support division is to “assist parents in obtaining the financial support necessary for children to grow up and succeed in life” (“Child Support Division” 2010). This mission is accomplished by offering clients a selection of services. The Texas Office of the Attorney General provides these “services to parents who wish to obtain or provide support for their children” (“Child Support Division” 2010). There are a number of services that the OAG provides to clients. The Child Support Division determines which services are appropriate on a case-by-case basis (“Child Support Division” 2010). These services include:

1. Locating the absent parent
2. Establishing Paternity
3. Establishing and enforcing child support orders
4. Establishing and enforcing medical support orders
5. Reviewing and adjusting child support orders
6. Collecting and distributing child support payments

Once an Income Deduction Order or Income Withholding Order is obtained the Defense Finance and Accounting Service will automatically withhold the funds from the service member's paycheck (DFAS.MIL 2011). However, service members often require a modification of their support orders due to changes in pay related to deployment.

The Office of the Attorney General seeks to "encourage parental responsibility by establishing paternity of children, establishing court orders for financial and medical support and vigorously enforces support orders" ("Child Support Division" 2010). Emotional involvement of both parents is also promoted by working with community groups, schools, and hospitals ("Child Support Division" 2010). The Family Initiatives section of the Child Support Division further pursues family centered goals.

Family Initiatives "leads special projects and ongoing programs that enhance the Child Support Division's ability to respond compassionately and effectively to the changing needs of families and children in Texas" ("Child Support Division" 2010). Family Initiatives activities focus on three areas:

1. **Father and Noncustodial Parent Involvement** – programs and policies for fathers and noncustodial parents that strengthen their financial and emotional contributions and encourage active participation in the child support process.
2. **Shared Parenting** – programs, resources, and policies that encourage cooperative parenting relationships as part of the child support process.
3. **Forming Families and Youth Education** – prevention and early intervention efforts that promote healthy family formation, encourage responsible parenthood,

and decrease the need for adversarial child support enforcement. ("Child Support Division" 2010)

The three areas that Family Initiatives focuses on do not take precedence over the primary goal of the child support division. The primary goal the child support division is to "assist parents in obtaining the financial support necessary for children to grow up and succeed in life" ("Child Support Division" 2010). The fact that arrearage collection is such a large focus of the child support division may lead to a conflict in missions. Pursuing issues such as father and noncustodial parent involvement does not necessarily translate to increased support collections. In fact, when the custodial parent and the OAG pursue delinquent support, this can actually decrease the noncustodial parent's level of involvement. This can occur for a number of reasons, including resentment developed by noncustodial parents towards the custodial parent.

Family Initiatives pursues other issues such as access and visitation. The child support division is in no way responsible for resolving access and visitation issues. In fact, Title IV-D agencies are not allowed to address existing possession and access orders. However, Family Initiatives has created an access and visitation hotline to help Texas parents address custody concerns. The Texas Office of the Attorney General "awarded a grant to Legal Aid of North West Texas, which operates a statewide Access and Visitation Hotline" ("Child Support Division" 2010). This hotline is "staffed by attorneys who provide legal information and assistance about child custody" to those who call ("Child Support Division" 2010). The Texas Office of the Attorney General does not handle custody or visitation disputes. Under "federal law, federal funding cannot be used for custody and visitation matters" ("Child Support Division" 2010). Federal law, however, does not prohibit the OAG

from awarding grants to other organizations that seek to increase contact between noncustodial parents and their children.

HEROES Program

The HEROES Program is a three-year pilot program currently being administered by the Texas Office of the Attorney General. This program is intended to “provide parents with 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 2009, 3). The Texas Office of the Attorney General hopes to “identify and design solutions to the significant financial and emotional support issues which are unique to military families” (OAG 2009, 3). The OAG hopes that this program will be mutually beneficial to both their agency and military families. The services offered by the Attorney General’s office via the HEROES program are available to both active duty personnel, veterans, National Guard members and their civilian spouses. The family unit should benefit from additional services that the HEROES Program provides, and the OAG should increase compliance with child support obligations.

Chapter Summary

This chapter provided the legal and organizational setting of child support enforcement in the state of Texas. This framework is derived from the Texas Family Code, which both the courts and enforcement agencies must operate within. The Family Code dictates the manner in which support orders are issued, paid, and disbursed. The Texas Office of the Attorney is the official child enforcement agency in Texas. The Office of the Attorney General “assists parents in obtaining the financial support necessary for children

to grow up and succeed in life” (“Child Support Division” 2010). The HEROES Program is a pilot program currently being administered by the Texas Office of the Attorney General and is intended to provide parents with enhanced child support services that are responsive to the special needs of military families.

Chapter IV- Conceptual Framework

Purpose

This chapter describes the conceptual framework of this applied research project, developed to explore the impediments that are associated with the implementation and operation of a broadly defined child support enforcement program, designed to assist a military population. There are two specific types of impediments that applied research project explores. The first type includes the administrative impediments that an agency faces during the implementation and operation of a child support enforcement program. These administrative impediments include organizational culture, training, interagency cooperation, interstate cooperation, discretion, and existing policy. The second type includes those impediments faced by military parents in the child support enforcement system. These impediments include custody, visitation, family strain, and the military environment. Each of the impediments associated with military personal is directly related to the sacrifices made for their country. After these impediments have been addressed, this applied research explores how best to remedy them.

The idea of developing a child support enforcement program that targets a unique population (U.S. service members) is still in its infancy. When conducting research involving a new idea or program, it is necessary to utilize the exploratory research method. Shields (1998) argues, “exploratory research is associated with problems that are in their early stages” (211). As with any new program, there are often unexpected issues and consequences that cannot be accounted for in advance. This is especially true when working with a unique population such as military personnel.

Table 4.1 illustrates the key issues that administrative agencies encounter while working with a military population. These issues include arrearage, modification, paternity establishment, custody, and visitation. Paternity must be established before the court can issue a support order (Adams et al. 1994, 109). When working with a military population paternity may need to be established in an expedited fashion. Service members facing deployment may require paternity results to resolve pressing legal issues before are deployed. Custody and visitation issues for active duty personnel revolve around the fact mothers are more often awarded sole custody (Kelly 2006, 36). Since the majority of service members are male, joint custody arrangements dominate the military population. Joint custody arrangements are problematic for service members who often reside in different locations than their children. The distance between service members and their families makes visitation challenging.

Table 4.1 **Child Support Issues**

Child Support Issues	Active Duty Service Members	Veteran Population
Arrearage	Similar to the general population.	Same as general population.
Modification	Service members often require a modification due to deployment and post-deployment income changes.	Same as general population.
Paternity Establishment	Paternity establishment is required before any support order can be issued.	Same as general population.
Custody	The tendency of the courts to award primary custody to the mother means service members are unlikely to gain custody of their children.	Same as general population.
Visitation	Frequent relocations and deployments can make consistent visitation problematic.	Same as general population.

Service members live and work in an environment that places a heavy burden on the family unit. Often this burden leads to the dissolution of the family unit. Service members with children are then faced with the challenge of navigating the complicated world of the child support enforcement system. An administrative agency, designed to assist this unique population, must be able to provide service members with the information and advice needed to better understand the challenges of child support enforcement. The information and advice should be related to the areas of custody, visitation, mental health, and support orders. Since this research will lead into uncharted territory, it is necessary to utilize the exploratory research method.

It is necessary to build a conceptual framework linked to the literature. Researchers are “expected to draw upon the wisdom and insights of the literature and their experience to develop a plan or map to guide their inquiry” (Shields & Tajalli 2005, 8). The review of the literature demonstrated there are a number of impediments that service members and administrators face during the program implementation process. Administrative impediments, faced by program administrators, include organizational culture, training, interagency cooperation, interstate cooperation, and agency discretion. Service member impediments include: “long periods of separation; mental health problems; frequent relocation; financial strain; children’s behavioral reactions to a deployed parents absence; and the constant threat of severe physical injury” (Savitsky et al. 2009, 329). The identification of these impediments, faced by both administrators and service members, allow for the development of pillar questions.

As this work is exploratory and introductory, pillar questions are used as a framework to guide the inquiry process.⁸ Pillar questions were developed based on impediments identified from a review of the literature⁹. Table 4.2 illustrates how the literature is linked to the conceptual framework. The conceptual framework served as a roadmap in this endeavor, which guided the research process. Each main pillar question and sub-pillar question was created based on the literature that was collected during the research process. The literature reviewed focused on active duty military personnel and program implementation. Each pillar question is listed below, as well as a brief narrative as to why the question is relevant to this research. Sub-pillar questions were developed in order to answer each main pillar question.

Table 4.2 - Linking the Conceptual Framework to the Literature

Research Purpose: The purpose of this research is to explore the impediments associated with the implementation of a child support enforcement program that is designed to assist a military population.	
Pillar Questions	Sources
PQ1: What are the challenges that exist when working with military families and personnel?	
PQ1a: Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?	Bisson (2007), Gibbs et al. (2007), Hashmand (2007), Karney and Crown (2007), Sareen (2007), Savitsky (2009)
PQ1b: What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?	Anderson and Berenson (2009), Bisson (2007), Burrell et al. (2006), Hoge (2006), Lamberg (2004),
PQ1c: What customized child support services are needed for military personnel?	Anderson and Berenson (2009), Bisson (2007), Douglass (2009), Estrin (2009), Hoge et al. (2006), Missick (2008)
PQ1d: How does the military environment affect the	Anderson and Berenson (2009), Estrin (2009),

⁸ Shields, Patricia and James Heichelbech. Forthcoming. Research Methods and Public Administration: Synthesis and Innovation. *Public Administration Review, Foundations Series*.

⁹ For examples of Texas State University Applied Research Projects that use pillar questions see Jason Alexander (2009) and Stephen Este (2007).

development and operations of a child support program?	Missick (2008), Savitsky (2009)
PQ2: How can the impediments associated with program implementation be remedied?	
PQ2a: What actions should an agency take in order to encourage strong organizational culture?	Detert et al. (2000), Fey and Denison (2003), O'Reilly (2001)
PQ2b: What type of training is needed for successful implementation of a child support enforcement program?	Bunch (2007), Santos and Stuart (2003)
PQ2c: What types of policies should be put in place to promote interagency cooperation?	Frost (2008), Lindsay et al. (2009), Lundin (2007), Robinson (2008), Thomas (1997)
PQ2d: What are the barriers to interstate cooperation and how can they be overcome?	Crowley (2003), Crowley (2000), Jenson (2007), Keiser and Soss (1998)
PQ2e: How does current US child support policy impact the implementation of a child support enforcement program?	Estrin (2007), Frost (2008), Keiser and Soss (1998), Lerner and Wanat (1983), London et al. (2004), Missick (2008), Robinson (1996), Williams (1994)

Military Personnel: Challenges

Active duty military personnel are a unique segment of the United States population. Service members are expected to live and work in an environment that is different from any in which the general population resides. Service members face daily obstacles that often lead to the dissolution of the family unit. These obstacles include: “long periods of separation; mental health problems; frequent relocation; financial strain; children’s behavioral reactions to a deployed parents absence; and the constant threat of severe physical injury” (Savitsky et al. 2009, 329). Service members are also faced with the challenge of being members of two societal institutions competing for their loyalty (Segal 1986, 9). These societal institutions are the military and family unit. Both of these institutions make demands on service members in terms of “commitments, loyalty, time”, and are therefore referred to as greedy institutions (Segal 1986, 9). The most common result of this competition is the dissolution of the family unit. According to Hogan and Seifert (2009), married active duty service members that have “two or more years of active

duty service are more likely to become divorced” than the general population (430).

Administrators are asked to provide guidance to service members working their way through the support system. In order to provide this guidance, administrators should be aware of the challenges that face service members and their families. Financial strain, deployment, and mental health problems may impact the administrator’s ability serve this unique population. Thus, a prudent question to ask would be:

Pillar Question 1:

What are the challenges that exist when working with military families and personnel?

Methods of Service Delivery

Deployment can negatively impact a service member’s home life, as well as their mental wellbeing. Karney and Crown (2007) assert “service members and their spouses agree that the strains of military service, and especially the demands of being separated by deployment, take a negative toll on their marriages” (50). Marriages are further strained by combat related disabilities. The most prevalent mental disorder among service members is PTSD. According to Bisson (2007) “PTSD is a disorder in which the affected person’s memory, emotional responses, intellectual processes, and nervous system have all been disrupted by one or more traumatic experiences”(399). Marital strain is further complicated by reluctance to utilize services designed to help service members cope with these problems. This reluctance arises from the fear of being perceived as weak by fellow soldiers and unit leaders (Sareen 2007, 844).

The threat of constant relocation can place an undue burden on marriage. Relocation “removes families from the support system of extended families and hometown communities” (Hashmand 2007, 172). The absence of a support system leaves military

families vulnerable and could, in turn, damage the family unit. The earlier that at risk service members are identified; the better are the chances of limiting damage done to the family unit. Given the impact that deployment can have on service members and their families, agencies working with this unique population should offer “additional resources, more effective services, development of services that those parents at greater risk will be likely to seek out and accept, and greater outreach to connect parents to services” (Gibbs et al. 2007, 535). Thus a prudent question to ask would be:

Pillar Question 1a:

Which methods of service delivery should be used to identify and serve parents in dissolved marriages at different stages of their military deployment and reentry?

Barriers

The military lifestyle can make it difficult for service members to have healthy relationships with their children. The biggest hurdle to the establishment of healthy relationships is frequent and unexpected relocation. The “frequent and often unexpected relocations, both short and long term, that are inherent in military life can be extremely disruptive to custody and visitation arrangements” (Anderson & Berenson 2009, 227). Service members are often unable to maintain relationships with their children because such great distances separate them. Frequent and unexpected relocations can also have an emotional impact on the children of military personnel. The children of service members often display signs of depression and withdraw from reality as a result of prolonged separation (Lamberg 2004, 1541).

Families are further strained by mental disorders¹⁰ that develop during combat deployment. Traumatic experiences can result in mental problems, which cause service members to seem detached and unwilling to engage in conversations with family members (Bisson 2007, 399). This unwillingness to engage in family affairs can also lead the custodial parent to resent the noncustodial parent. When a service member fails to engage in family life, the burden of managing family affairs is shifted to the custodial parent. This can cause the custodial parent to feel isolated and lonely, which in turn can further strain the family unit (Burrell et al. 2006, 45). Having a strained relationship with the custodial parent can have a negative impact on the relationship between the child and service member. Thus, a prudent question to ask would be:

Pillar Question 1b:

What barriers do military non-custodial parents have to overcome to have healthy relationships with their children?

Customized Child Support Services

Service members are asked to make personal sacrifices in the name of protecting this country. Any agency working with a military population must ensure that service members are not penalized for their service. The federal government has articulated this sentiment with the passage of the Servicemembers Civil Relief Act (SCRA). The purpose of this Act was to enable service members to “devote their entire energy to the defensive needs of the nation” (Missick, 2008). This was accomplished by affording members of the military certain civil protections, such as a 90 day stay of proceedings during deployment

¹⁰ For more information on mental disorders see Hoge (2006), Sareen et al. (2007).

(Estrin, 2009). Service members live and work in an environment that requires some special consideration of the sacrifices made during their service to the country. Missing P#

There is often a lack of familiarity with the laws that govern military personnel during child custody proceedings among judges, lawyers, and administrators (Douglass, 2009). This lack of familiarity can cause confusion, resulting in the denial of rights that the service member is entitled to under the Servicemembers Civil Relief Act (Douglass, 2009). Service members are also unfamiliar with the rights they are afforded. As a result, many “state and local bar associations are setting up pro bono programs to assist service members in exercising their rights under SCRA” (Anderson & Berenson 2009, 226). Service members also face custody and visitation issues directly related to the military lifestyle. The “frequent and often unexpected relocations, both short and long-term, that are inherent in military life can be extremely disruptive to custody and visitation arrangements” (Anderson & Berenson 2009, 227).

Traumatic experiences, associated with combat deployment, can also hinder service members’ ability to successfully navigate the child support system. Approximately “19.1% of soldiers and Marines who returned from Operation Iraqi Freedom met the risk criteria for a mental health concern” (Hoge et al. 2006, 1027). These mental health concerns can cause service members to become detached and lose interest in child custody proceedings (Bisson 2007, 399). Under these circumstances the service member could be penalized for a traumatic experience that occurred during combat deployment. Thus, a prudent question to ask would be:

Pillar Question 1c:

What customized child support services are needed for military personnel?

The Military Environment

Successful implementation of a program is dependent on the agency having a keen understanding of the environment within which operation occur. Environmental considerations should include where the primary client base resides. Service members live in an environment, which has high costs not only for the service member, but also for the service members' entire family. Military families are expected to function in an environment that includes many obstacles. These obstacles include: "long periods of separation; mental health problems; frequent relocation; financial strain; children's behavioral reactions to a deployed parents absence; and the constant threat of severe physical injury" (Savitsky et al. 2009, 329). Administrators need to be aware of these obstacles in order to better serve their client base. These obstacles can hinder the client from successfully navigating the child support enforcement system. Administrators should also be aware that military environment is unstable.

The instability of the military environment can hinder the implementation of a broadly defined child support enforcement program. Spouses of military members often reside in different states and countries. This can make it unclear which court has the jurisdiction to dissolve the marriage (Anderson & Berenson 2009, 221). Custody and visitation issues are no less complicated for military families that experience marriage dissolution. The "frequent and often unexpected relocations, both short and long-term, that are inherent in military life can be extremely disruptive to custody and visitation arrangements" (227). The instability that exists within the military environment can make it difficult to obtain and enforce a visitation order. If the noncustodial parent is deployed in a foreign country the difficulty level will only increase.

Administrators must also be aware that active duty military personnel are a unique population, not only because of the service they provide their country, but because they are often governed by a different set of rules. In 2003 Congress passed the Servicemembers Civil Relief Act in order to provide further protections to military personnel. The purpose of this Act was to enable service members to “devote their entire energy to the defense needs of the nation” (Missick, 2008). The SCRA allows service members to obtain a 90-day stay of proceedings in child custody hearings (Estrin, 2009). The intention of the stay is to ensure that service members are not penalized for serving their country. Administrators need to be aware of the legal limitations they face when working with service members.

There are many unique challenges that administrators will face working with this unique population. Administrators must be aware of these challenges in order to successfully implement a child support enforcement program. Thus, a prudent question to ask would be:

Pillar Question 1d:

How does the military environment affect the development and operations of a child support program?

Program Implementation: Impediments

A number of administrative impediments exist that can hinder successful program implementation. These impediments include organizational culture, training, interagency cooperation and interstate cooperation. Successful program implementation is dependent on the ability of the agency to address these impediments.

Agencies with weak organizational culture are incapable of adapting to changing circumstances (Fey & Denison 2003, 688). Inability to adapt can hinder the implementation

process. Agencies with poor training programs are unable to meet the needs and goals of their organization. An investment in a comprehensive training program “constitutes a powerful signaling device to reassure employees that they are valued by their employers, which in turn enhances employee motivation and commitment to the organization” (Santos & Stuart 2003, 30). Interagency cooperation is vital to the successful implementation of a new program. In noncooperative relationships “goals are incompatible, perhaps even zero sum; agencies therefore hoard resources, deceive rivals, and design their strategies on the basis of whatever information is available regarding the intentions of others” (Thomas 1997, 225).

Strong interstate relationships are necessary for enforcement agencies. Furthermore, they are vital for agencies that work with a highly mobile population, such as the U.S. military. Interstate cooperation allows enforcement agencies to work together in order to ensure noncustodial parents cannot simply move to another state to avoid familial obligations. Strong cooperation also enhances the level of service provided to the custodial parent. Highly cooperative states can make parental locating, wage withholding, and enforcement a much easier process for custodial parents (Crowley 2000, 113). Failure to address these administrative impediments during the program implementation process will result in program failure. Thus, a prudent question to ask would be:

Pillar Question 2:

How can the impediments associated with program implementation be remedied?

Organizational Culture

Strong organizational culture plays a pivotal role in the process of program implementation. Organizational culture is defined as “a system of shared values defining

what are important, norms, defining appropriate attitudes and behaviors,” which in turn guides employee attitudes and behaviors (Detert et al. 2000, 852). Agencies with a strong culture are able to adapt to changing circumstances better than agencies with a weak culture. Fey and Denison (2003) argue, “adaptable organizations have a clear sense of purpose and direction” and are more capable of “expressing a vision of the future” (688). This is particularly important when working with an unstable client base such as service members. Agency leaders play a large role in the development of culture within an organization. It is important for agency leaders do more than simply say that culture is important. Their actions should consistently demonstrate the importance of strong culture (O’Reilly 2001, 20). In order for strong organizational culture to exist, upper management must demonstrate that it is a priority. Strong culture is directly related to successful program implementation. Thus, a prudent question to ask would be:

Pillar Question 2a:

What actions should an agency take in order to encourage strong organizational culture?

Training

To achieve successful program implementation, agencies must make sure that their employees fully understand their roles in this process. This can be accomplished by developing a comprehensive training program. Effective training programs result in improved agency morale and performance. Adequate training is vital during program implementation process. Solid training enables employees to understand what they can and cannot do for the client. This is especially important in the world of child support enforcement, which has a rigid legal framework.

Agency investment in a comprehensive training program “constitutes a powerful signaling device to reassure employees that they are valued by their employers, which in turn enhances employee motivation and commitment to the organization” (Santos & Stuart 2003, 30). Employees that feel that they are valued are more likely to go the extra mile to help the organization and their clients. Agency leaders must believe in the benefits associated with training. When employees view the training process as something taken seriously by their supervisors, they will be more likely to take it seriously themselves. The training process is meaningless if “training is perceived as a waste of time and as a way to avoid work” (Bunch 2007, 148). Thus, a prudent question to ask would be:

Pillar Question 2b:

What type of training is needed for successful implementation of a broadly defined child support enforcement program?

Interagency Cooperation

Public agencies operate in an environment that, in many instances, necessitates interagency cooperation. Thomas (1997) defines interagency cooperation as an “effort by public officials in at least two agencies to coordinate their activities and/or share resources to achieve something they cannot achieve individually” (225). Interagency coordination enables public agencies to pool resources such as expertise and information in order to better carry out shared objectives (Lundin 2007, 629). The review of the literature demonstrates that there is a clear relationship between interagency cooperation and successful policy implementation.¹¹

¹¹ See Lundin 2007, Sloper 2004, Thomas 1997

Strong interagency cooperation may facilitate agency innovation. The fact that “stakeholders come together from a range of different policy perspectives can, in itself, produce greater dynamism through the sharing of ideas, expertise and practice.” The sharing of ideas, expertise, and practice may enable the agency to “improve the reach, diversity and quality of their services” (Lindsay et al. 2008, 718). Patricia Sloper (2004) summarized the agency traits that facilitate interagency cooperation. They include 1) clear and realistic aims and objectives, 2) clearly defined roles and responsibilities, 3) commitment of both senior and frontline staff, 4) strong leadership, 5) an agreed timetable for implementation of changes, and 6) the linking of projects into other planning and decision making processes (575). Furthermore, agencies that conduct joint training programs and monitor and evaluate policies and procedures regularly are more likely to embrace interagency cooperation (576).

Patricia Sloper (2004) also summarized the agency traits that hinder interagency cooperation. They include constant reorganization, frequent staff turnover, lack of qualified staff, and different professional ideologies and agency cultures (576). Agencies that possess these traits are more likely to have noncooperative relationships with other agencies. In noncooperative relationships “goals are incompatible, perhaps even zero sum; agencies therefore hoard resources, deceive rivals, and design their strategies on the basis of whatever information is available regarding the intentions of others” (Thomas 1997, 225). Noncooperative relationships may hinder the development and implementation of a public policy.

Interagency cooperation is vital to the success to the implementation of a child support enforcement program. Interagency coordination enables public agencies to pool

resources such as expertise and information in order to better carry out shared objectives (Lundin 2007, 629). Thus, a prudent question to ask would be:

Pillar Question 2c:

What types of policies should be put in place to promote interagency cooperation?

Interstate Cooperation

Interstate cooperation is necessary to ensure noncustodial parents are not able to avoid child support obligations by simply leaving the state where they owe support. The federal government has recognized the importance of interstate cooperation and has passed legislation that encourages states to work together. The passage of the Uniform Interstate Family Support Act (UIFSA) provided for the "validity of only one support order at a time, by establishing mechanisms by which states could use long-arm jurisdiction rules to implement wage withholding orders, and creating time limits under which states must respond to requests for interstate aid in enforcing support" (Crowley 2000, 113). Wage withholding is perhaps the greatest tool that administrators have for obtaining support from noncustodial parents, who reside in different states than the original support order. In order to execute a wage withholding order, the custodial parent only needs an existing support order and the current location of the non-custodial parent (Jensen 2007, 49).

Encouraging states to work together for financial benefit further strengthened interstate cooperation. The Personal Responsibility and Work Opportunity Act required states to meet minimum standards for the number of orders established and for the amount of current monies collected out of total monies due (Crowley 2003, 41). States failing to meet these standards could potentially lose 1 to 2 percent of their annual federal

funding. These financial penalties are intended to encourage states to work together in a mutually beneficial relationship.

Administrators are charged with interpreting and acting on the above legislation. Public agencies "write the rules that dictate how general legislation will be used in specific situations" (Keiser & Soss 1998, 1133). Public agencies are responsible for fostering interstate cooperation. Agency's that view interstate cooperation as a mutually beneficial tactic are more likely to experience success during the implementation process. Thus, a prudent question to ask would be:

Pillar Question 2d:

What are the barriers to interstate cooperation and how can they be overcome?

Current Child Support Policy

Public agencies are guided by mandates that are handed down by legislative bodies. These mandates dictate what an agency can and cannot do. Public agencies are left to interpret and enforce "legislative mandates that can range from extremely vague to extremely detailed" (Lerner & Wanat 1983, 502). Extremely vague legislation requires administrators to rely their own interpretation of the mandate. This bureaucratic ignorance can, in turn, lead to an interpretation of the policy and its goals that runs counter to the intentions of the framers of that policy.

The agency's ability to interpret mandates directly impacts the general populous. Public agencies "write the rules that dictate how general legislation will be used in specific situations, and they apply these rules to particular individuals" (Keiser & Soss 1998, 1133).

The manner in which these rules are applied to individuals can have a large impact on the level of service provided to the populous.

The legislative framework that guides child support enforcement is vast.¹² This framework has been evolving since the country's founding. The manner in which public agencies interpret this framework will determine the level of service provided to their client base. Thus, a prudent question to ask would be:

Pillar Question 2e:

How does current US child support policy impact the implementation of a child support enforcement program?

Chapter Summary

This chapter described the conceptual framework developed to explore the impediments that are associated with the implementation and operation of a child support enforcement program, designed to assist a military population. Since this work is exploratory, and to a great degree introductory, pillar questions were used as a framework to guide the inquiry process. The next chapter will discuss the operationalization of the conceptual framework.

¹² For more on the legal framework of child support enforcement see Estrin (2007), Frost (2008), Hollar (2003), London et al. (2004), Missick (2008), Robinson (1996), Williams (1994).

Chapter V-Methodology

Chapter Purpose

This chapter describes the research methodology that was used to assess the impediments that are associated with the implementation of a child support enforcement program that works with a military population. This chapter also discusses the operationalization of the conceptual framework. The advantages and disadvantages of case study research are also examined¹³.

Research Method

Since this is a case study, numerous methodologies are utilized. The methodologies used include semi-structured interviews, document analysis, and direct observation. Using a case study as a research method is appropriate since a “case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context” (Yin 2009, 18). The purpose of this research is to explore the impediments that are associated with the implementation of a broadly defined child support enforcement program, which is designed to assist a military population. Utilizing a case study as a research method is appropriate here since this research addresses a real life issue within its real-life context.

¹³ For examples of Texas State University-San Marcos Applied Research Projects that utilize case-study research see Jason Alexander (2009), Aida Douglas (2006), Ronald Ellis (2006), Joseph Scanio (2010), and James T. Swift (2010).

Operationalization

As this work is exploratory, and to a great degree introductory, pillar questions are used as a framework to address the research purpose.¹⁴ The use of semi-structured interviews, document analysis, direct observation, and archival analysis provided the researcher with a convergence of evidence that helped answer two main pillar questions. It is important to note that no single technique provided enough information to answer each pillar question. Each technique provided information that helped to answer each sub-pillar question, which was then used to answer the main pillar questions. The operational relationship between each research technique and each pillar question (including sub-pillar questions) is depicted in Table 5.1

Table 5.1

Operationalization of the Conceptual Framework		
Pillar Question	Method	Source
PQ1: What are the challenges that exist when working with military families and personnel?		
PQ1a: Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?	Structured Interviews Document Analysis	OAG Program Staff-San Antonio OAG Program Staff-Austin Desi Vasquez-Veterans Justice Outreach <i>Military Parents: Paternity, Child Support, Custody & Parenting Time</i>

¹⁴ Shields, Patricia and James Heichelbech. Forthcoming. Research Methods and Public Administration: Synthesis and Innovation. *Public Administration Review, Foundations Series*.

PQ1b: What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?	Structured Interviews Direct Observation	OAG Program Staff-San Antonio OAG Program Staff-Austin Desi Vasquez-Veterans Justice Outreach POLC
PQ1c: What customized child support services are needed for military personnel?	Structured Interviews Document Analysis Direct Observation	OAG Program Staff-San Antonio OAG Program Staff-Austin POLC Program Evaluation HEROES Client Database
PQ1d: How does the military environment affect the development and operations of a child support program?	Structured Interviews Document Analysis	OAG Program Staff-San Antonio OAG Program Staff-Austin <i>Military Parents: Paternity, Child Support, Custody & Parenting Time</i>
PQ2: How can the administrative impediments associated with program implementation be remedied?		
PQ2a: What actions should an agency take in order to encourage strong organizational culture?	Structured Interviews	OAG Program Staff-San Antonio OAG Program Staff-Austin
PQ2b: What type of training is needed for successful implementation of a child support enforcement program?	Structured Interviews	OAG Program Staff-San Antonio OAG Program Staff-Austin
PQ2c: What types of policies should be put in place to promote interagency cooperation?	Structured Interviews	OAG Program Staff-San Antonio OAG Program Staff-

		Austin
PQ2d: What are the barriers to interstate cooperation and how can they be overcome?	Structured Interviews Direct Observation	OAG Program Staff-San Antonio OAG Program Staff-Austin POLC
PQ2e: How does current US child support policy impact the implementation of a child support enforcement program?	Structured Interviews	OAG Program Staff-San Antonio OAG Program Staff-Austin

Open-ended Semi-Structured Interviews

Open-ended semi-structured interviews were used to explore the impediments associated with the implementation of a child support enforcement program, designed to assist a military population. Semi-structured interviews were appropriate since they allow the researcher to “cover a specific list of topic areas, with time allocated to each topic area being left to the discretion of the interviewer” (Jarratt 1996, 9). Open-ended interviews ensure that the research does not force the interviewee into preset answers. Therefore, interviews were focused on broad topics addressed by the pillar questions. These topics include the challenges associated with working with military personnel and the administrative impediments associated with child support enforcement. Semi-structured interviews also allow the researcher to ask any logical follow up questions in response to the answers provided by the interviewee. These interviews had an open structure, which ensured that unexpected facts and attitudes could be easily explored (Jarratt 1996, 9). These interviews also allowed the researcher to gain a deeper insight into individuals that have firsthand experience with the subject matter. This firsthand knowledge allowed the

researcher to explore the impediments that military parents face, while working their way through the child support enforcement system.

It is important when conducting semi-structured interviews that the researcher be aware of some of the limitations associated with this method. For example, during the interview process it is not uncommon for the interviewee to simply give the response the interviewer wants to hear (Yin 2009, 102). Additional weaknesses associated with structured interviews include response bias and inaccuracies due to poor recall (Yin 2009, 102). Since this is a case study, multiple research techniques were used to combat the weaknesses associated with semi-structured interviews.

Each pillar question was operationalized in the form of an interview question. The interview questions were developed from the sub-pillar questions in order to answer each main pillar question. For example, pillar question one asks, what are the challenges that exist when working with military families and personnel? The interview questions that help answer this pillar question include:

1. How can the challenges associated with working with military families and personnel be mitigated?
2. Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?
3. What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?
4. How can your agency help military non-custodial parents overcome those barriers?
5. What customized child support services does your agency provide to military personnel and their families?
6. How does the military environment affect the development and operations of a child support program?

Each of the above interview questions directly addresses the challenges associated with military personnel and child support enforcement. The answers provided during the interview process provided the researcher with the information, which helped answer pillar question one. This process was repeated to answer the second main pillar question.

Pillar question two asks, how can the administrative impediments associated with program implementation be remedied? The interview questions developed to answer this pillar question include:

1. What has your agency done to promote strong organizational culture?
2. Did your agency offer any type of specialized training to the staff?
3. What type of policies are needed to promote interagency cooperation?
4. How does your agency collaborate with military agencies to serve their populations within severe time and security constraints?
5. From your perspective what are the barriers to interstate cooperation?
6. Did your agency develop any policies to mitigate these barriers?
7. How does current US child support policy impact implementation of a broad child support enforcement program?

Each of the above interview questions directly addresses administrative impediments associated with program implementation. Interviewees provide the researcher with the firsthand knowledge needed to help answer pillar question two. Table 5.2 illustrates the previously discussed relationship between pillar questions and interview questions.

Table 5.2

Operationalization of the Pillar Questions	
Pillar Questions	Corresponding Interview Questions
PQ1: What are the challenges that exist when working with military families and personnel?	
PQ1a: Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?	1. Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?
PQ1b: What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?	2. What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?
Follow Up Question	3. How can your agency help military non-custodial parents overcome those barriers?
PQ1c: What customized child support services are needed for military personnel?	4. What customized child support services does your agency provide to military personnel and their families?
PQ1d: How does the military environment affect the development and operations of a child support program?	5. How does the military environment affect the development and operations of a child support program?
PQ2: How can the impediments associated with program implementation be remedied?	6. How can the challenges associated with working with military families and personnel be mitigated?
Follow Up Question	7. How can these impediments be mitigated or eliminated?
PQ2a: What actions should an agency take in order to encourage strong organizational culture?	8. What has your agency done to promote strong organizational culture?
PQ2b: What type of training is needed for successful implementation of a child support enforcement program?	9. Did your agency offer any type of specialized training to the staff?
PQ2c: What types of policies should be put in place to promote interagency cooperation?	10. What type of policies are needed to promote interagency cooperation?
Follow Up Question	11. How does your agency collaborate with military agencies to serve their populations within severe time and security constraints?
PQ2d: What are the barriers to interstate cooperation and how can they be overcome?	12. From your perspective what are the barriers to interstate cooperation?
Follow Up Question	13. Did your agency develop any policies to mitigate these barriers?
PQ2e: How does current US child support policy impact the implementation of a child support enforcement program?	14. How does current US child support policy impact implementation of a child support enforcement program?

Document Analysis

Document analysis was used to explore the impediments associated with the implementation of a child support enforcement program, designed to assist a military population. Document analysis combats some of the weaknesses associated with semi-structured interviews. One of the benefits associated with document analysis is that it is exact. This means documents contain “exact names, references, and details of an event” (Yin 2009, 102). This combats the fact that interviews are sometimes inaccurate, due to poor interviewee recall. If the interviewee is unsure or wrong about exact dates, times, or policies, documents can be reviewed to verify interview data. This exactness will combat the interviewee’s tendency to provide the interviewer with the answer that he/she is looking for. Document analysis is very stable since documents can be reviewed repeatedly (Yin 2009, 102). This allows the researcher to immediately follow up on an idea, or reexamine documents to ensure few details were missed.

Weaknesses associated with document analysis include reporting biases and difficulty finding appropriate documents (Yin 2009, 102). It is also common for documents to include biased information. The researcher should remember that agency employees have worked on these documents. It is not uncommon for them to reflect the views of the agency or author.

Documents were analyzed to determine the methods of service delivery that are used by the Texas Office of the Attorney General. This analysis helped bridge the gaps that remained after the semi-structured interview process. The evidence collected during the analysis period directly addressed the challenges of working with a military population. Excerpts of each document have been included in the appendix.

Direct Observation

Finally, this study utilized direct observation in order to explore the impediments associated with the implementation of a child support enforcement program, designed to assist a military population. This technique can involve “observations of meetings, sidewalk activities, factory work, classrooms, and the like.” This research technique allows the researcher to observe “relevant behaviors or environmental conditions” (Yin 2009, 109). In terms of child support enforcement, direct observation provided the researcher with a better understanding of the conditions and environment that program staff and military families operate within. These observations are then used to formulate answers each for pillar question.

During this study the researcher observed a Texas Parenting Order Legal Clinic (POLC).¹⁵ The Parenting Order Legal Clinic is a service provided by the Texas Office of the Attorney General. These legal clinics are held monthly at the Fort Hood Military Installation. These legal clinics are intended to provide service members and their families with legal advice related to child support, custody, and access. The POLC attended by the researcher occurred on February 22, 2011. Observations made at this clinic provided the researcher with direct insight into the challenges that military personnel face within the child support system. These issues include the repercussions of delinquency and administrative barriers that military families face within the child support system.

The observations made during agency meetings and legal proceedings provided the researcher with the essential insights necessary to answer pillar question one and two. A

¹⁵ The researcher only attended one clinic and it should be noted that the observations made at this clinic may not be typical. However, this is exploratory research and only a preliminary examination and should be viewed as such.

brief description of how these observations helped to answer these pillar questions follows.

Pillar Questions Addressed

PQ1b: What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?

PQ1c: What customized child support services are needed for military personnel?

PQ2d: What are the barriers to interstate cooperation and how can they be overcome?

Pillar questions 1b and 1c are related to the challenges of working with a military population. Observations made at the POLC allowed the researcher to hear active duty service members describe what their issues were and how those issues impacted their familial relationships. Pillar question 2d is directly related to the administrative barriers associated with program implementation. Attending the Fort Hood Legal Clinic allowed the researcher to directly observe the administrative impediments that active duty service members face when their children reside in a different state than they do. These observations provided additional information to the researcher, which aided in answering pillar question 1 and 2.

Sampling Technique

Semi-Structured Interviews¹⁶

Semi-structured interviews were conducted with staff members at the Texas Office of the Attorney General and the Veterans Justice Outreach program. The interviews

¹⁶ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

occurred during the early stages of the HEROES Programs and before the program was fully staffed. The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General. These interviews were conducted between February and March of 2011. The interviewees included:

1. Patricia L. Barsalou- Assistant Attorney General
2. Marion Trapolino- Program Specialist-Texas Office of the Attorney General
3. Melissa Ramos Munoz- Senior Regional Attorney
4. Michael Hayes- Director for Office of Family Initiatives
5. Desi Vasquez- Veterans Justice Outreach- Department of Veterans Affairs

The interviewees from the Texas Office of the Attorney General are qualified to answer every interview question, since they have direct contact with the target population this research focused on. The OAG interviewees have extensive knowledge about the implementation and operation of the HEROES Program. This program is designed to assist a military population with child support services responsive to the special needs of military personnel. These interviewees have a keen understanding of the rules, regulations, and impediments associated with child support enforcement. OAG staff can easily identify the specific issues that military families face in the child support enforcement system.

During the interview process the researcher engaged in snowball sampling. Snowball sampling is “a nonprobability sampling method, often employed in field research, whereby each person interviewed may be asked to suggest additional people for interviewing” (Babbie 2010, 193). Patricia Barsalou suggested that the researcher should interview Desi Vasquez. Mr. Vasquez works for the Veterans Justice Outreach Program. As an outreach specialist, he has direct contact with veterans, who are utilizing the HEROES

Program. Desi Vasquez is a key referral source for the HEROES Program and understands the issues faced by the veteran population. This is relevant knowledge, since many of the issues facing veterans are similar to the issues faced by active duty military personnel. Mr. Vasquez's contact with and knowledge of the target population of this applied research project qualify him to answer the interview questions.

Document Analysis

The documents analyzed for this study came from the use of a snowball sampling technique during the interview process. This enabled the researcher to collect relevant documents provided by the interviewee. The analysis of documents provided the researcher with the information necessary to answer many of the sub-pillar questions. The answers to these sub-pillar questions, in turn, aided the researcher's ability to answer the main pillar questions. The documents analyzed included:

1. *Military Parents: Paternity, Child Support, Custody & Parenting Time*-Pamphlet
2. HEROES Client Database-Spreadsheet

These documents helped the researcher answer many of the sub-pillar questions. For example, the pamphlet *Military Parents: Paternity, Child Support, Custody & Parenting Time* helped answer sub-pillar question 1d. Pillar question 1d asks, how the military environment affects the development and operations of a child support program. This pamphlet details the challenges that service members face before deployment, during deployment, and after deployment. The researcher was able to then infer how these challenges would impact the development and operation of the HEROES Program.

The HEROES client database was maintained by OAG staff and contained the reasons each service member contacted the HEROES Program. This database was thoroughly

scrubbed of all identifiable information by OAG staff. Using this information the researcher was able to identify the services necessary to address the issues faced by military personnel.

Human Subjects Protection

When research requires human subjects it becomes necessary to address potential ethical concerns (Babbie 2010, 64). This research utilized semi-structured interviews, which required human subjects. Participation in the interview process was completely voluntary and there was no benefits conveyed to the subjects who participated. There were no foreseeable risks or discomforts to the subjects used in this research. Those declining to participate were not penalized in any way. There was no penalty or loss of benefits to which the subject was otherwise entitled. Further, the interviewee could discontinue participation at any time.

Texas State University has an institutional review board (IRB), which consists of a diverse group of faculty, staff, and students, plus at least one community representative. The IRB ensures the protection of the rights and welfare of all human research subjects. All proposed educational research is reviewed by the IRB to determine if the proposed project follows federal guidelines and generally accepted ethical principles.¹⁷ The IRB number for this research project is **2011e471**.

Chapter Summary

This chapter described the research methodology used to assess the impediments associated with the implementation of a child support enforcement program that works

¹⁷ For additional information on the IRB process go to <http://www.txstate.edu/research/orc/humans-in-research.html>

with a military population. This chapter also discussed the operationalization of the conceptual framework. The advantages and disadvantages of case study research were also examined.

Chapter VI-Results

Chapter Purpose

This chapter presents the findings generated through the use of structured interviews, document analysis, and direct observation. The findings illustrate impediments associated with the implementation and operation of a child support enforcement program. The impediments identified pertain to both the administrative and family environment.

Military Personnel: Challenges (PQ1)

The first pillar question addresses the challenges associated with working with military personnel and their families. In order to answer pillar question one, sub pillar questions were created. The findings associated with each sub pillar question are discussed below. After each sub pillar question has been addressed, the challenges associated with working with military families and personnel are summarized.

Methods of Service Delivery

PQ1a: *Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?*

Structured Interviews¹⁸

Senior Attorney General (OAG) staff indicated that proactive outreach is the most effective method of service delivery. Military personnel are not reaching out, themselves, to access available services; therefore, effective outreach programs are of critical importance. OAG program staff members attribute this lack of outreach to the training service members

¹⁸ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

receive. According to senior program staff, service members are trained to tough out their problems and move on to the next thing. Many service members do not realize they are in need of services. Military personnel are often reluctant to admit they are suffering from conditions such as PTSD. Desi Vasquez, an employee with the Veterans Justice Outreach Program (VJO), argued it was important that soldiers were able to recognize they have a problem. Service members who are reluctant to admit they are suffering from mental disorders are unable to be diagnosed. The VJO representative indicated that untreated PTSD could be directly attributed to child support arrearage and poor relationships with their children. Soldiers suffering from undiagnosed PTSD tend to self medicate with drugs and alcohol. The combination of drugs and alcohol decreases the likelihood that service members will have healthy relationships with their families. This unhealthy relationship often translates to the dissolution of the family unit. After marriage dissolution soldiers need the services provided by the Texas Office of the Attorney General.

The Office of the Attorney General utilizes a number of methods to identify military personnel in need of services. These methods include brochures, legal clinics, and referrals. Senior program staff indicated that information about services, provided by the Office of the Attorney General, is disseminated at a number of locations. These locations include legal clinics, JAG offices¹⁹, Texas Veterans Leadership Program Offices, and yellow ribbon events.²⁰ Attending these events and visiting these offices encourages service members with child support issues to apply for services with the Attorney General's office.

¹⁹ Judge Advocate General's Corps-the legal branch of specialty of any of the United States armed forces including Air Force, Army, Coast Guard, Marine Corps, and Navy. Serve primarily as legal advisors to active duty military personnel.

²⁰ Yellow ribbon events- help active duty military personnel and their family's transition after deployment.

Relationship Barriers

PQ1b: *What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?*

Structured Interviews²¹

Interviews were conducted with senior Attorney General Program Staff, Texas Veterans Leadership Program staff, and Veterans Justice Outreach staff. These interviews yielded a list of barriers that military personnel have to overcome to have healthy relationships with their families. These barriers include:

1. Deployment
2. Periodic Relocations
3. Custody Arrangements
4. Visitation Arrangements
5. Post Traumatic Stress Disorder (PTSD)

According to senior Attorney General Program Staff, deployment disrupts any kind of regular relationships that service members can have with their children. Service members are unable to maintain daily or even weekly contact with their children when they are deployed. Even service members that are not deployed can find it difficult to maintain a regular relationship with their children. Periodic relocations make custody and visitation arrangements difficult. Service members may even be stationed in the United States, but the distance is still great enough to reduce visitation times to only every two or three months.

²¹ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

Visitation also becomes difficult for service members who reside in a military barracks. Service members residing in a barracks must find a place to conduct visitation. Furthermore, their visitation times are specified by the military on the 1st, 3rd, and 5th weekends of every month. Children of service members are not allowed to stay overnight in the barracks. Unless a service member has custody of their child for over half of the year, they do not qualify to live off base. So, service members facing this problem often get hotel rooms or end up staying with their parents during visitation weekends. Service members that are unable to afford a hotel room, whose parents do not live close by, simply don't get to see their children.

Post-Traumatic Stress Disorder is a major barrier that service members must overcome in order to have healthy relationships with their children. Interviews conducted with staff working for the Texas Veterans Leadership Program and the Veteran Justice Outreach Program demonstrated the importance of this issue. Desi Vasquez is an outreach specialist for the Veterans Justice Outreach Program. Mr. Vasquez asserted veterans often try to self-medicate the symptoms of PTSD. Untreated PTSD can cause the military parent to disengage from the family. This disengagement occurs when service members suffering from untreated PTSD turn to drugs and alcohol as a mechanism to avoid their feelings. Untreated PTSD can cause the soldier to act out violently and even break the law.²² This behavior often causes the service member to enter the legal system, which in turn can have a negative impact the relationship with their children.

²² During the discussion of untreated PTSD the terms veteran and service member were used interchangeably since the behavior exhibited by someone with untreated PTSD is the same.

Direct Observation

The researcher attended a Texas Parenting Order Legal Clinic at Fort Hood on February 22, 2011.²³ Attending the POLC demonstrated there are a number of issues that service members must overcome to have a healthy relationship with their families. Each issued covered in the POLC needs to be addressed in order for the service member to have a healthy relationship with their family.

Observations made at the POLC indicated that relationships between the noncustodial parent and custodial parent are often contentious. This contentious relationship creates an environment where agreements on the smallest parental issues, such as schooling, become difficult. This tension can also be attributed to the fact that noncustodial parents often disagree with the existing court order. Parental tension can also create an environment where the noncustodial parent may be reluctant to even visit their children.

Service members expressing discontent with existing court orders are encouraged to apply for services with the OAG. Much of this discontent stems from access and visitation issues. Service members are often unable to regularly visit their children due to the vast distances separating families. Two of the service members that attended the POLC were unable to visit their children because they lived in a different state. These service members stated that they were either unable to get time off to make the trip or were unable to afford the trip.

²³ The researcher only attended one clinic and it should be noted that the observations made at this clinic may not be typical. However, this is exploratory research and only a preliminary examination and should be viewed as such.

Another issue that service members cited was a disagreement over the support levels awarded by the court. One soldier stated his support payments were 8 percent higher than they should have been. The soldier stated that his support levels were based on the wrong income levels. His income level was calculated using his housing allowance from three years ago, when he was stationed in Europe. Service members with this type of problem are encouraged to apply for services with the OAG. Representatives from the OAG stated this issue could be easily addressed by submitting an updated leave and earnings Statement (LES) to the court.

Customized Child Support Services

PQ1c: *What customized child support services are needed for military personnel?*

Structured Interviews²⁴

The interviews conducted during this study demonstrate there are a number of customized services needed for military personnel. Senior Attorney General Program staff indicated that expedience was the most important customized service provided. Expedience is necessary since service members are often expected to relocate at a moment's notice. A service member, who is faced with a child support issue, will need their issue resolved as quickly as possible before they are deployed. Senior staff indicated that expedience was a matter of fairness. Service members should not be penalized for matters out of their control. An agency working with a military population should be responsive to the needs of the service member in an expedited fashion.

²⁴ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

Senior staff at the Office of the Attorney General also indicated that customized services are necessary to address the most common questions they receive from active duty personnel. Child support staff are often asked questions about review and modification. These questions arise for two main reasons. First, the noncustodial parent received paperwork from another state, indicating their support payments will increase, and they have ten days to respond. Service members often miss this ten-day time period given to respond. Many service members often protest the level of the new support order. It is not uncommon for service members to have support levels set for the wrong rank. During the interview process senior staff spoke of support levels being set for the rank of sergeant, even though the noncustodial parent was only a private. When the support level is set at the wrong rank, the service member is forced to pay the wrong amount. Because this is a common issue, child support officers need to be able to help the client obtain a support modification.

Program staff at the Attorney Generals Office often receive questions concerning custody and visitation. Such questions usually deal with the custodial parent refusing access to the noncustodial parent. According to program staff, it is not uncommon for the custodial parent to refuse the noncustodial parent their scheduled access. Refusal of access can often be attributed to the custodial parent's attitude toward the noncustodial parent's new boyfriend/girlfriend. OAG staff indicated that the best remedy for this situation has nothing to do with the legal system. Instead, OAG staff recommends the noncustodial parent leave their new significant other at home when a transfer occurs. However, when the noncustodial parent wants to pursue the issue in the court system, the support officer provides the appropriate legal advice.

Interviews demonstrated that the referral process is perhaps the most important tool possessed. Many of the issues that come before support staff require referral. For example, if a client displays symptoms of PTSD, a caseworker is unable to make an official diagnosis. Instead, caseworkers can refer the client to support organizations such as the Veterans Justice Outreach Program. The Veterans Justice Outreach Program can then screen the client for PTSD.

An OAG caseworker explained a perfect example of how invaluable referrals are to service members. A service member contacted the caseworker, stating he needed representation on a paternity matter in Detroit, Michigan. The caseworker immediately took action by calling law schools in Detroit. This caseworker was able to locate a law school in Detroit, offering pro bono legal services to service members. The diligence of this caseworker prevented the service member from having to enter a legal proceeding without a lawyer.

Document Analysis

Patricia Barsalou, Assistant Attorney General working for the HEROES Program, keeps a record of all of the clients she has served since the inception of the program. Ms. Barsalou has worked 216 cases as of March 2011. The only cases examined for this study involved active duty service members. Ms. Barsalou had 110 cases involving active duty service members.²⁵ The sanitized case log maintained by Ms. Barsalou demonstrates the

²⁵ The rest of the HEROES casework is comprised of military veterans. For an examination veterans issues see: "The HEROES Program: A Case Study and Program Evaluation," by Travis Whetsell (2011).

types of issues that active duty service members face.²⁶ This information can be used to determine the customized services needed to assist active duty service members.

Since the inception of the HEROES Program, Ms. Barsalou has had requests for assistance from both custodial and noncustodial parents. The overwhelming majority (71 percent) of active duty cases, handled by the HEROES Program, involve noncustodial parents. Active duty noncustodial parents, requesting services from the OAG, have four main issues. These issues include custody and visitation, review and adjustment, support payment levels, and paternity establishment.

A significant amount (29 percent) of the cases, handled by the HEROES program, deal with active duty custodial parents. Active duty custodial parents, requesting services, have four main issues. These issues include enforcement, paternity establishment, order establishment, and review and adjustment.

The review of the HEROES client database demonstrates that agencies working with military personal need to provide services to address five main issues. These issues include enforcement, custody and visitation, paternity establishment, review and adjustment, and order establishment. The previously discussed client issues as well as the minimum services required to serve this population are represented in Table 6.1.

²⁶ The case log maintained by the OAG was scrubbed of all identifiable information. No confidential information was divulged during the analysis of this document.

Table 6.1**HEROES-Client Issues**

Active Duty Noncustodial Parents	Active Duty Custodial Parents	Minimum Services Required to Serve Custodial/Noncustodial Parents
Custody and Visitation	Enforcement	Enforcement
Review and Adjustment	Paternity Establishment	Custody and Visitation
Support Payment Levels	Order Establishment	Paternity Establishment
Paternity Establishment	Review and Adjustment	Review and Adjustment
		Order Establishment

Direct Observation

Informing service members of their legal rights is perhaps the most valuable service provided by the POLC.²⁷ Service members attending the POLC often did not understand their existing support orders. Legal counsel at the POLC set up appointments with these service members in order to properly explain their support orders. The service members in attendance were also unclear as to how they could obtain a modification of their current court order. Service members who wanted to obtain a modification of their visitation order were encouraged to try and work out their differences with the custodial parent. Attending legal counsel recommended domestic counseling as a means of working out these differences. Legal counsel maintained costs associated with challenging an existing visitation order were high, and their best bet was to work with the custodial parent. Service members were also unclear about the necessary procedures to obtain a modification of their support order. Service members were encouraged to apply for services online and to set up an appointment with a representative from the HEROES Program.

²⁷ The researcher only attended one clinic and it should be noted that the observations made at this clinic may not be typical. However, this is exploratory research and only a preliminary examination and should be viewed as such.

The POLC provides service members with expedited access to employees of the OAG. This expedited access is necessary since many service members have child support issues, which must be addressed before they are deployed. Service members also benefit from the information provided by the legal representatives in attendance. The legal representatives inform service members of their rights under the law, as well as refer them to different support organizations for help. The referral process is a big tool utilized by the HEROES Program. The referral process is necessary since Assistant Attorney Generals are unable to represent service members in court. Instead, Assistant Attorney Generals attempt to find someone to guide service members through the legal system.

Military Environment

PQ1d: *How does the military environment affect the development and operations of a child support program?*

Structured Interviews²⁸

The interview process illustrated a number of environmental factors that impact the development and operations of child support enforcement. When asked about the impact of the military environment, OAG staff members maintained the military environment complicated the process. Caseworkers cited numerous barriers that negatively impact the development and operations of a child support program. These barriers include frequent deployments, changes in earnings tied to combat, frequent moves state-to-state, and PTSD.

Interviews with OAG staff brought to light another environmental issue that impacts the operations and development of a child support program. The level of net resources

²⁸ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

determines support levels owed by active duty personnel. The service members leave and earning statement (LES) determine net resources. This becomes a problem since service members are not required to hand over their earning statements. This is a unique issue for a child support enforcement agency. When working with non-military personnel, the support agency need only contact the Texas Workforce Commission to obtain an income statement. When there is no leave and earning statement, the support agency is forced to rely on the information provided by the custodial parent to gauge service member income levels.

The sources of income for military noncustodial parents present a unique challenge for caseworkers. Under the Texas Family Code, all sources of net income shall be used to calculate the amount of child support to be paid. This means service member's sustenance and housing allowances are used to calculate support levels. Caseworkers assert that this can be unfair to some service members. An example given a caseworker best illustrates this problem. This case involves a service member recently stationed in Hawaii. The service member was originally stationed in the state of Texas, which has much lower housing costs. When the service member was moved to Hawaii his housing allowance increased to \$5,000 per month. This increase also increased the service member's child support payment from around \$250 to over \$1200. As a result of this increase, the service member's new family had to go on food stamps to survive. This, according to caseworkers, calls into question the level of fairness associated with resource calculation.

Further complicating the housing allowance issue is the conflicting information being disseminated to service members. Caseworkers indicated some JAG offices are telling service members their housing allowance does not count as income. However, in Texas

service member housing allowances count as income. This inconsistency of information also exists among field offices around the state. Some offices only count base pay while others count both base pay and housing allowances. Thus, a non-uniform system of income calculation is in place, creating inconsistencies in enforcement.

The caseworkers interviewed also asserted the military environment can have positive impact on the development and operations of a child support program. Child support owed by active duty personnel is automatically withheld from their paycheck. As a result, the amount of arrearage owed by active duty personnel is minimal. Service members may also be more responsible than the general population. Caseworkers hold that service members are a more responsible group because they are used to following the rules. When you ask a service member to do something they typically do not hesitate to comply.

Document Analysis

The Texas Office of the Attorney General created a pamphlet titled *Military Parents: Paternity, Child Support, Custody & Parenting Time*. The pamphlet is a service provided by the Texas Office of the Attorney General to military personnel facing deployment. This pamphlet specifically targets service members experiencing custody and visitation issues. The pamphlet contains a checklist which is “designed to help identify the steps you can take to make sure that your child’s needs for financial, medical and emotional support are met before, during and after deployment.”

This checklist is designed to help identify steps you can take to make sure that your child(ren)’s needs for financial, medical and emotional support are met before, during and after deployment. The Office of the Attorney General – Child Support Division (OAG-CSD) is the official child support enforcement agency for the state of Texas. **To locate a field office or for assistance with a child support issue, visit www.texasattorneygeneral.gov or call (800) 252-8014.**

From: Military Parents: Paternity, Child Support, Custody & Parenting Time

The first part of the pamphlet provides service members with a pre-deployment checklist.

Service members are asked a series of questions such as:

PRE-DEPLOYMENT

1. Does my child have a legally recognized father?
2. Do I have a court order addressing custody & parenting rights?
3. Who will have custody of my child while I am deployed?
4. Do I want to assign visitation?
5. Have I worked out a plan for parenting with my child(ren)'s other parent?
6. How will my child(ren) receive child support & medical support while I'm deployed?
7. Can someone else receive information about my child support and/or medical support case while I'm deployed?

Each of these questions is accompanied by a brief description, intended to familiarize service members with the issues. Soldiers are encouraged to make sure each of these questions is addressed before they leave for deployment. Service members may establish paternity and work out a parenting plan before deployment.

This pamphlet describes the options that both parents may make prior to deployment. Custodial parents facing deployment can opt to have someone other than the noncustodial parent care for their children until they return. The pamphlet created by the Texas Attorney General's Office states that the custodial parent may provide the caretaker with a limited power of attorney. If the noncustodial parent will be caring for the child, support payments can be temporarily modified. The pamphlet also informs the noncustodial parent they can opt to modify their support order if their base pay increases as a result of deployment. The Texas Office of the Attorney General recommends all service members with questions pertaining to their support order contact either the AG's office or a private attorney.

DO I HAVE A COURT ORDER ADDRESSING CUSTODY & PARENTING TIME (VISITATION) RIGHTS?

*In Texas family law, **conservatorship orders** define each parent's rights and responsibilities. **Possession orders** define when the child(ren) will be with each parent or guardian.*

- In most cases, both parents share **parental rights and responsibilities** (called joint managing conservatorship).
- Usually, one parent has the right to determine **where the child(ren) lives**. (This parent is also called the custodial parent.)
- The time a child spends with the noncustodial parent (often called **visitation**) is defined in the possession order.

— **Who will have custody of my child(ren) while I am deployed?** If you are the custodial parent, as a military serviceperson you may ask the court to designate another person to determine where your child(ren) lives while you are deployed.

See page 7 for more detailed information.

— **I'm the noncustodial parent,** and my earnings are going either up or

3

down during deployment. I can **ask for a review of my child support order** with the OAG-CSD or seek to modify my order so that the amount I pay is based on my new earnings.

Contact the OAG-CSD and/or a private attorney.

From: Military Parents: Paternity, Child Support, Custody & Parenting Time

DURING DEPLOYMENT

The Military Parent pamphlet also provides service members with some advice to heed during deployment. The pamphlet informs service members of paternity establishment options for children born during their deployment. Service members who

are not married and do not have doubts about the child's paternity simply need to sign an Acknowledgement of Paternity form. However, service members who wish to challenge the paternity of the child are encouraged not to sign the Acknowledgement of Paternity form. Instead, service members are encouraged to apply for services with the Texas Office of the Attorney General. The OAG will help the service member establish paternity with a free DNA test.

This pamphlet also encourages service members to communicate with their children in as many ways they can. Suggested methods of communication include letters, e-mails, and phone calls. Soldiers should also be included in daily family decisions. Military personnel can request that those caring for their children include them in any major decisions made. Service members should also take an active interest in their child's education and health.

<p>✓ Establish paternity: If a child is born during deployment and the parents are not married, the mother and father can still establish paternity by separately signing the Acknowledgment of Paternity (AOP) form wherever</p> <p>4</p>
<p>they are. If you have doubts about a child's paternity, do not sign an AOP without confirming the child's parentage with a DNA test. If a parent applies for services with the OAG to establish an order for paternity and support, free DNA testing is available as part of this process.</p> <p>✓ Stay in touch with your child(ren): Communicate in as many ways as you can during deployment by sending letters, exchanging e-mails and making phone calls.</p>

From: Military Parents: Paternity, Child Support, Custody & Parenting Time

POST-DEPLOYMENT

The Military Parents pamphlet provides a list of tasks that service members could complete after deployment. First, service members can update their information and request a review of their case. This could be necessary since it not uncommon for service members pay rates to change post-deployment. The OAG also suggests service members

allow their child to adjust upon their return home. The pamphlet reminds service members it could take time for their children to get used to their everyday presence and experiencing the decisions made by the service member. The pamphlet informs service members they should work with the custodial parent to make up for missed visitation time. The OAG staff indicated in some instances it might be appropriate to ask the court to order additional periods of visitation after returning from deployment. The ease of this process depends on the court in which the soldier's request is heard.

- ✓ **Update your information:** Make sure to contact the OAG's child support office or seek legal counsel upon your return to change any arrangements you made for redirecting child support payments or releasing information during deployment.
- ✓ **Request a review of your case:** If you are a noncustodial parent and your earnings are going either up or down after deployment, contact the OAG or seek legal counsel to ask for a review and/or modification of your order so that the amount you pay is based on your new earnings.
- ✓ **Help your child(ren) adjust:** Even the happy occasion of a parent's return from deployment can require adjustments for a child. Allow time for your child(ren) to warm up to you as needed—getting used to your physical presence and experiencing your everyday decisions about their lives. Spend time learning about their new interests and friends.

From: Military Parents: Paternity, Child Support, Custody & Parenting Time

- ✓ **Makeup visitation time:** Many noncustodial parents want to make up for lost visitation time after returning from deployment. It's important for parents to work together to come up with a schedule supporting the child(ren)'s reconnection with the noncustodial parent, while also allowing time for the child(ren) to adjust to visitation. In some cases it may be appropriate to ask the court to consider ordering additional periods of visitation. See page 8, Visitation, for more detailed information.

From: Military Parents: Paternity, Child Support, Custody & Parenting Time

Summary of Findings (PQ1)

Structured interviews, document analysis, archival analysis and direct observation demonstrated there are a number of unique challenges to working with military families. Proactive outreach is necessary when working with a military population. Productive methods of outreach include legal clinics, pamphlets, referrals from support organizations, and word of mouth. The evidence collected also demonstrates numerous barriers impede a service member's ability to have healthy relationships with their family. These barriers include deployment, periodic relocations, visitation arrangements, and mental disorders. To address these barriers, support agencies should offer customized child support services. These services include expedited access, legal clinics, domestic counseling, and pamphlets. Finally, the evidence demonstrates the military environment complicates the development and operations of a child support enforcement program. The military environment requires child support administrators to act in an expedited manner. The calculation of net resources is more complicated when working within the military environment. Currently no guidelines exist concerning military personnel and the calculation of net resources. This lack of guidelines often leads to a lack of uniformity, which can be unfair to the service member. Table 6.2 summarizes the findings for pillar question 1.

Table 6.2 Results for PQ1

PQ1: Military Personnel: Challenges	
PQ1a: Methods of Service Delivery	
Sources	Findings
Structured Interviews	Proactive outreach is necessary when working with a military population. Appropriate outreach methods include legal clinics, pamphlets, referrals from support organizations, and word of mouth.
PQ1b: Relationship Barriers	
Sources	Findings
Structured Interviews	Numerous barriers impede a service member's ability to have healthy relationships with their family. These barriers include deployment, periodic relocations, visitation arrangements, and mental disorders.
Direct Observation	Relationships between the noncustodial parent and custodial parents are often contentious. Issues such as deployment, periodic relocations, and visitation

	arrangements impede a service member's ability to have healthy relationships.
PQ1c: Customized Child Support Services	
Sources	Findings
Structured Interviews	Expedited access and the referral are the most valuable tools available to service members.
Document Analysis	Services offered should address the five following issues: enforcement, custody and visitation, paternity, review and adjustment, and order establishment.
Direct Observation	Service members are often unaware of their legal rights. The referral process aids service member's exercise their legal rights. Domestic counseling can have a positive impact on the family unit.
PQ1d: Military Environment	
Sources	Findings
Structured Interviews	The calculation of net resources for service members is often inconsistent. Currently no guidelines exist concerning military personnel and the calculation of net resources.
Document Analysis	The military environment requires administrators to act in an expedited manner.

Program Implementation: Impediments (PQ2)

The second pillar question sought to assess the administrative impediments associated with the program implementation process. In order to answer pillar question two, sub pillar questions were created. The findings associated with each sub pillar question will be discussed below. After each sub pillar question has been addressed the administrative impediments associated with program implementation will be summarized.

Organizational Culture

PQ2a: *What actions should an agency take in order to encourage strong organizational culture?*

Structured Interviews²⁹

Charles O'Reilly (2001) identifies three mechanisms used by agencies to foster a strong culture. They include:

1. **Participation-** Agencies encourage employees to be involved and send signals to the individual that he or she is valued. Employees are encouraged to make incremental choices and develop a sense of responsibility for their actions.

²⁹ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

2. **Management as Symbolic Action-** Clear visible actions on the part of management in support of cultural values. When top management not only says that something is important but also consistently behaves in ways that support the message employees began to believe what is said.
3. **Information from Others-** messages from managers are important, so too are consistent messages from coworkers. Strong cultures are typically characterized by a consensus of what is important to the organization. (20)

Interviews conducted with senior program staff demonstrated that the Texas Office of the Attorney General employs mechanisms that foster strong organizational culture. Interviewees indicated the OAG strongly encourages their employees to participate. OAG staff indicated rules come from the top, but management does solicit input from everyone. Any employee, who can make things better, are encouraged to make suggestions. Caseworkers indicated this encouragement to participate made the Attorney General's office a better place to work. The OAG has a policy formulation group within the Attorney General's office. This formulation group is comprised of variety of people from a number of different offices. This encouragement to participate provides employees the sense they are valued.

When asked about organizational culture, OAG staff cited the strong internal child support-training program utilized at the Attorney General's office. Program staff go through training on a periodic basis. As internal policy changes, the Attorney General's office issues new training modules. When trainings occur, upper management tries to bring in people from different areas to promote camaraderie. These training modules are a strong message from management that following policy is important within the Attorney General's office.

O'Reilly (2001) maintains that "strong cultures are typically characterized by a consensus of what is important to the organization" (20). Interviews conducted with OAG

Staff demonstrated the agency message of what is important at the Attorney General's office is not always consistent. An OAG staff member asserted conflict exists between the Family Initiatives division and the Field Operations division. This conflict occurs because field operations is a large division, which handles thousands of cases. Some of the field offices in San Antonio are handling more than 30,000 cases. Caseworkers with these huge caseloads are trained to follow existing policy. Following existing policy ensures all offices are uniform across the state. Field operations have specific federal goals that must be met. All employees with field operations are trained to meet these goals. Family initiatives employees on the other hand, are trained to explore the noncustodial parent side of child support enforcement. Family Initiatives considers factors such as PTSD when working with the client; while field operations is not trained to consider such issues, and there is no policy addressing this issue. Field Operations is goal oriented, while Family Initiatives is noncustodial parent oriented. Conflict arises when family initiatives staff members pursue issues, which do not move the agency towards the 5 stated federal goals. These goals are:

1. **PEP Goal-** (Paternity Establishment Percentage) – The Texas Office of the Attorney General wants to establish paternity for every child born within the state. Paternity levels are measured by how many children were born in Texas and how many of those children paternity has been established.
2. **Collection of current support-** How much child support was collected versus how much child support was supposed to be collected. Based on collections during a 12-month period.
3. **Collections of Arrears- (COA)-** What percentage of arrears were collected during a 12-month period.
4. **CSO-** How many obligated cases does the Texas Office of the Attorney General have. How many new cases did the OAG open and got an order obligating the NCP to pay.

5. **Cost effectiveness-** Percent of money spent compared to percentage of money collected.

Training

PQ2b: *What type of training is needed for successful implementation of a child support enforcement program?*

Structured Interviews³⁰

Interviews conducted with senior program staff from the Texas Office of the Attorney General illustrated that training is important to successfully operate and implement a child support enforcement program. Caseworkers indicated the OAG has a strong internal training program. This program provides training to new employees and existing employees. When policy changes occur, the OAG issues new training programs to address these changes. When training is offered, the agency brings in people from different areas of the state. This is done to promote camaraderie within the agency.

Staff indicated that the training focus at the Texas Office of the Attorney General is policy driven. When in doubt, OAG staff is trained to consult existing policy. Policy driven training is intended to promote consistency throughout the state. The agency wants to ensure client X in Dallas is being treated the same as client Y in Austin. Caseworkers are also trained to meet the goals issued by the federal government. Employees at the Attorney General's office are acutely aware of these goals and are working towards them.

Full time attorneys at the Texas Office of the Attorney General receive extensive training. There are five general areas in which new attorneys must be trained. The training

³⁰ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

program for new attorneys usually takes about one year to complete. These trainings include:

1. New attorney establishment
2. New Attorney enforcement
3. Interstate training
4. System training
5. Trial skill training

This training is also followed up with constant feedback from management. Feedback is intended to ensure new attorneys are applying their training in a manner consistent with agency policy.

The Attorney General's office also trains employees in how to work with a unique population. HEROES Program staff indicated training was offered to employees who work exclusively with a military population. The training offered focused on Post Traumatic Stress Disorder. Training modules were designed to assist caseworkers with their day-to-day interactions with service members suffering from PTSD. The training sessions taught caseworkers about the best ways to communicate with service members, who are suffering from PTSD. During this training it was revealed caseworkers should strive to interact with employees in person rather than on the phone. Service members suffering from PTSD are likely to be more responsive if communication occurs in person. Having physical cues such as body language and eye contact increases the likelihood service members will retain the information provided. Caseworkers were trained to write up action plans for service members suffering from PTSD. This action plan should indicate what the service member is expected to do and what the caseworker is responsible for.

Caseworkers were also taught to be on the lookout for symptoms of PTSD. These symptoms include avoidance, detachment, irritability, trouble sleeping, and difficulty concentrating. Caseworkers who suspect the client is suffering from PTSD are encouraged to refer them to a support organization for a PTSD screening. The primary support organization used by the Attorney General's office is the Veterans Justice Outreach Program. This organization will screen the service member for PTSD and help them access veteran benefits. Being on the lookout for symptoms is important since service members often do not realize they are suffering from PTSD. Caseworkers should be able to identify service members suffering from PTSD and refer them to an organization that can help them cope.

Interagency Cooperation

PQ2c: *What types of policies should be put in place to promote interagency cooperation?*

Structured Interviews³¹

When asked about interagency cooperation caseworkers indicated that the Office of the Attorney General mandates cooperation through policy. HEROES caseworkers stated that the OAG has policies to address practically every situation. These policies provide clear guidelines about how interaction between agencies shall occur. Caseworkers indicated strict policy is necessary due to the high caseload the OAG handles. This high caseload prevents caseworkers from having to "reinvent the wheel" for every case they handle. When in doubt caseworkers are instructed to follow existing policy. In carrying out their

³¹ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

duties caseworkers are expected to work with a number of agencies. Caseworkers within the HEROES Program have to coordinate with numerous military agencies.

Caseworkers within the HEROES Program indicated one of the primary goals of their program is to expedite matters for active duty military personnel. In order for that goal to be accomplished caseworkers must have a strong relationship with military agencies. HEROES caseworkers must have a good relationship with the JAG offices. Representatives from the HEROES Program currently take appointments and conduct legal clinics at Fort Hood every two weeks. The strong relationship with the Fort Hood JAG offices enables HEROES personnel to come on base and provide legal advice to active duty personnel. The JAG officers set up appointments with active duty personnel and alert them to the biweekly legal clinics. The JAG offices at Fort Hood appreciate being able to refer active duty military personnel to child support experts.

However, according to HEROES caseworkers, this close relationship at Fort Hood is unique. Currently, the military JAG offices around the San Antonio area are combining operations. This new joint operation has made military bases such as Lackland Air Force Base reluctant to allow caseworkers on base. Army and Air Force JAG offices have not yet figured out how to coexist under the same roof. There is tension between both the Army and Air Force JAG offices since different rules govern each office. The JAG offices are reluctant to allow outside groups on the base until they figure out how to coexist themselves. The JAG offices on these joint operation bases are still supportive of a child support program, such as HEROES, which is designed to assist a military population. Joint base offices provide service members, seeking information about child support issues, with the direct number of a HEROES caseworker.

Interstate Cooperation

PQ2d: *What are the barriers to interstate cooperation and how can they be overcome?*

Structured Interviews³²

A senior staff member of the Attorney General's office indicated interstate child support cases are a bit more complicated than instate support cases. The OAG recognized these cases were more complicated and that they created an office to exclusively handle interstate cases.

A HEROES caseworker illustrated the complexity that exists when working an interstate child support case. A service member who contacted the Attorney General's office to determine why he received a letter was threatened with imprisonment unless he paid his child support immediately. This was perplexing to the service member, who had been paying the state of Oregon like clockwork for a number of years. However, the custodial parent recently moved from Oregon to Texas. The custodial parent then filed a case with the Texas Office of the Attorney General. However, the state of Texas had no way to know that the noncustodial parent had actually been paying his child support on time. Unfortunately, until there is proof to the contrary, the Attorney General's office is forced to take the custodial parent's word on the matter. In this instance the mother asserted the father had never paid a dime in child support. The Texas Office of the Attorney General, following procedure, sent a letter to the noncustodial parent that demanded payment of back child support.

³² The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

When handling interstate cases, OAG staff members are required to contact the state in which the case originated. Interstate child support cases become further complicated when dealing with a military population. Military members are subject to constant relocation and deployment overseas. When an OAG staff member is handling an interstate case they must first determine which state to contact. According to OAG staff, this can be problematic at times because some parents are not sure where their order originated. It is not uncommon for service members to be unaware of the origins of their court orders. The OAG cannot proceed with the case until the state of origin has been determined. Modifications of interstate orders can also be complicated since the parents do not communicate as often as parents residing in the same state. Finally, interstate cases require more time to handle than instate cases. This time delay can be problematic for service members who can be deployed at a moment's notice.

Direct Observation

Attending the Texas Parenting Order Legal Clinic (POLC) demonstrated that many service members have support cases crossing state lines. Service members expressing discontent with existing court orders are encouraged to apply for services with the OAG. Much of this discontent stems from access and visitation issues.³³ Service members are often unable to regularly visit their children due to the vast distances separating families. Two of the service members attending the POLC were unable to visit their children because they lived in a different state. These service members stated they were either unable to get

³³ The researcher only attended one clinic and it should be noted that the observations made at this clinic may not be typical. However, this is exploratory research and only a preliminary examination and should be viewed as such.

time off to make the trip or were unable to afford the trip. Interstate matters can also complicate Service member's relationships with their families. The vast distances separating service members from their family can create an environment dominated by poor communication. This poor communication in turn leads to an unhealthy relationship between the custodial and noncustodial parent. Domestic counseling was recommended to service members who cited contentious relationships between the custodial parent and noncustodial parent.

Current Policy

PQ2e: *How does current US child support policy impact the implementation of a child support enforcement program?*

Structured Interviews³⁴

Interviews demonstrated that Child support enforcement within the state of Texas is entirely dependent on existing policy. OAG staff members are trained to always follow existing policy. Every decision made by caseworkers should be in line with existing policy. Employees interviewed at the Texas Attorney General's office indicated that this strict adherence to policy is necessary, due to the high number of cases handled on a daily basis. Adhering to the policy ensures every client around the state is receiving equal treatment under the law.

OAG staff indicated strict adherence to existing policy could at times negatively impact clientele base. For example, sources of income for military noncustodial parents present a unique challenge for caseworkers. Under the Texas Family Code all sources of net

³⁴ The responses given by the interviewees should not be seen as the views or policies of the Texas Office of the Attorney General.

income shall be used to calculate the amount of child support owed. This means service member housing allowances are used to calculate support levels. Caseworkers assert that the use of housing allowances can be unfair to some service members. An example provided by a caseworker best illustrates this problem. This case involves a service member recently stationed in Hawaii. The service member was originally stationed in the state of Texas, which has much lower housing costs. When the service member was moved to Hawaii, his housing allowance increased to \$5,000 per month. This allowance increase resulted in the service member's child support payment rising from around \$250 to over \$1200. As a result the service member's new family had to go on food stamps to survive. The example calls into question the level of fairness associated with resource calculation.

Further complicating the housing allowance issue is the conflicting information being disseminated to service members. OAG staff indicated some JAG offices are telling service members that their housing allowance does not count as income. However, in Texas this is just not true. Texas counts all sources of income, including a service members housing allowance. This inconsistency also exists among field offices around the state. Some offices only count base pay and some count both base pay and housing allowances. So, what you have is a system for service members in which income calculation is inconsistent.

Summary of Findings (PQ2)

Structured interviews and direct observation demonstrated that a number of impediments exist when implementing a new program. A supportive organizational culture can be fostered by encouraging participation, conducting training, and espousing a consistent messages. Interviews demonstrated OAG training is policy driven. Conducting

policy driven training sessions ensures OAG staff handles cases in a consistent manner. The Texas Office of the Attorney General requires employees to follow strict guidelines. These guidelines dictate how interactions should occur. Deployment and periodic relocations cause interstate cases to be more time consuming and complicated than instate cases. Policy dictates how OAG staff members handle interstate cases. The Texas Office of the Attorney General is a very policy driven organization. Every decision made is directly influenced by existing policy. Table 6.3 summarizes the results found for pillar question 2.

Table 6.3 - Results for PQ2

PQ2: Program Implementation: Impediments	
PQ2a: Organizational Culture	
Sources	Findings
Structured Interviews	Participation, training, and consistent messages are used to promote organizational culture within the OAG.
PQ2b: Training	
Sources	Findings
Structured Interviews	Training at the OAG is policy driven. This is done to encourage consistency.
PQ2c: Interagency Cooperation	
Sources	Findings
Structured Interviews	The OAG provides clear guidelines about how interactions between agencies should occur.
PQ2d: Interstate Cooperation	
Sources	Findings
Structured Interviews	Deployment and periodic relocations cause interstate cases to be more time consuming and complicated compared to instate cases.
Direct Observation	Interstate cases often result in unhealthy relationships between the noncustodial parent and the custodial parent. Domestic counseling is recommended to service members experiencing a contentious relationship with their parenting partner.
PQ2e: Current Policy	
Sources	Findings
Structured Interviews	Every decision made by a caseworker should be in line with existing policy.

Chapter Summary

This chapter presented the findings related to the impediments associated with child support enforcement. The research methodology included document analysis, structured interviews, and direct observation. Evidence was used to answer each pillar question. The next chapter provides some recommendations and conclusions based on these preliminary results.

VII-Conclusion

Chapter Purpose

This chapter provides recommendations and conclusions based on the preliminary findings of this study. This chapter also provides information on possible biases associated with this research. Suggestions for future research are also presented in this chapter.

Research Purpose

The purpose of this research is to explore the impediments associated with the implementation and operation of a child support enforcement program, which is designed to assist a military population. There are two specific types of impediments that this research explores. First are the administrative impediments an agency faces during the implementation and operation of a child support enforcement program. These administrative impediments include organizational culture, training, interagency cooperation, interstate cooperation, discretion, and existing policy. Impediments faced by administrators are commonly encountered when implementing a new program, which works with a unique military population. Second, impediments faced by military parents while working their way through the child support enforcement system were explored. These impediments include custody, visitation, family strain, and the military environment. Each of the impediments is directly related to the sacrifices that military members make for their country. After these impediments have been addressed this research will explore how best to remedy them.

Conclusions

Military Personnel: Challenges

Proactive outreach should be practiced by any child support enforcement agency that works with a military population. Service members are not coming forward on their own to access the support services offered to address their problems. This can be attributed to the rigorous training conducted by the military. Service members are trained to cope with their problem and move on to the next task. Common problems impacting a service members ability to navigate the child support system includes deployment, periodic relocation, visitation arrangements and mental disorders. These same problems impact the service member's ability to have a healthy relationship with their family.

Agencies working with a military population need to develop a system that identifies and assists service members. Appropriate methods to identify military personnel in need of services include brochures, legal clinics, and referrals. Services should be provided to assist military members to overcome the barriers preventing healthy relationships with their families. These barriers include deployment, periodic relocations, custody arrangements, visitation arrangements, and mental disorders. Services that appropriately assist service members in overcoming these barriers include legal clinics, informational pamphlets, and referrals.

Legal clinics inform service members of their legal rights. This information is an invaluable service provided by the Attorney General's office. Service members are often unaware of their legal rights and privileges. Service members who are informed of their rights are better able to resolve access and visitation issues and are better prepared to comply with existing orders. Pamphlets provide valuable information to service members.

Pamphlets can inform service members of their legal rights. Informational pamphlets are particularly useful since they can be designed to address any relevant issue. Referrals allow the support agency to ensure service members are receiving services for which the agency is unable to provide. Child support enforcement employees must be able to refer clients that they are unable to assist. Matters appropriate for referral include mental disorders, domestic counseling, and legal representation.

The military environment has a direct impact on the development and operations of a child support enforcement program. Barriers such as frequent deployments, changes in earnings tied to combat, frequent moves state to state, and mental disorders can have a negative impact on a child support enforcement program. Agency employees should be prepared to address these barriers. The most effective remedy for the military environment is expedience. Service members working their way through the child support system often need their issues addressed immediately. Service members live in an environment that requires them to be prepared for deployment and relocation at a moment's notice. Agency employees must act with expedience to provide the services needed to address the issues faced by military personnel.

Program Implementation: Impediments

An agency that enacts a program, designed to assist a military population successfully navigate through the child support enforcement system, must be aware of the administrative impediments associated with program implementation. The preliminary results demonstrated that agencies must take steps to promote organizational culture, training, interagency cooperation, and interstate cooperation. Organizations should also be prepared to operate within the parameters of existing policy.

Child support enforcement agencies should promote supportive organizational culture. Encouraging employees to participate can foster a supportive culture. An agency, which encourages participation, indicates that the employer values employee opinions. Organizations can also foster organizational culture by adhering to a strict training program. Adhering to a strict training regimen sends a strong message of what is considered valuable to the agency. Finally, organizations should make sure that the goals of the child support enforcement program are uniform throughout the agency. When there is an inconsistent message, the program may be ineffective, which can lead to program failure.

Training is a valuable asset that should be utilized by child support enforcement agencies. Strong training programs are essential to the successful implementation of a child support enforcement program. Enforcement agencies should conduct training that is policy driven. Policy driven training programs ensure that each client is treated equally under the law. Support workers do not have the time to reinvent the wheel for every case. Child support agencies have a high number of cases, which require expedience.

Child support programs, exclusively working with a military population, should also receive special training. These specialized trainings enable staff members to better communicate with a unique population. Enhanced communication with a unique population increases the likelihood that clients will be responsive to any services provided by the agency. Specialized training may enable the staff to recognize mental disorders such as PTSD. This recognition allows agency employees to refer clients to support organizations that can provide appropriate care.

Interstate child support cases are more complicated than typical instate support cases. The complications associated with interstate cases require support agencies to establish an office that exclusively handles interstate cases. Every state has an office that exclusively handles interstate child support cases. Caseworkers seeking any type of modification must contact the state in which the support order originated. Agencies working with a military population will often encounter service members who are uncertain where their order originated. Caseworkers cannot proceed with the case until it has been determine where the support order originated. Handling interstate cases can also be more time consuming for enforcement agencies. This can be problematic when working with a military population that requires expedited service.

Child support enforcement agencies are entirely dependent on existing policy. Staff members are trained to follow existing policy. This reliance on existing policy is to ensure that each client is treated equally under the law. This can be problematic for agencies that work with a unique population such as the military. Currently, there is no existing policy concerning income calculation for service members. This lack of existing policy often results in inconsistent messages. It is important for agencies to use policies that dictate what counts as income and what does not count as income. Necessary measures should be taken to ensure every client is being treated equally under the law.

Recommendations

After exploring the impediments associated with the implementation and operations of a child support enforcement program designed to assist a military population five recommendations were developed. These recommendations should be enacted by any child support enforcement organization working with a military population. In order for

the recommendations to be enacted successfully additional resources are needed. These resources include both money and additional personnel. Enough funding should be allocated to ensure money is not diverted from other priorities. This is important since child support agencies are already grossly overworked. A summary of the preliminary findings and recommendations appears in table 7.1.

Table 7.1 - Findings & Recommendations

PQ1: Military Personnel: Challenges	
PQ1a: Methods of Service Delivery	
Recommendations	Findings
Child support enforcement agencies should develop a referral system, which does not revolve around veteran support agencies. These support agencies will begin to dwindle as the wars in Afghanistan and Iraq end.	Proactive outreach is necessary when working with a military population. Appropriate outreach methods include legal clinics, pamphlets, referrals from support organizations, and word of mouth.
	The Texas Parenting Order Legal Clinic informs service members of their legal rights. Military personnel and their families are referred to the POLC via caseworkers and through the Texas Access and Visitation Hotline.
PQ1b: Relationship Barriers	
	Numerous barriers impede a service member's ability to have healthy relationships with their family. These barriers include deployment, periodic relocations, visitation arrangements, and mental disorders.
	Relationships between the noncustodial parent and custodial parents are often contentious. Issues such as deployment, periodic relocations, and visitation arrangements impede a service member's ability to have healthy relationships.
PQ1c: Customized Child Support Services	
	Expedited access and the referral are the most valuable tools available to service members.
Legal clinics should be offered on military bases at least once a week.	Service members are often unaware of their legal rights.
	Services offered should address the five following issues: enforcement, custody and visitation, paternity, review and adjustment, and order establishment.
A stronger presence on military bases is necessary. Legal clinics should be offered at least once a week. The legal clinics should also be advertised.	Service members are often unaware of their legal rights. The referral process aids service member's exercise their legal rights. Domestic counseling can have a positive impact on the family unit.
PQ1d: Military Environment	
Policy should also be drafted which caps the percentage of a service member housing allowance is used to calculate income.	The calculation of net resources for service members is often inconsistent. Currently no guidelines exist concerning military personnel and the calculation of net resources.
	The military environment requires administrators to act in an expedited manner.
PQ2: Program Implementation: Impediments	
PQ2a: Organizational Culture	
Recommendations	Findings
The Texas Office of the Attorney General needs to address the conflict between family initiatives and field operations.	Participation, training, and consistent messages are used to promote organizational culture within the OAG.

All conflicting goals should be eliminated.	
PQ2b: Training	
	Training at the OAG is policy driven. This is done to encourage consistency.
PQ2c: Interagency Cooperation	
	The OAG provides clear guidelines about how interactions between agencies should occur.
PQ2d: Interstate Cooperation	
	Deployment and periodic relocations cause interstate cases to be more time consuming and complicated compared to instate cases.
	Interstate cases often result in unhealthy relationships between the noncustodial parent and the custodial parent. Domestic counseling is recommended to service members experiencing a contentious relationship with their parenting partner.
PQ2e: Current Policy	
Policy needs to be drafted which specifically addresses methods of income calculation for military personnel. Policy should also be drafted which caps the percentage of a service member housing allowance is used to calculate income.	Every decision made by a caseworker should be in line with existing policy to ensure equal service.
The Texas Office of the Attorney General should work with local bar associations in order to set up pro bono programs to assist service members in exercising their rights under the law.	
A federal law should be adopted to enable the Texas Office of the Attorney General to assist service members experiencing problems with their possession and access orders.	

Income Calculation (PQ1d & PQ2e)

Policy needs to be drafted which specifically addresses methods of income calculation for military personnel. This policy should dictate which military allowances count as income to be used when determining support levels. The policy should also require service members to handover their Leave and Income Statement. This policy will enable child support agencies to calculate income in a fair and uniform manner.

Housing Allowances (PQ1d & PQ2d)

Policy should also be drafted which caps the percentage of housing allowances used to determine support levels. This will ensure that support levels are calculated in a fair

manner. Service members residing in states with high housing cost should not be penalized for something out of their control.

Texas Parenting Order Legal Clinic (PQ1c)

Child support agencies working with a military population should have a stronger presence on military bases. Legal clinics should be offered to service members at least once a week. Further, these legal clinics should be offered at numerous locations to increase attendance levels. An advertising campaign should be conducted in order to increase attendance levels.

Organizational Culture (PQ2a)

The conflict between the field operations division and the family initiatives division needs to be addressed. A child support enforcement program cannot be effective if agency employees are unclear of the goals they should be pursuing. Internal policy should be drafted which seeks to unify these divisions. This unification will enable the two divisions to pool resources, expertise and personnel. A unified agency will then be able to pursue goals that are mutually beneficial.

Referral Process (PQ1a)

Child support enforcement programs that focus on active duty military members should develop a referral system that does not rely too heavily on veterans support agencies. Veterans support agencies may begin to be phased out as the wars in Afghanistan and Iraq dwindle down. When this phase out occurs the enforcement agency will quickly discover their client base is also dwindling down. Any type of referral system for active duty military members should revolve around the military. Solid relationships between the support agency and military agency must be built for this to occur.

Current Policy (PQ2e)

Soldiers are often unaware of their legal rights and, as a result, the service they provide to their country is sometimes held against them in a court of law. The Texas Office of the Attorney General should work with local bar associations in order to set up pro bono programs to assist service members in exercising their rights under the law. These pro bono programs can provide legal representation for military members, which the OAG is unable to do.

Current Policy (PQ2e)

Currently the Texas Office of the Attorney General is prohibited from using federal funds to handle the issue of child custody and visitation. As a result, one of the largest issues faced by active duty military personnel is not being addressed by the Attorney General's Office. A federal law should be adopted to enable the Texas Office of the Attorney General to assist service members, who are experiencing problems with their possession and access orders.

Additional Findings

When conducting exploratory research, it is not uncommon for the findings to produce unexpected results. The impact of current child support policy is a classic example of unexpected results. One of the goals of this study was to determine the impact that statutory law has on child support enforcement programs. The research demonstrated most decisions made by caseworkers are directly influenced by existing policy. However, interviewees indicated the lack of existing policy has a large impact on a child support enforcement program. Caseworkers are required to follow existing policy at all times. This can be problematic when working with a unique population such as the military. In many

instances there is no statutory law on the books to guide caseworker decisions.

Interviewees indicated that having a policy to address such issues as income calculation for military personnel would be highly beneficial. This policy would provide a road map for support officers working with military personnel. A new policy would also end the miscommunication currently occurring between the client and the agency. Currently, service members are receiving conflicting accounts of what does and does not count as income in the state of Texas.

This study explored the impediments faced by service members, working their way through the child support system. Many of the pillar questions developed sought to ascertain the environmental impediments faced by service members in the child support system. However, it quickly became apparent one of the biggest barriers facing service members is their lack of understanding. Many soldiers are unclear about their legal rights and this in turn impacts their ability to navigate the child support system. Service members are also unaware of the policies and procedures governing the child support system. Military personnel are often unclear about the procedures necessary to obtain a modification of support and visitation orders.

Future Research

There is room for additional research on this topic. Little research examining military personnel and child support enforcement in Texas exists. The HEORES Program should be evaluated in the next 2 years. The focus of this evaluation should be on the actual impact of a program designed to assist a military population. This program is currently in its infancy, so the level of effectiveness has yet to be determined. Further, research is also needed to determine whether or not this program is effective enough to stand on its own;

or, should aspects of this program be filtered into current OAG policy. Currently, it is unclear whether or not specialized personnel are needed to assist this unique population. Future research may demonstrate that existing personnel can address the issues facing service members.

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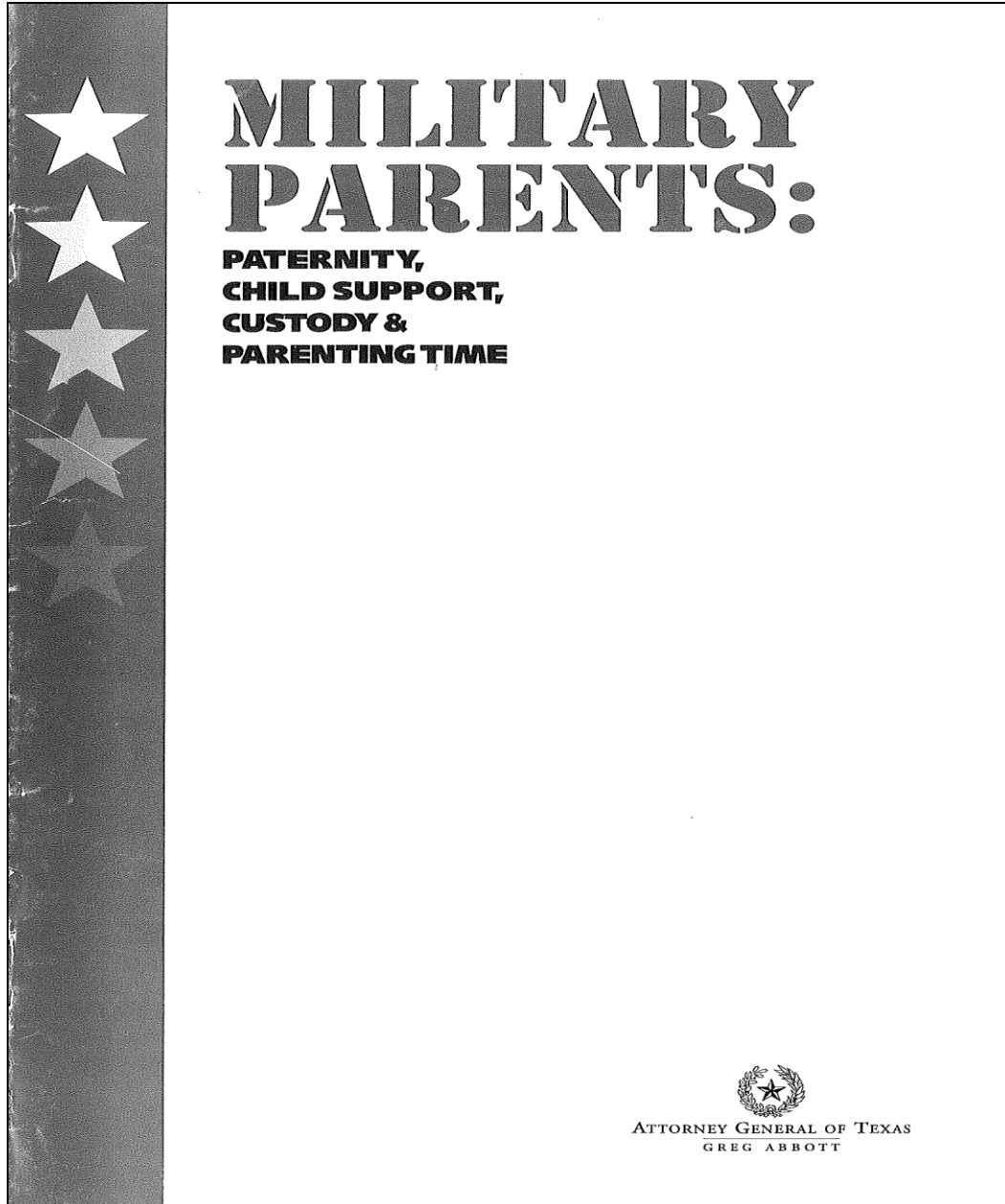
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Appendix A: Examples of Reviewed Documents

(Excerpt 1)



This checklist is designed to help identify steps you can take to make sure that your child's needs for financial, medical and emotional support are met before, during and after deployment. The Office of the Attorney General – Child Support Division (OAG-CSD) is the official child support enforcement agency for the state of Texas. **To locate a field office or for assistance with a child support issue, visit www.texasattorneygeneral.gov or call (800) 252-8014.**

PRE-DEPLOYMENT

DOES MY CHILD HAVE A LEGALLY RECOGNIZED FATHER?

If a couple is married when their child is born, the husband is the legally recognized father.

___ I was not married to the other parent when our child(ren) was born, but we completed a voluntary paternity establishment affidavit or acknowledgment, or we have a court order establishing paternity. Make sure you have a certified copy of the voluntary paternity form or the court order.

___ I was not married to the other parent when our child(ren) was born, and I'm not sure if paternity has been established. See page 6 for information on paternity establishment.

DO I HAVE A COURT ORDER ADDRESSING CUSTODY & PARENTING TIME (VISITATION) RIGHTS?

*In Texas family law, **conservatorship orders** define each parent's rights and responsibilities. **Possession orders** define when the child(ren) will be with each parent or guardian.*

- In most cases, both parents share **parental rights and responsibilities** (called joint managing conservatorship).
- Usually, one parent has the right to determine **where the child(ren) lives**. (This parent is also called the custodial parent.)
- The time a child spends with the noncustodial parent (often called **visitation**) is defined in the possession order.

___ **Who will have custody of my child while I am deployed?** If you are the custodial parent, as a military serviceperson you may ask the court to designate another person to determine where your child(ren) lives while you are deployed.

See page 7 for more detailed information.

Appendix B: Interview Questions

Questions	Responses
1. Which methods of service delivery should be used to identify and serve parents at different stages of their military deployment and reentry?	
2. What barriers do military non-custodial parents have to overcome to have healthy relationships with their families?	
3. How can your agency help military non-custodial parents overcome those barriers?	
4. What customized child support services do your agency provide to military personnel and their families?	
5. How does the military environment affect the development and operations of a child support program?	
6. How can the challenges associated with working with military families and personnel be mitigated?	
7. How can these impediments be mitigated or eliminated?	
8. What has your agency done to promote strong organizational culture?	
9. Did your agency offer any type of specialized training to the staff?	
10. What type of policies are needed to promote interagency cooperation?	
11. How does your agency collaborate with military agencies to serve their populations within severe time and security constraints?	

12. From your perspective what are the barriers to interstate cooperation?	
13. Did your agency develop any policies to mitigate these barriers?	
14. How does current US child support policy impact implementation of a child support enforcement program?	