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**Reducing Judicial & Administrative ‘Dead File’ Cases  
Through Better Use of Technology & Interagency  
Collaboration**

**Evaluation and Final Report**

**Funded in part by a Grant from the U.S. Department of Health and Human Services,  
Office of Child Support Enforcement**

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**Division of Child Support Enforcement  
Virginia Department of Social Services  
July 2006**

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Chesapeake District Office  
Division of Child Support Enforcement  
Department of Social Services  
Commonwealth of Virginia

July 2006

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of process and interagency collaboration in preventing “Dead File” cases and increasing child support payments.

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## The “Dead File” Project: An Overview

The “Dead File” Project was a three-year federal- and state-financed project to create and demonstrate the effectiveness of a Child Support Enforcement Unit (CSEU) in the Chesapeake Sheriff’s Office. The demonstration focused on eliminating a backlog of “Dead File” cases, increasing the use of and identifying benefits associated with *personal* as opposed to *substitute* Service of Process (SOP),<sup>1</sup> and improving procedures among the CSEU, the Chesapeake Child Support Enforcement District Office (Chesapeake District Office), and the Chesapeake J&DR District Court. The demonstration was extremely successful based on the following:

- Eliminated a backlog of 1,600 “Dead File” cases.
- Collected approximately \$312,975.<sup>2</sup>
- Achieved a success rate of 95% in completing *personal* SOP of 8,008 documents compared to 26% for the Civil Process Unit (CPU).<sup>3</sup>
- Docketed 7,777 cases.
- Arrested 903 NCPs for a success rate of 73% in serving capiases.
- Arrested 107 NCPs owing child support in Chesapeake but located elsewhere in Virginia using the Virginia Criminal Information Network.
- Arrested four NCPs owing child support in Chesapeake but residing outside Virginia through the National Crime Information Center.
- Conducted highly publicized roundups of nonpaying NCPs.
- Developed a network of contacts that aided the completion of *personal* SOP and arrests.
- Developed and implemented a series of improvements among the Chesapeake Sheriff’s Office, the Chesapeake District Office, and the Chesapeake J&DR District Court.
- In a pre/post study of the SOP of three documents, the CSEU: performed *personal* SOP for 91% to 100% of the documents, which was an increase ranging from 145% to 852%; decreased the failure to locate NCPs by 57% to 91%; and, used from 12 to 48 more days to serve two types of documents yet reduced by 42 days the time required for the third.
- In an experimental study, NCPs who received *personal* SOP of *Administrative Support Order* documents made 34% higher monthly payments, paid 11% more of the monthly obligation amounts in spite of having 21% higher monthly obligation amounts. If NCPs in the control group had the same results as those in the CSEU group, each of them would have paid an average of an additional \$285 annually.

### Conclusions & Recommendation

The demonstration resulted in increases in docketed cases, *personal* SOP of documents, arrests, support payments, and NCP and CP court appearances. The CSEU was cost-effective, increased efficiency among agencies, resulted in more support payments to children and eliminated the occurrence of “Dead Files.” To maintain this progress, the CSEU should be funded by the Commonwealth so it can resume operations as outlined in this report.

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<sup>1</sup> See page 10 for a discussion of the types of SOP.

<sup>2</sup> Payments from NCPs in Work Release and Home Electronic Monitoring. The amount includes \$50,000, which is an estimate of payments made by NCPs with outstanding capiases who wanted to avoid incarceration.

<sup>3</sup> Based on SOP results in a sample of three documents analyzed in the Pre/Post Study (see Table 2).



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## Executive Summary

The “Dead File” Project was a three-year federal- and state-financed project to create and demonstrate the effectiveness of a Child Support Enforcement Unit (CSEU) in the Chesapeake Sheriff’s Office. The demonstration focused on eliminating a backlog of “Dead File” cases, increasing the utilization of and identifying any benefits associated with *personal* as opposed to *substitute* Service of Process (SOP) and improving procedures among the CSEU, the Chesapeake Child Support Enforcement District Office, and the Chesapeake Juvenile & Domestic Relations District Court (Chesapeake J&DR District Court). The demonstration was extremely successful based upon the following results:

### “Dead File” Cases

- Identified and corrected the causes of “Dead File” cases during the demonstration.
- Eliminated a backlog of approximately 1,600 “Dead File” cases.

### *Personal* Service and Docketing Cases

- Completed *personal* Service of Process (SOP) of 8,008 documents, for a 95% rate of success.
- Docketed 7,777 cases.

### Arrests

- Arrested 903 NCPs for a success rate of 73% in serving capiases.
- Used the Virginia Criminal Information Network to aid in the arrest of 107 NCPs owing child support in Chesapeake but located elsewhere in Virginia.
- Used the National Crime Information Center system to locate and arrest four NCPs owing child support in Chesapeake but residing outside Virginia.
- Conducted highly publicized roundups of nonpaying NCPs.
- Developed a network of contacts that materially aided the completion of *personal* SOP of capiases thereby resulting in arrests.

### Child Support Collections

- With the assistance of the Sheriff’s Work Release Section, the CSEU expanded the Work Release Program resulting in incarcerated NCPs paying \$159,160 in child support.
- With the assistance of the Sheriff’s Work Release Section, established the Home Electronic Monitoring (HEM) program, resulting in incarcerated NCPs who were on HEM paying \$103,815 in child support.
- Collected an estimated \$50,000 in child support payments from in-state and interstate NCPs who had outstanding capiases.

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## Comparing *Personal* SOP by CSEU Investigators to SOP by CPU Deputy Sheriffs

An experimental study was conducted to measure the effects of SOP of *Initial Petition* documents on monthly obligations/payments of NCPs who received service from either Civil Process Unit (CPU) Deputy Sheriffs or CSEU Investigators or waived service.

- The average monthly obligations were \$327, \$395 and \$360 for NCPs in the CPU, CSEU and waiver groups, respectively.
- The average monthly payments were \$213, \$285 and \$280 for NCPs in the CPU, CSEU and waiver groups, respectively.
- NCPs in the CSEU group made the highest average monthly payment (\$285) which was 34% and 2% higher, respectively, than the average payments made by NCPs in the CPU (\$213) and waiver (\$280) groups.
- NCPs in the waiver group paid the highest percentage (78%) of their monthly obligation over the one-year period.
- NCPs in CSEU group paid 72% of the monthly obligation amount over a one-year period.
- NCPs in the group CPU paid 65% of the monthly obligation over a one-year period.
- The difference in the payment rate of NCPs who received SOP from the CSEU compared to the CPU is \$285 per NCP, which equates to nearly an additional month's payment annually.<sup>4</sup>

### Effectiveness in SOP

In a pre/post demonstration study of the SOP of three documents (*Initial Petition*, *Motion to Amend or Review Order* and *Show Cause*) the CSEU achieved the following:

- *Initial Petition*
  - Performed *personal* SOP for 91% of documents; a 245% improvement.
  - Decreased the failure to locate NCPs by 57%.
  - Required 12 more days to complete SOP.
- *Motion to Amend or Review Order*
  - Performed *personal* SOP for 100% of documents; an 852% improvement.
  - Reduced the time to complete SOP by 48%; a reduction of 42 days.
- *Show Cause*
  - Performed *personal* SOP for 96% of documents; a 145% improvement.
  - Decreased the failure to locate NCPs by 91%.
  - Required 48 more days to complete SOP.

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<sup>4</sup> The % paid rate for NCPs in CSEU group (.722) times \$325,956 = \$235,340 - \$211,658 = \$23,682/83 = \$285/NCP annually. Monthly obligation of \$285/\$327 = 87%.

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## Judicial Requirement for *Personal* SOP

Two of the three judges in the Chesapeake J&DR District Court will not authorize the arrest of NCPs who fail to appear in court in response to *Summons* for *Initial Petition* and *Motion to Approve Proposed Modified Support Order* documents unless the SOP is *personal*.<sup>5</sup> The demonstration found that this requirement will result in continuances and additional “Dead File” cases unless the CSEU maintains responsibility for *personal* SOP.

## Conclusion & Recommendation

During the demonstration there were increases in docketed cases, *personal* SOP, NCPs and CPs appearing in court, and payments made. The demonstration also resulted in reductions in continuances, delayed cases and the need to issue more *capiases*.<sup>6</sup> Therefore, it is recommended that the CSEU should be funded by the Commonwealth so it can resume operations as outlined in this report because it was cost-effective, increased efficiency among agencies and resulted in more support payments to children.

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<sup>5</sup> *Summons* are issued in conjunction with several documents, such as the *Initial Petition* and the *Motion to Approve Proposed Modified Support Order*.

<sup>6</sup> The number of *capiases* issued increased during the demonstration; however, the rate of increase was reduced since more NCPs and CPs were appearing in court in response to *Summons* documents.

## Introduction

### Background

Twenty-two million children in the U.S. live in households with an absent parent and more than 26 percent of them live in poverty.<sup>7</sup> State child support enforcement agencies serve 18 million of these children.<sup>8</sup> Unfortunately, the agencies are only able to establish support orders in 74 percent of the cases.<sup>9</sup> Before an order can be established, the absent or noncustodial parent (NCP) must be located so paternity and a child support obligation can be established. Some NCPs are easily located but others, many of whom are among the 26 percent of cases in which support orders have not been established, are a challenge to locate.

In Virginia, the three principal players involved in meeting this challenge are district child support enforcement offices, local Sheriff's Offices and Juvenile & Domestic Relations District Courts. Each of these three entities is in a separate branch or level of government having distinctly different key roles in locating NCPs and establishing obligations to pay child support. To effectively fulfill these roles requires adequate staffing, efficient procedures detailing the specific responsibilities of each player and good coordination in implementing the procedures.

### Statement of the Problem

Like many other jurisdictions in the U.S., in 2002 the Chesapeake District Child Support Office (Chesapeake District Office), the Chesapeake Sheriff's Office and the Chesapeake Juvenile and Domestic Relations District Court (Chesapeake J&DR District Court) were experiencing backlogs of child support cases. An unknown, but presumably large portion of the backlogged cases, involved NCPs who could not be located for support orders to be established. Many of these cases were essentially "Dead File" cases because no action was being taken to process them further, into a paying status. These were some of the symptoms of the problem:

- Hundreds of cases in the Chesapeake District Office remained in a Locate status because NCPs' current addresses could not be found through the standard electronic systems for finding addresses, i. e., the state Department of Motor Vehicles, the Virginia Employment Commission and the state Department of Taxation.
- Numerous legal documents including the *Initial Petition for Child Support (Initial Petition)*, with "apparent" current addresses for NCPs, were sent to the Chesapeake Sheriff's Office to be served, but the addresses were found to be incorrect. The Chesapeake Sheriff's Office did not have sufficient personnel to

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<sup>7</sup>*Expect More: Office of Child Support Enforcement Assessment* (January 13, 2006), p. 1.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, p. 8.

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locate and serve the NCPs with these legal documents. Consequently, the documents were returned to the Chesapeake District Office to research addresses.

- Many documents were served by Deputy Sheriffs in the Civil Process Unit of the Chesapeake Sheriff's Office by posting them at the presumed customary place of the NCP's abode when service could not be made to either the NCP or a relative.
- Problems often resulted with this posted service if NCPs did not appear in court or failed to make payments as ordered. In such situations, two of the three judges in the Chesapeake J&DR District Court typically would not issue a *Motion for Show Cause Summons or Capias* unless there was evidence the NCP had personally received certain documents, such as an *Initial Petition*.
- Due to a combination of procedural issues between and/or among the Chesapeake District Office, the Chesapeake Sheriff's Office and the Chesapeake J&DR District Court, there was a backlog of docketed cases ranging from eight months to two years, depending upon the document, during which no support payments were being made by the affected NCPs and their arrearages were significantly increasing.
- As an example, due to problems like those noted above, from 2000 to 2001, NCPs' arrearages in the Chesapeake District Office increased 8.5%. In contrast, for the same period, the arrearages for the entire DCSE (including Chesapeake) increased 7.9%. This 0.6% difference amounted to \$381,600 in additional arrearages in the Chesapeake District Office.
- The Chesapeake J&DR District Court classified 1,000 child support cases as *Continued Generally* and an additional 600 cases were waiting to be entered and addressed by the Court. These were essentially "Dead File" cases because no action was being taken to locate the NCPs so that orders could be established.

### **Demonstration to Address the Problem**

The project, *Reducing Judicial and Administrative 'Dead File' Cases Through Technology & Collaboration* ("Dead File" Project), was a three-year federal- and state-financed study initiated by DCSE to fund a Child Support Enforcement Unit in the Chesapeake Sheriff's Office with the primary objective to "reduce the backlog of 'Dead File' cases."<sup>10</sup> This objective was to be met through a combination of the *personal* service of child support enforcement documents, an improvement of procedures, better coordination and communication among key players, and the implementation of appropriate technology.

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<sup>10</sup> The unit was to be staffed by three full-time law enforcement specialists (one supervisor and two investigators) and several part-time clerical/administrative staff.

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## Goals of the Demonstration

These were the goals of the demonstration:

1. Reduce the backlog of “Dead File” cases in the Chesapeake District Office, the Chesapeake Sheriff’s Office and the Chesapeake J&DR District Court.
2. Increase the number and percentage of cases where Service of Process (SOP) was *personal*, i. e., personally delivered to the NCP. This service involved these documents<sup>11</sup>:
  - Initial Petition*
  - Motion to Approve Proposed Modified Support Order*
  - Motion to Amend or Review Order*
  - Motion for Show Cause or Capias*
3. Increase the amount of support collected in cases where the SOP is *personal* compared to “posted.”
4. Improve the SOP procedures among the Chesapeake District Office, the Chesapeake Sheriff’ Office and the Chesapeake J&DR District Court.

## Accomplishments

### **Goal #1: Reduce the backlog of “Dead File” cases in the Chesapeake District Office, the Chesapeake Sheriff’s Office and the Chesapeake J&DR District Court.**

The grant was effective September 30, 2002 but the Chesapeake City Council did not formally approve it until late November 2002.<sup>12</sup> Consequently, the Child Support Enforcement Unit (CSEU) in the Chesapeake Sheriff’s Office did not officially commence operation until January 1, 2003. The Office Assistant<sup>13</sup> (OA), who was employed in the Chesapeake Sheriff’s Office through grant funding, immediately started clearing the backlog of cases in the Chesapeake J&DR District Court. The court was approximately three months behind schedule. Due to the OA’s technical and interpersonal qualifications, she quickly cleared the backlog and by the second week of February, she was current with documents sent by the Chesapeake District Office.

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<sup>11</sup> The number of documents was expanded to nine later in the demonstration.

<sup>12</sup> Two readings on the Dead File Project were conducted before the Chesapeake City Council. The first reading on January 22, 2002 (which was prior to DCSE applying for the grant from the Office of Child Support Enforcement) was to inform the City Council that the Chesapeake Sheriff’s Office intended to propose jointly with DCSE on the grant opportunity. The City Council approved applying for the grant. The second reading on November 26, 2002 (which was after DCSE received notice of the award) was to inform the City Council that the Office of Child Support Enforcement had approved the grant. The City Council approved proceeding with the grant demonstration.

<sup>13</sup> The Office Assistant served as a liaison among the Chesapeake Sheriff’s Office, the Chesapeake District Office and the Chesapeake J&DR District Court.

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**Expansion of CSEU’s Activities.** Since the backlog of “Dead File” cases was abated more quickly than planned, the CSEU expanded its work under Goal #1 to include these activities:

- Increase the different types of documents receiving *personal* SOP.
- Increase the number of cases being docketed by CSEU personnel.
- Conduct roundups of NCPs who were avoiding arrest.
- Develop networks of contacts to aid in locating NCPs so they could be personally served with documents.
- Expand the use of technology in locating NCPs so documents could be served.
- Make more arrests of NCPs with capiases received by the CSEU.
- Collect current support and arrearages through Work Release and Home Electronic Monitoring programs involving incarcerated NCPs.

### **More Types of Documents Receiving *Personal* Service**

As the work of the grant progressed, CSEU Investigators conducted *personal* SOP of other types of documents. The types of documents being personally served by the CSEU expanded from the original four to encompass these nine when the grant ended:

- *Initial Petition* – SOP to both the NCP and the custodial parent (CP).
- *Motion to Approve Proposed Modified Support Order (Modified Order)* – SOP to both the NCP and CP.
- *Motion to Amend or Review Order (Motion to Amend)* – SOP to the NCP.
- *Motion for Show Cause or Capias (Show Cause)* – SOP to the NCP.
- *Uniform Interstate Family Support Act* – SOP to the NCP.
- *Foreign Order* – SOP to the NCP. *Notice of Request for Registration*, Form DC 686 and *Request for Virginia Registration of Foreign Support Order*, Form DC 85.
- *Appeal De Novo* – SOP to the NCP.
- *Restricted Driver’s License* – SOP to the NCP.
- *Administrative Support Order* – SOP to the NCP.

### **Success in Accomplishing *Personal* SOP**

As a result of the expanded role in conducting *personal* (SOP) for additional documents, the *number* of them increased from 880 in the first six months of the project to 1,869 in the last six months; this was a 112 percent increase. During the 36 months of the demonstration, the CSEU received 8,663 documents for SOP, attempted to serve 8,452<sup>14</sup> documents and accomplished *personal* SOP of 8,008 of them, for a 95% rate of success. These results are shown in Table 1.

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<sup>14</sup> During the period of the grant, the CSEU maintained an active caseload to be worked that ranged from 200 to 350 cases.

Table 1  
Chesapeake Sheriff's Office, Child Support Enforcement Unit,  
Selected Activities, October 2002-September 2005

Activity	Semi-Annual Period						Totals
	10/02-3/03	4/03-9/03	10/03-3/04	4/04-9/04	10/04-3/05	4/05-9/05	
Cases docketed	845	962	1,242	1,411	1,560	1,757	7,777
Documents received for personal Service of Process (SOP):							
SOP attempted	880	1,025	1,434	1,675	1,780	1,869	8,663
SOP accomplished	669	1,025	1,434	1,675	1,780	1,869	8,452
SOP accomplished	636 (95%)	964 (94%)	1,366 (95%)	1,613 (96%)	1,686 (95%)	1,743 (93%)	8,008 (95%)
SOP unsuccessful	33 (5%)	61 (6%)	68 (5%)	62 (4%)	94 (5%)	126 (7%)	444 (5%)
Awaiting service	211 <sup>8</sup>	0	0	0	0	0	n/a <sup>9</sup>
Capiases received for arrest of NCPs:							
Capiases received	n/a	147	192	230	315	351	1,235
Arrests made	65	132 (90%)	143 (74%)	179 (78%)	172 (55%)	211 (60%)	902 (73%)
Current active caseload to be worked (approximate)	200	250	300	300	350	335	1,735
Collections of arrearages from incarcerated NCPs <sup>1</sup>	\$33,135	\$45,877 <sup>3</sup>	\$40,813 <sup>4</sup>	\$63,702 <sup>5</sup>	\$39,502 <sup>6</sup>	\$39,946 <sup>7</sup>	\$262,975
NCP' vehicles booted							
Number	0	3	0	0	0	0	3
Dollars collected	0	\$10,550	0	0	0	0	\$10,550
Extradited NCPs from other states	0	0	4 <sup>2</sup>	0	0	0	4
NCPs from other Virginia communities arrested and transported to Chesapeake	0	0	17	24	29	37	107

<sup>1</sup> Collected from incarcerated NCPs on Work Release (or Home Electronic Monitoring – see Note 3). Collections by CSEU, assisted by the Sheriff's Work Release Section. DOES NOT INCLUDE NCPs' payments made to the CSEU and/or the Chesapeake District Office motivated by either communications with CSEU's representatives or confrontations by a CSEU Investigator for SOP of such documents as *Show Cause*.

<sup>2</sup> Actively pursuing 10 others. During this period the City of Chesapeake initiated extraditing wanted persons for misdemeanors.

<sup>3</sup> During this period the CSEU, assisted by the Sheriff's Work Release Section, commenced Home Electronic Monitoring (HEM) which permits incarcerated NCPs to remain at home and work in their customary places of employment during the period of sentencing. Judges in the Chesapeake J&DR District Court must approve HEM and the NCPs must meet stringent requirements plus pay their monitoring costs. Of this amount \$24,035 were made by NCPs on HEM.

<sup>4</sup> Of the amount shown, \$24,927 were made by NCPs on HEM.

<sup>5</sup> Of the amount shown \$32,370 were made by NCPs on HEM.

<sup>6</sup> Of the amount shown \$8,280 were made by NCPs on HEM.

<sup>7</sup> Of the amount shown \$14,203 were made by NCPs on HEM.

<sup>8</sup> Temporary conditions resulting from the initial start-up of the program. All these cases were handled during the following semi-annual period (April-September 2003).

<sup>9</sup> The 211 are not included in the totals. See Note 8 above.



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## **Increase the Number of Docketed Cases**

As shown in Table 1, the number of cases docketed by the CSEU increased from 845 in the first six months after the demonstration commenced to 1,757 in the final six-month period. This 108% increase helped facilitate the movement of cases through the Chesapeake J&DR District Court since it appeared that due to *personal* SOP of documents, NCPs (and CPs) appeared in court much more frequently than in the past when posted SOP was used for most documents.<sup>15</sup> During the 36 months of the demonstration, 7,777 cases were docketed by the CSEU. In sum, the CSEU docketed more cases; more NCPs and CPs were appearing in court due to the *personal* SOP; fewer cases were being delayed; and, fewer capiases were being issued.

## **Roundups of Nonpaying NCPs**

The CSEU conducted organized roundups of NCPs who had outstanding arrest warrants for failing to pay child support. Additional personnel from the Sheriff's Office and the Chesapeake Police Department assisted the CSEU in accomplishing these roundups. The initiatives attracted considerable local publicity, including piquing the interest, of several news organizations. For example, Lisa Godley, a reporter for News Channel 3 accompanied CSEU Investigators on several occasions and featured the work they were doing in a broadcast.

## **Developed Network of Contacts**

CSEU Investigators became more familiar with NCPs who were personally served with documents and, through this familiarity, with the NCPs and other residents, developed a network of contacts within the communities. Through this network of contacts, Investigators obtained current information such as residences and/or principal places of abode of other NCPs who were the subjects of the SOP of various documents, including arrest capiases.

## **Expanded Technology Usage**

Technology is important in locating NCPs<sup>16</sup> and in making arrests. The CSEU significantly expanded this usage, which resulted in additional arrests. These are some examples and results of this effective use of technology:

- All capiases were entered into the Virginia Criminal Information Network (VCIN), which is the Virginia State Police-operated database accessible to all local law enforcement agencies in Virginia. For example, a CSEU employee entered into VCIN the names of NCPs who had outstanding warrants for their arrest because of their failure to pay child

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<sup>15</sup> While no records were maintained, CSEU's personnel believed more NCPs and CPs were appearing in court because of the *personal* SOP.

<sup>16</sup> See *Audit on the Effectiveness of Child Support Enforcement Services Performed by the Office of the Sheriff*, City of New York (June 30, 2005), p. 10.

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support. When those NCPs committed a law violation outside Chesapeake, even for such incidents as being stopped for a speeding violation, they would be arrested and held for transport to Chesapeake.

- In 2004, two employees in the CSEU obtained state certification in the use of VCIN.
- Using VCIN proved to be effective over time as shown in Table 1. In the first year of the grant (2002-2003), no NCPs were arrested in other Virginia communities and transported to Chesapeake. In subsequent years, this changed as 17 were arrested and transported to Chesapeake during the interval October 2003 – March 2004. In the following two semi-annual periods, the number further increased to 24 and 29, respectively. During the last semi-annual period, 37 NCPs who were avoiding the payment of child support for cases in Chesapeake were arrested elsewhere in Virginia and transported to Chesapeake. As shown in Table 1, in the approximate three-year interval of the grant, 107 NCPs living outside of Chesapeake were arrested and transported back to Chesapeake.
- In 2003, the CSEU received approval from the Special Counsel who represented the Chesapeake District Office in the Chesapeake J&DR District Court, to enter the names of selected NCPs in the National Crime Information Center (NCIC) for nationwide dissemination. Expanding the focus for NCPs beyond Virginia resulted in four arrests, as shown in Table 1.

### **Arresting NCPs**

A *capias* for the arrest of an NCP is the most difficult document to serve personally. The number of such documents that were received by the CSEU gradually increased over the three-year period of the grant. As shown in Table 1, with the exclusion of the period October 2002 – March 2003, the number of *capiases* for the arrest of NCPs, increased from 147 to 351. The ratio of documents received to arrests made ranged from 55% to 90%. Overall, during the three-year period of the grant, 902 arrests were made for a success rate of 73 percent. Furthermore during the last semi-annual period of the grant (April – September 2005), eleven *capiases* that were not served and had expired (and thus would have fallen into “Dead File” status) were reissued by the CSEU and subsequently resulted in all eleven NCPs being arrested by CSEU Investigators.

### **Locate – Then Arrest**

Obviously, before arrests can be made, NCPs need to be located. The CSEU’s success in locating and arresting NCPs was due to several factors, including the implementation of technology (such as VCIN for NCPs arrested outside Chesapeake and NCIC for NCPs who were living outside Virginia). Another factor which proved invaluable in locating NCPs was the network of contacts the CSEU Investigators developed over time as they worked in various communities in Chesapeake to complete *personal* SOP of documents. In addition, the Investigators learned which CPs could be trusted to tell the truth about NCPs. Some CPs purposefully gave incorrect addresses for NCPs, who in a number of cases, appeared to be living with them.

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## **Success Begets Success**

Success in making arrests, particularly of local NCPs who were trying to evade CSEU Investigators, increased the likelihood of making arrests in similar cases. A reason for this is judges in the Chesapeake J&DR District Court tended to administer harsher sentences to NCPs who willfully evaded arrest. Also, due to the factors noted above, the CSEU had an increasingly solid record of making arrests and this became common knowledge in Chesapeake. In addition, the publicity the CSEU received from local media reinforced this knowledge. For these reasons, the probability of CSEU Investigators making arrests increased and NCPs became cognizant of this. Rather than evade an arrest, which in some NCP' minds would eventually occur anyway and subject them to harsher sentences, some NCPs, who in the past would have continued to evade arrest, became more cooperative in the completion of SOP for their arrests.

## **Collections from Incarcerated NCPs**

Incarcerated NCPs are unable to pay child support<sup>17</sup>, unless they are assigned to either a Work Release unit within the jail or to Home Electronic Monitoring.

## **Work Release**

Work Release (WR) is a program affording incarcerated NCPs with the opportunity to earn money for the payment of their child support obligations by working outside the jail during the day and returning to the jail at the end of the work day. Such arrangements are subject to sufficient bed space in the jail's WR unit and the approval of the respective Chesapeake J&DR District Court judge. The advantage to WR is the avoidance of foregone child support.

## **Home Electronic Monitoring**

Home Electronic Monitoring (HEM) is an arrangement in which incarcerated NCPs are fitted with electronic anklets that monitor their locations via a satellite global positioning system. The NCPs must pay \$13 per day for the cost of the program<sup>18</sup> and meet other requirements such as being at home during specified time intervals. Like WR programs, the respective Chesapeake J&DR District Court judge must approve the arrangement. Also, like WR programs, NCPs may be permitted to work and earn money for the payment of their child support obligations. Another advantage to HEM is that lack of bed space in WR units of the jail is not a factor in releasing NCPs to work to earn money to pay their child support. Also, NCPs in HEM are confined to their homes, except when they are permitted outside the home, such as when they are working,

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<sup>17</sup> Unless they have a pension or other income that can be subject to wage withholding.

<sup>18</sup> Includes the cost for the anklet and the electronic monitoring.

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and thus spare the City of Chesapeake the daily operational costs associated with being incarcerated.<sup>19</sup>

### **Prior to Commencement of the Grant**

Prior to commencement of the grant, few incarcerated NCPs were engaged in the WR program in the Chesapeake City Jail. In addition, since the HEM program did not commence operation in the City of Chesapeake until 2003, that program was not an option for NCPs who wanted home confinement, with the opportunity to earn money to pay their child support obligation, in lieu of incarceration. Data on child support payments made by incarcerated NCPs in WR programs prior to commencement of the grant are not available, but the Supervisor of the CSEU stated such payments, if any, were negligible.

### **After Commencement of the Grant**

The grant stimulated the CSEU Supervisor's efforts in developing the potential of the WR program for NCP-inmates. With the assistance of the Sheriff's Work Release Section, this initiative was very successful since \$262,975 was collected over the three-year period of the grant. See Table 1 for the collections in various semi-annual periods of the grant. Most, but not all, of these collections were achieved under the WR program. The HEM program started operation in 2003 and from that date until September 2005, when the grant ended, \$103,815 or about 39 percent of the collections were from NCPs enrolled in the HEM program.

Collections that help support the NCP' children and/or repay the Commonwealth for TANF expenditures are the product of a chain of events that begin with the *personal* service of child support documents and include the key activities noted previously. Activities include the development of a network of contacts, the usage of technology, the periodic conduct of roundups, and increased visibility of the program. This work motivated NCPs (and CPs) to appear in court to avoid being issued capiases. Consequently, Chesapeake District Office personnel could “. . . move forward with (their) cases and avoid the continuances so prevalent in the recent past. It also help(ed) eliminate a buildup of arrears, while promoting an increase in current collections.”<sup>20</sup> In sum, *personal* SOP was the foundation that resulted in additional payments, the increased probability of arrest and greater cooperation of NCPs to meet their child support obligations.

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<sup>19</sup> Daily cost to the City of Chesapeake for an incarcerated inmate is \$55. The inmate has to pay \$1 per day plus any medical expenses which are not routine.

<sup>20</sup> Division of Child Support Enforcement, Virginia Department of Social Services, *Reducing Judicial and Administrative “Dead File” Cases Through Technology and Collaboration* (Semi-Annual Progress Report: October 2002 – March 2003, p. 2).

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## Goal #1 Was Accomplished

As stated previously, the backlog of “Dead File” cases was cleared within two months of the grant’s commencement. That part of Goal #1 was accomplished early in the project. In addition, all of the activities planned under the expansion of the goal were also accomplished.

**Goal #2: Increase the number and percentage of cases where Service of Process (SOP) is *personal*.**

## Background

### Service of Process

*Service of Process* (SOP) is the means through which child support documents are delivered to the intended person. SOP is required for many child support documents, such as those associated with either the establishment or modification of child support orders. The purpose for SOP is to give NCPs (and CPs) copies of child support documents involving them.

### SOP Methods

These are the methods of SOP for NCPs residing in Virginia:

- Personal Service. This is the hand delivery of a document to an NCP in Virginia.<sup>21</sup>
- Substitute Service. This is accomplished when the document is served in one of these ways:
  - Hand delivered to a family member who is neither a guest nor under age 16.<sup>22</sup>
  - Posted to the door of the NCP’ usual place of abode. This also requires mailing a copy of the document to the NCP not later than 10 days prior to entry of default judgment.
- U.S. Postal Service. These are the two types of SOP involving the U.S. Postal Service<sup>23</sup>:
  - Certified or registered mail with a *Return Receipt Requested*. When the receipt for registered or certified mail indicates the recipient was other than the NCP, a determination must be made if a process server or other SOP method should also be used.
  - First class mail.
- Waiver. The NCP can waive formal service by signing a *Waiver of Formal Service of Process*.

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<sup>21</sup> *Virginia District Court Manual*, Chapter VII, July 2005, p. 13.

<sup>22</sup> *Ibid.*, p. 14.

<sup>23</sup> *Program Manual*, Department of Social Services, Division of Child Support Enforcement, Chapter 8.

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## Accomplishing SOP

*Personal* or substitute SOP must be made by one of the following individuals:

- Sheriff in the local jurisdiction where the NCP resides.
- Police officer.
- Court official.
- Process server who is over the age of 17.<sup>24</sup>

For incarcerated NCPs, SOP can be accomplished by the correctional officer assigned that responsibility or a sheriff or process server.

The individual performing *personal* or substitute SOP must write the manner and date of service on the original and copy of the document.

## Judicial Requirement for *Personal* SOP

Two of the three judges in the Chesapeake J&DR District Court require *personal* SOP to authorize the arrest of NCPs who fail to appear in court in response to *Summons* documents if they are issued in conjunction with an *Initial Petition* or a *Modified Order*.<sup>25</sup> Ostensibly, these judges want assurance the NCPs actually received the documents.

## Adverse Effects for Failure to Complete SOP

The failure to complete *personal* or substitute SOP is time-consuming, wastes scarce resources, and results in arrearages.

## How *Personal* Service Procedures Were Changed During the Demonstration

Since the focus of the demonstration was on *personal* SOP, a concentrated effort was made by the CSEU to improve how it was conducted.

**Prior to the Demonstration.** Prior to the demonstration, documents with incorrect addresses were returned by the Chesapeake Sheriff's Office to the Chesapeake District Office for research of a better address. This procedure delayed completion of SOP, resulting in unmade support payments and arrearages.

**After Commencement of the Demonstration.** Due to the establishment of good relationships among the Chesapeake District Office, the CSEU and the Chesapeake J&DR District Court, the *personal* SOP procedure was considerably improved. For example, in situations where CSEU Investigators found NCP' addresses were incorrect, they would first attempt to get correct

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<sup>24</sup> Ibid.

<sup>25</sup> *Summons* are issued in conjunction with several documents, such as the *Initial Petition* and the *Modified Order*.

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addresses from someone residing at the address on the document. If this was unsuccessful, the Investigators would call the CSEU' OA who in turn checked the respective files for better addresses. If better addresses were not found, the OA telephoned the Chesapeake District Office to obtain better addresses during the phone call. When better addresses were found, the OA immediately relayed the information to the Investigator. These procedures were very successful; for example, virtually all *Motion to Amend* documents were successfully served on both the petitioner and the respondent. Other improvements the CSEU made in SOP procedures for various documents are depicted in the flowcharts discussed later in this report.

### **Pre/Post Demonstration Study**

A pre/post study was conducted to evaluate the effects of the demonstration on any change in the number and percentage of cases where *personal* SOP was used. For this research, the SOP of these three documents was used to compare the SOP methods used with samples of NCPs before and after commencement of the demonstration:

- *Initial Petition*
- *Motion to Amend*
- *Show Cause*

### **Civil Process Unit (CPU) in Pre-Demonstration**

The pre-demonstration sample consisted of 76 NCPs who were randomly selected from a group of NCPs who were involved in one of the above actions prior to commencement of the research demonstration. These NCPs received SOP through a Deputy Sheriff in the CPU of the Chesapeake Sheriff's Office.<sup>26</sup> These Deputy Sheriffs serve various types of legal documents, including those involving child support enforcement emanating from the Chesapeake District Office.

When a Deputy Sheriff served a child support enforcement document and the NCP was at the address shown on the document, then the service was *personal*. Substitute SOP, such as posted service, was used if the NCP was not home when SOP was attempted. Sometimes SOP could not be completed because the NCP was either unknown at the address or the house (or apartment) was vacant. The CPU only performed SOP for child support documents involving NCPs with addresses in Chesapeake.

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<sup>26</sup> The CPU performed SOP of all child support documents prior to the establishment of the CSEU.

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## CSEU in Post-Demonstration

The post-demonstration sample consisted of 78 NCPs randomly selected from NCPs who received one of the three actions after commencement of the research demonstration. These 78 NCPs received SOP through an Investigator in the CSEU.

## Differences in CPU and CSEU in Performing SOP

There were a number of differences in the SOP procedures used by the CPU and the CSEU. These were the major differences:

- Investigators only served child support documents. As noted previously, Deputy Sheriffs in the CPU served other documents, such as evictions, in addition to serving child support documents.
- Investigators served child support documents for NCPs with addresses in Chesapeake as well as those in jurisdictions contiguous to Chesapeake.<sup>27</sup> SOP for Deputy Sheriffs in the CPU was confined to NCPs residing in Chesapeake.
- Investigators focused on performing *personal* SOP. Deputy Sheriffs used both *personal* and substitute forms of SOP.

## Pre/Post Study Results

The method and time required to effectuate SOP were recorded for all NCPs in the two samples. As shown in Table 2, the types of service used for the three documents were these:

- *Personal* (to the NCP)
- *Personal* (NCP in jail)
- Family member
- Posted
- Certified Mail
- First-class mail

The category “Not found” indicates the NCP could not be found so SOP could not be made. “Information not in records,” means the type of SOP could not be found in the NCP’s case files.

### *Initial Petition*

**Pre-Demonstration Group.** As shown in Table 2, only 26.4% of the NCPs in the pre-demonstration group received *personal* SOP of *Initial Petition* documents (8.8% of the NCPs

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<sup>27</sup> Norfolk, Portsmouth, Suffolk and Virginia Beach.



Table 2  
Type of Service of Three Child Support Enforcement Actions:  
Pre/Post Commencement of Demonstration Project

Type of Service	<i>Initial Petition</i>		<i>Motion to Amend</i>		<i>Show Cause</i>	
	Pre (%)	Post (%)	Pre (%)	Post (%)	Pre (%)	Post (%)
<i>Personal</i>	6 (17.6 %)	26 (76.4%)	2 (10.5%)	20 (100%)	9 (39.1%)	23 (95.8%)
<i>Personal (NCP in jail)</i>	3 (8.8%)	5 (14.7%)				
Family member	2 (5.9%)		1 (5.2%)		1 (4.3%)	
Posted	12 <sup>1</sup> (35.3%)		12 (63.1%)		3 (13.0%)	
Certified Mail	3 (8.8%)		2 (10.5%)			
First-class mail	1 (2.9%)		1 <sup>3</sup> (5.2%)			
Not found	7 <sup>2</sup> (20.6%)	3 (8.8%)			10 <sup>4</sup> (43.5%)	1 (4.2%)
Information not in records			1 (5.2%)			
Totals	34 (100%) <sup>5</sup>	34 (100%) <sup>5</sup>	19 (100%) <sup>5</sup>	20 (100%)	23 (100%) <sup>5</sup>	24 (100%)

<sup>1</sup>Two NCPs were incarcerated at the time of Posted Service.

<sup>2</sup>One NCP was incarcerated at the time service was attempted.

<sup>3</sup>This NCP was incarcerated at the time the Motion to Amend or Review Order was mailed.

<sup>4</sup>Four NCPs were incarcerated at the time of service was attempted.

<sup>5</sup>May not total 100% due to rounding.

Table 3  
Number of Months to Serve Three Child Support Enforcement Actions:  
Pre/Post Commencement of Demonstration Project

Type Action	Pre (CPU Deputy Sheriffs)					Post (CSEU Investigators)				
	< 3 mos.	3 mos.	> 3 mos.	Average (mos.)	Not found	< 3 mos.	3 mos.	> 3 mos.	Average (mos.)	Not found
<i>Initial Petition</i>	24	2	1	2.0	7	24	2	5	2.4	3
<i>Motion to Amend or Review Order</i>	12	1	5	2.9	1 <sup>1</sup>	15	4	1	1.5	0
<i>Show Cause</i>	12	0	1	0.9	10	7	15	1	2.5	1
	48 (63.2%)	3 (3.9%)	7 (9.2%)		18 (23.7%)	46 (59%)	21 (26.9%)	7 (9%)		4 (5.1%)

<sup>1</sup>NCP whose file did not contain the date service was made for the *Motion to Amend* document.

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received *personal* service while they were incarcerated). SOP was made through a family member for 5.9% of the NCPs. The SOP for the largest percentage (35.3%) of the NCPs was posted service. Mail was used for SOP in 11.7% of the cases (8.8% was certified mail and one SOP was through regular first-class mail). About one-fifth (20.6%) of the NCPs were not found so SOP was not accomplished. Two of the NCPs who received posted service were incarcerated at the time SOP was accomplished. Furthermore, one NCP who could not be found was also incarcerated when SOP was attempted.

**Post-Demonstration Group.** The CSEU personally served NCPs for 91.1% of the *Initial Petition* documents (14.7% of them received *personal* service while they were incarcerated). Three or 8.8% of the NCPs could not be found to complete SOP.

**Results:** *Personal* service to the NCP was made 2.4 times more frequently by the CSEU. Posted service was not used by the CSEU, while it was the most prevalent method (35.3%) of SOP in the pre-demonstration group. Finally, the frequency in which NCPs were not found was 1.3 times greater for the pre-demonstration group. These results clearly indicate the CSEU met the goal of increasing the percentage of cases in which SOP was *personal* service for *Initial Petition* documents.

Another aspect to SOP is the length of time required to complete service of a document. As shown in Table 3, the average time to complete SOP for *Initial Petition* documents prior to the demonstration was two months compared to 2.4 months for the CSEU. However, as noted above, seven NCPs could not be found in the pre-demonstration sample of NCPs compared to only three for the CSEU. Furthermore, *personal* service was 2.4 times more frequently made by the CSEU. Consequently the 0.4 months of additional time required by CSEU Investigators, which equates to about 12 calendar days, is an insignificant differential.

**Long-Term Effects:** The SOP of an *Initial Petition* document includes a *Summons*, Form DC 510X, that commands NCPs to appear in court to respond to allegations in the *Initial Petition*. The method of SOP determines judicial action to be taken, as follows:

- If the *Summons* documents are personally served on the NCPs but they fail to appear judges in the Chesapeake J&DR District Court will authorize capiases for the NCPs to be arrested.
- However, if the NCPs cannot be found for SOP to be accomplished (which occurred for 20.6% and 8.8% of the NCPs in the pre-demonstration and the post-demonstration groups, respectively), capiases are not issued and instead the documents are referred back to the Chesapeake District Office to secure addresses where the NCPs can be located.

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- In addition, if SOP is posted service, as noted previously two of the three judges in the Chesapeake J&DR District Court will not issue capiases for the arrest of the NCPs because they do not believe there is sufficient evidence the NCPs actually received the *Summons*. Instead, the documents are referred back to the Chesapeake District Office so research can be done to find addresses where the NCPs can be located. The issue of posted service raises these important points:
    - Even if all the judges issued capiases for the arrests of the NCPs where SOP was posted service, there could still be a problem if the reason for that level of service was because the NCPs were not present at the addresses on the documents. This could be because either the addresses were the NCP' principal place of abode and they were not available for SOP to be completed or the addresses were not the NCP' principal place of abode.
    - In the latter situation, issuing capiases for the NCP' arrests may be fruitless because these documents have to be personally served. So, if the addresses are wrong, the documents must be returned so research can be done to determine better addresses. If correct addresses cannot be found, the case may become a "Dead File."

In sum, this pre/post study of the SOP of *Initial Petition* documents explains the following:

- How "Dead Files" are created in some situations.
- How posted service may result in additional paperwork, fruitless expenditures of scarce resources, and the accumulation of arrearages.
- The importance of *personal* service of documents to NCPs, such as the *Initial Petition*.
- The need for law enforcement personnel who are involved in the SOP of child support documents to develop a network of contacts within a community, so they can efficiently complete *personal* service.

### **Motion to Amend**

**Pre-Demonstration Group.** Only 10.5% of the NCPs in the pre-demonstration group received *personal* SOP of the document, *Motion to Amend*. SOP was made through a family member for 5.2% of the NCPs. The SOP for the largest percentage (63.1%) of the NCPs was posted service. The postal service was used for SOP in 15.7% of the cases (10.5% was certified mail and one NCP was served through regular first-class mail). The method of SOP was not found in one NCP's file.

**Post-Demonstration Group.** The CSEU personally served the *Motion to Amend* documents to all 20 NCPs in the sample.

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**Results:** *Personal* SOP was made 8.5 times more frequently in the post-demonstration group, compared to the pre-demonstration group. Posted service was not used by the CSEU, while it was the most prevalent method (63.1%) of SOP in the pre-demonstration group. These results clearly indicate the CSEU met the goal of increasing the percentage of cases in which SOP was *personal* for *Motion to Amend* documents.

As noted previously, another aspect to SOP is the length of time required to complete service of a document. As shown in Table 3, the average time to complete SOP for *Motion to Amend* documents prior to the demonstration was 2.9 months compared to 1.5 months for the CSEU. In sum, compared to the pre-demonstration group, the CSEU used *personal* service 8.5 times more frequently and accomplished service in one-half the time (51.7%).

**Long-Term Effects:** As noted several times previously, two of the three judges in the Chesapeake J&DR District Court will not issue a *Show Cause* for the arrest of NCPs who do not appear in response to a *Summons* if they could not be found for SOP. However, the judges will issue a *Show Cause* for NCPs who do not appear in response to a *Motion to Amend* document even if the SOP for the *Summons* involved posted service. This was not the case for these judges when the SOP involved *Initial Petition* documents (as discussed above). Presumably, the distinction is that NCPs who receive *Motion to Amend* documents are already obligated and are aware of their support obligations.

### **Show Cause**

**Pre-Demonstration Group.** In the pre-demonstration group, 39.1% of the NCPs received *personal* SOP of *Show Cause* documents. SOP was made through a family member for 4.3% of the NCPs. The SOP for the second largest percentage (13%) of the NCPs was posted service. A larger percentage (43.5%) of the NCPs were not found for SOP to be completed.

**Post-Demonstration Group.** The CSEU personally served the *Show Cause* documents to all but one (who could not be found) of the NCPs in the sample or 95.8% of the NCPs.

**Results:** *Personal* service to the NCP was made 1.4 times more frequently in the post-demonstration group, compared to the period prior to commencement of the demonstration. Posted service was not used by the CSEU, while it was the second most prevalent method (13%) of SOP in the pre-demonstration group. These results clearly indicate the CSEU met the goal of increasing the percentage of cases in which SOP was *personal* service for *Show Cause* documents.

As shown in Table 3, the average time to complete SOP for *Show Cause* documents prior to the demonstration was 0.9 months compared to 2.5 months for the CSEU. This difference is of little import since almost one-half (43.5%) of the NCPs in the pre-demonstration group could not be found to complete SOP of the *Show Cause* documents.

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## Goal #2 Was Accomplished

This research goal was met since the percentage of cases where SOP was *personal* service for all three types of documents was clearly greater in the post-demonstration period. For *Initial Petition* documents, *personal* service was made 2.4 times more frequently by the CSEU compared to the period prior to establishment of the unit. For *Motion to Amend* documents, *personal* service was made 8.5 times more frequently in the post-demonstration group. For *Show Cause* documents, *personal* service was made 1.4 times more frequently in the post-demonstration group.

**Goal 3: Increase the amount of support collected in cases where the SOP is *personal* compared to posted.**

## Experimental Study

An experimental study was conducted to measure the effectiveness of the research demonstration towards accomplishment of this goal. Two control groups of NCPs and one experimental group of NCPs were involved in the study.

## Methodology

Approximately 25 *Administrative Support Order (ASO)* documents are sent each month by the Chesapeake District Office to the Chesapeake Sheriff's Office for SOP by Deputy Sheriffs in the CPU. Instead of using the CPU exclusively, the experimental plan was for the Chesapeake District Office to assign approximately one-half of the *ASO* documents to the CPU for SOP in the typical manner. The Chesapeake District Office was to send the other half of the *ASO* documents to the CSEU for *personal* SOP by the unit's Investigators. The scheme the District Office was to use in assigning *ASO* documents to the two groups was based on the last digit of the NCP's Social Security Numbers (SSNs).<sup>28</sup> NCPs with an odd number as their SSN's last digit were to receive service through the CPU. NCPs that had an even number as the last digit were to receive service through the CSEU.<sup>29</sup>

The plan included provisions for overriding the assignment scheme if an NCP waived formal service by signing a *Waiver of Formal Service of Process (Waiver)*. Thus an NCP who had an odd number as the last digit in his/her SSN and signed a Waiver would be excluded from the CPU group. Those NCPs who had even numbers as the last digit but signed Waivers would be excluded from the CSEU group.

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<sup>28</sup> This is a "systematic sampling method" and thus, technically not random. It is a much easier method for employees to use in this type of study for assigning persons to control and experimental groups.

<sup>29</sup> The assignment scheme was not followed in all cases, resulting in a net of 24 more NCPs being erroneously assigned to the CPU group.

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## **Experimental Group**

The experimental group consisted of those NCPs assigned to the CSEU group. The SOP for this group was *personal* service by the CSEU' Investigators exclusively.

## **Control Groups**

These were the two control groups in the experiment:

- **The CPU Group.** This control group consisted of those NCPs assigned to the CPU for the completion of SOP. They were a control group since the Deputy Sheriffs in the CPU were not informed about the experiment and continued their SOP work in the usual manner, including the service of *ASO* documents in this study.<sup>30</sup>
- **Waiver Group.** The NCPs in this control group were not informed about the study when they signed a waiver. They were a control group since they did not receive SOP from either the CPU or the CSEU, so they could be used to compare any effects of SOP on support payments.

## **Confounding Conditions in the Experiment**

In the pre/post-demonstration study (see Table 2), the CPU performed *personal* SOP to NCPs for *Initial Petition* documents (17.6%), *Motion to Amend* documents (10.5%) and *Show Cause* documents (39.1%). It is unknown how many *ASO* documents the CPU personally served in this experiment, however, it is highly improbable that it exceeded the average of 26% for these three documents.

## **Purpose of Study**

The purpose of the study was to determine any effects that CSEU Investigators' *personal* SOP of *ASO* documents to NCPs may have had on their child support payments. The support payments by the NCPs in the two control groups were used as a basis of comparison.

## **Conduct of Study**

**Assignment of NCPs to Control and Experimental Groups.** NCPs were assigned to the three groups monthly during the interval of August 2004 – January 2006.<sup>31</sup> The numbers of NCPs

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<sup>30</sup> The CPU performs SOP first in person and next by substitute service, if *personal* service cannot be performed. The order of substitute service is first to a family member (who is at least 16 years old) who is present at the NCP's place of abode. If a family member is not present, the next order of substitute service is by posting the document on the front door of the NCP's principal place of abode.

<sup>31</sup> The demonstration was extended several months to ensure adequate payment data was available to complete this experimental study. Since monthly payments would only have been collected until March 2006, there was no need to assign NCPs to either the CPU or the CSEU beyond January 2006.

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assigned to the groups during that period are shown in Table 4. As shown in the table, the numbers of NCPs assigned to the CPU and the CSEU, were 152 and 119, respectively. Too many NCPs were assigned to the CPU.<sup>32</sup> The numbers of NCPs shown in parentheses in column 2 of Table 4 would have been in the respective groups had the assignment scheme been followed for all NCPs. As shown in Table 4, there were a total of 377 NCPs in the three groups involved in the experiment.

**Monthly Support Payments.** Monthly payments were recorded for NCPs in all three groups for the interval September 2004 – April 2006. Those NCPs in one of the three groups at the beginning of the study in August 2004 should have made 20 payments during the September 2004 – April 2006 interval. During that interval, however, various events occurred to some NCPs, such as their cases were either closed or transferred to other district offices. As a result, there was payment history for relatively few NCPs for the entire 20 months. The same situation applied to those NCPs who were assigned to one of the three groups in September 2004. Payment history for those NCPs should have been the 19 months from October 2004 to April 2006. For the same reasons noted above, there was payment history for few NCPs (although there were several more than those who were assigned to one of the groups in August 2004) for all 19 months. In sum, as the project matured month by month, the potential maximum number of months of payment history became smaller as the numbers of NCPs for whom data were available for the entire period became larger.

To measure whether Goal 3 was attained, there was a need to balance the number of months of payment history with a large enough number of NCPs in each group so valid comparisons could be made. After analyzing various combinations of months of payments and numbers of NCPs, it was decided to use 12 months. Thus, the final dataset consisted of those NCPs in the three groups for which there were 12 full months of payment history. Most NCPs did not make a payment each month so a zero was recorded in those months for which a payment was required but not made. In addition, for some months, payments were made that were either smaller or larger than the support amount. The reason for payments, or lack thereof, was not recorded. For example, if a large payment was made in a month, only the payment amount was recorded.

The numbers of NCPs in the three groups for which there were 12-months of payment data, that is the CPU, the CSEU and Waiver, were 83, 43, and 40, respectively. These data are shown in Table 4. The number of NCPs in the CPU group is 93% larger than the CSEU group. Part of this differential is due to the failure to always follow the assignment scheme mentioned above. For example, 18 of the 83 NCPs in the CPU group had even numbers as the last digit of their SSN, so under the assignment scheme they initially would have been in the

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<sup>32</sup> There should not have been a difference of 33 NCPs or 28% more in the CPU group, but Chesapeake District Office personnel did not always follow the assignment scheme based on the last digit in the NCP' SSN. About 27 NCPs who were assigned to the CPU had even numbers as the last digit and should have been assigned to the CSEU; about three NCPs assigned to the CSEU had odd digits and should have been assigned to the CPU. Allowing for these differences, the NCPs assigned to the CPU and the CSEU groups should have been 128 and 143, respectively for a difference of 12%.

Table 4  
Experimental Study of NCP' Payment History for 12-Months

Group  (1)	Number assigned to the group. ( ) is the number of NCPs that should have been assigned to the respective group.  (2)	Number and (%) of NCPs for which 12-months of payment history existed.  (3)	Average monthly payment amount of NCPs with 12-months of payment history.  (4)	Average monthly support order amount of NCPs with 12-months of payment history.  (5)
CPU	152 <sup>2</sup> (128) <sup>3</sup>	83 <sup>4</sup> (54.6%)	\$213	\$327
CSEU	119 (143) <sup>3</sup>	43 <sup>4</sup> (36.1%)	\$285	\$395
Waiver <sup>1</sup>	106	40 (37.7%)	\$280	\$360
Total	377	166 (44.0%)	\$248	\$353

<sup>1</sup> Basically, a self-assignment process since NCPs in the group waived formal SOP of the ASO documents.

<sup>2</sup> Number is significantly larger than NCPs in the CSEU group since the scheme for assigning NCPs to the CPU and the CSEU was not always followed.

<sup>3</sup> Number in parentheses is the number of NCPs who would have been assigned to the group if the assignment scheme had been followed in all cases.

<sup>4</sup> Number of NCPs in the CPU group is larger than it should have been and the number of NCPs in the CSEU group is smaller than it should have been since the assignment scheme was not followed in all cases.

CSEU group; one of the 43 NCPs in the CSEU group had an odd number as the last digit so that NCP should have initially been in the CPU group. What the actual outcomes would have been if the assignment scheme had been exactly followed is conjectural since the NCPs in the two groups received their ASO documents through different SOP means. The CSEU Investigators exclusively performed *personal* SOP to NCPs in serving the ASO documents and the Deputy Sheriffs in the CPU used several methods, presumably including *personal* service, in performing SOP of the ASO documents.

As shown in Table 4, the overall number of NCPs in the dataset for which there was 12-months of payment information was 166 or 44% of the NCPs who initially were assigned to one of the three groups.

**Payment Amount.** The average monthly payment amounts for the NCPs in each of the three groups are shown in Table 4. The NCPs in the CSEU group had the largest average monthly payment amount (\$285), followed by the Waiver group (\$280) and the CPU group (\$213). The overall average payment amount was \$248.

**Support Order Amount.** The average monthly support order amount for the NCPs in each of the three groups is also shown in Table 4. The NCPs in the CSEU group had the largest support order amount (\$395), followed by the Waiver group (\$360) and the CPU group (\$327). The overall average monthly support amount for the 166 NCPs was \$353.



**Comparison of Payment and Support Order Amounts.** The NCPs in the Waiver group had the highest percent of support obligations paid. See Table 5. Typically, NCPs who waive formal SOP understand that they have an obligation to pay support and tend to be more willing to cooperate in making payments. NCPs in the Waiver group paid 77.7% of the obligation amount over the 12-month period.

Table 5  
Administrative Support Orders: Methods of Service, Obligation Amounts & Payments Made

Period	CPU			CSEU			Waiver		
	\$ Oblig	\$ Paid	% Oblig. Paid	\$ Oblig	\$ Paid	% Oblig. Paid	\$ Oblig	\$ Paid	% Oblig. Paid
Month 1	\$27,163	\$13,609	50.1%	\$16,995	\$7,800	45.8%	\$14,406	\$5,456	37.8%
Month 2	27,163	13,416	49.3	16,995	9,399	55.3	14,406	8,681	60.2
Month 3	27,163	20,460	75.3	16,995	12,606	74.1	14,406	10,102	70.1
Month 4	27,163	22,404	82.4	16,995	12,577	74.0	14,406	12,103	84.0
Month 5	27,163	16,798	61.8	16,995	11,370	66.9	14,406	11,495	79.7
Month 6	27,163	17,984	66.2	16,995	12,249	72.0	14,406	13,876	96.3
Month 7	27,163	19,384	71.3	16,995	13,711	80.0	14,406	11,458	79.5
Month 8	27,163	18,198	66.9	16,995	13,024	76.6	14,406	12,247	85.0
Month 9	27,163	17,022	62.6	16,995	13,733	80.8	14,406	12,596	87.4
Month 10	27,163	21,538	79.2	16,995	12,751	75.0	14,406	10,646	73.9
Month 11	27,163	16,962	62.4	16,995	11,782	69.3	14,406	11,428	79.3
Month 12	27,163	13,883	51.1	16,995	16,294	95.8	14,406	14,277	99.1
Total	\$325,956	\$211,658	64.9%	\$203,940	\$147,296	72.2%	\$172,872	\$134,365	77.7%

The percent of obligations paid for the 12-month totals for NCPs who received SOP through the CPU and the CSEU were 64.9% and 72.2%, respectively. The NCPs in the CSEU group made payments as a percent of their obligations that were 11.2% greater than those made by the NCPs in the CPU group. If the NCPs in the CPU group had made payments that were the same percentage of their monthly obligation as those in the CSEU group, they would have paid an additional \$23,682 or \$285 more annually per NCP. This amount equates to 87% of an additional monthly payment. Conversely, if the NCPs in the CSEU group had paid at the same rate as those in the CPU group, they would have paid a total of \$132,357 or \$14,938 (10.1%) less for an annual reduction of \$347 per NCP.

**Cost-Benefit of the CSEU' Personal Service of ASO Documents.** On a short-term basis, having the CSEU provide *personal* SOP of ASO documents to NCPs is cost-effective since the cost to serve such a document is clearly less than the additional \$285 and \$347, respectively, in annual payments that would be received from NCPs in the CPU and CSEU groups. Furthermore, as noted in a previous section of this report, there are other longer-term benefits associated with *personal* SOP of child support enforcement documents.

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## Other Tangible Benefits of *Personal* SOP by the CSEU

### Work Release and Home Electronic Monitoring

As shown in Table 1, the CSEU made arrests for 73% of the capiases they received. Undoubtedly, that resulted in the arrested NCPs paying purge bonds, either in lieu of being incarcerated or as a condition for their release from incarceration. Furthermore, a portion of the arrested, and subsequently incarcerated, NCPs would have qualified for either Work Release or Home Electronic Monitoring programs and, thereby, earned funds to pay their child support payments. As noted in the discussion of Table 1, \$262,975 in earnings through these programs during the three-year period of the grant were used to pay child support.

### Results from Capias Activities

One of the topics in the discussion of Table 2 focused on a comparison of the CPU and the CSEU in serving *Show Cause* documents. For 96% of these documents received by the CSEU, the Investigators made *personal* SOP to the NCP. In contrast, Deputy Sheriffs in the CPU were only able to make *personal* SOP of *Show Cause* documents in 39% of the cases. The CSEU was similarly more effective than the CPU in serving capiases for the arrest of NCPs. As shown in Table 1, 73% of the capiases received by the CSEU resulted in the arrest of the NCPs. This rate of success far exceeds the results achieved through the CPU.<sup>33</sup>

The CSEU' activities also resulted in a number of "successes" in which NCPs who, upon learning they were being pursued under arrest warrants, volunteered to pay their arrearages in lieu of being incarcerated. Here are two examples of such "success" cases:

#### NCP#1 located in Anytown, North Carolina:

Through contacts in the Chesapeake community, the Supervisor of the CSEU learned NCP#1 was living in Anytown, North Carolina. Following up on this information, he called the North Carolina sheriff's office in that area and faxed a copy of NCP#1's Failure to Appear (FTA) warrant issued by the Chesapeake J&DR District Court. He asked the deputy if he would pick her up (NCP#1 is a female) and hold her for extradition proceedings. The deputy called the

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<sup>33</sup> This contention is based on the opinion of the last Supervisor of the CSEU, who formerly supervised the CPU. He believed there were several reasons for the CSEU' success in accomplishing *personal* service. First, the CSEU had technology that the CPU didn't have to locate NCPs. The CPU served all types of documents, such as Eviction Notices, Liens, and Loan Foreclosures as well as child support documents. The CSEU solely focused on child support documents. The CSEU used *personal* service for virtually all documents, so in the few years of the grant it was able to develop a network of contacts in the various communities that was helpful in locating NCPs. In contrast, the CPU used both *personal* and substitute service in achieving SOP. The CPU followed a procedure in which three attempts, for example for a capias, are made to accomplish service (*personal* service must be made for capiases) and if those attempts were unsuccessful, the document was returned to the Chesapeake J&DR District Court, even when the court date is a month or so away. The court then decided whether to reissue the capias. If the court decided not to reissue the capias, the file essentially became a "dead file."

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Supervisor back and stated he knew the NCP and her husband to be good people who did not cause any trouble. The NCP's husband called the Supervisor and asked if he could talk with him before they arrested her. The Supervisor stated: "I had a very good conversation with the husband and I felt good about the arrangements I made with him. He agreed to drive her up here the following day and first stop at the Chesapeake District Office to make a \$2,000 payment on the arrearages and have a receipt to show the magistrate that a good faith payment was made on the total \$6,000 amount. The NCP and her husband showed up the next day at noon with receipt in hand. I formally arrested her, and took her before the magistrate where I testified that she and her husband drove up here to turn herself-in and bypassed the extradition proceedings. I showed the magistrate the receipt from the Chesapeake District Office and more paperwork that the husband agreed to pay \$500.00 a month until (the) arrearages were caught up. The magistrate set her a court date two weeks ahead and let her go on a \$3,000 Personal Recognizance Bond."

NCP#2 located in Anothertown, North Carolina:

Although he was living in North Carolina, there was a warrant for NCP#2's arrest in Chesapeake for failing to pay child support. An employee in the CSEU received a telephone call from the NCP's father to make arrangements so his son would not be arrested in North Carolina. The employee and a Chesapeake District Office Child Support Enforcement Specialist developed a plan for the father and the NCP to appear in person at the Chesapeake District Office and make a substantial payment toward the NCP's arrearages. In accordance with the plan, on July 26, 2005 the NCP turned himself into the CSEU, with a receipt from the Chesapeake District Office for the full amount of arrearages (\$4,114). A CSEU employee took the NCP to a magistrate who gave the NCP a \$4,000 Personal Recognizance Bond and the NCP signed his way out of jail.

In the words of the CSEU Supervisor: "We have had many more incidents (with NCPs) where we have gone the extra mile and worked out solutions to pay-off or substantially pay down arrear(ages). We have received numerous phone calls from petitioners thanking us for the help we have given them. In my approximation, I would say we executed similar outcomes of about 15 cases with the monetary outcomes varying."

**Summary of Case Studies.** A record is not available of the amount of arrearages collected through the 15 situations but it could be assumed, based on the outcomes of the above two case studies, the amount would exceed \$50,000.

**Goal #3 Was Accomplished**

Based upon the results of the experimental study, the arrearages collected through the WR and the HEM programs and other situations, like the two case studies above, Goal #3 was achieved.

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**Goal #4: Improve the SOP procedures among the Chesapeake District Office, the Chesapeake Sheriff' Office and the Chesapeake J&DR District Court.**

The OA made a number of changes in the SOP procedures among the Chesapeake District Office, the Chesapeake Sheriff' Office and the Chesapeake J&DR District Court. As noted previously, the types of documents served by the CSEU expanded from the original four to nine, which were being served when the grant expired. Seven of the nine (excluding restricting drivers' licenses and appeal de novo) were analyzed using flowcharts to show the procedures being followed at the end of the grant. These are the seven that were flowcharted:

- *Administrative Support Order*
- *Initial Petition*
- *Modified Order*
- *Show Cause*
- *Foreign Registration*
- *Uniform Interstate Family Support Act*
- *Motion to Amend*

Several of the flowcharts have notations "Changes Before/After," and these changes are explained in the narrative. In addition, some flowcharts have references, such as "See Note." These notes are also explained in the narrative. Finally, some flowcharts have references to various forms. These forms are not attached since they would make this report unduly long.

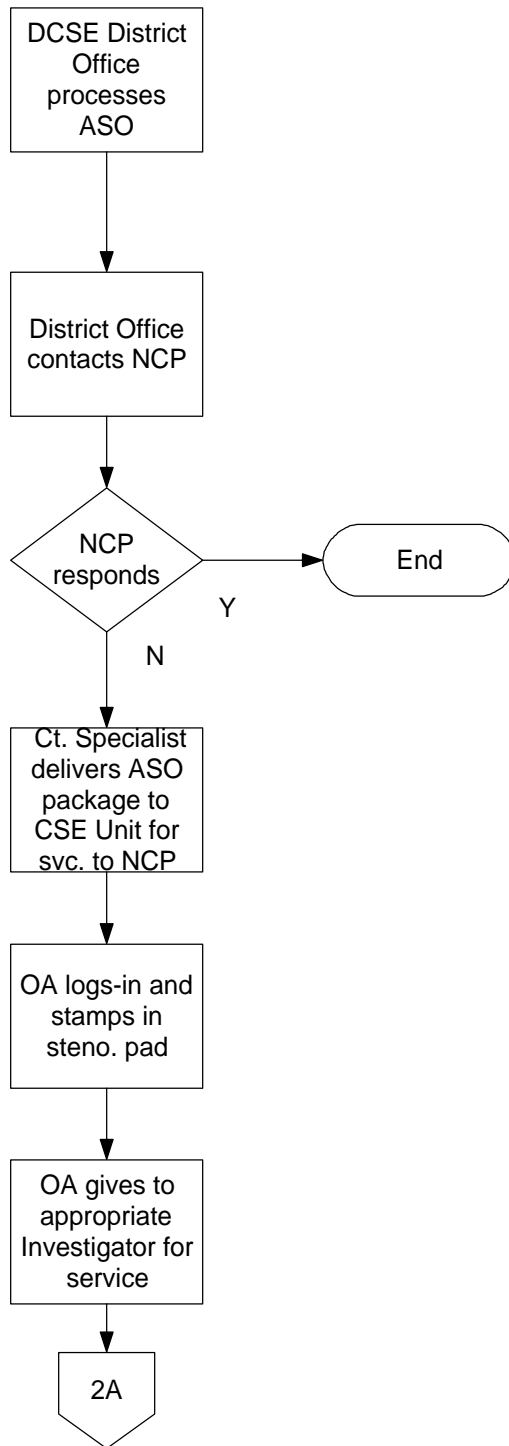
***Administrative Support Order***

Flowchart 1 depicts the major steps in the handling of *ASO* documents in completing SOP. As discussed previously, *ASO* documents were used in the experimental study to compare any effects on child support payments of the exclusive use of *personal* SOP by CSEU Investigators compared to regular SOP methods used by the CPU Deputy Sheriffs.

FLOWCHART 1:

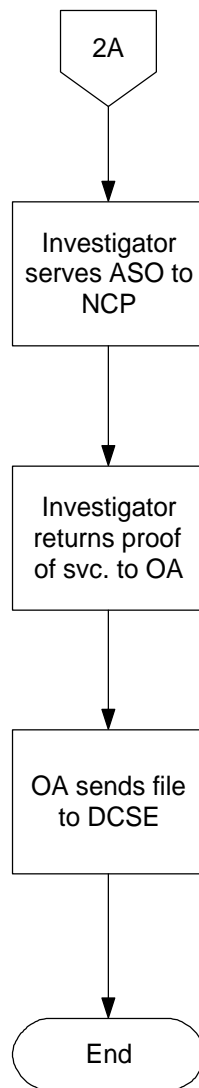
Service for Administrative Support Order  
Obligation

ASO = Administrative Support Order  
CSE Unit = Child Support Enforcement Unit  
in Chesapeake Sheriff's Department  
OA = Office Assistant in CSE Unit



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FLOWCHART 1 (cont.)



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### ***Initial Petition***

Flowchart 2 shows the procedures involved in completing *personal SOP* for *Initial Petition* documents.

### **Change Before/After**

Prior to the establishment of the CSEU, the Chesapeake District Office could not locate NCPs who were inmates in federal institutions. Due to the diligence of the CSEU's OA, this was changed and good relationships were established with the federal Marshal's Office so NCPs could be located when they were federal inmates. The new procedure of identifying NCPs incarcerated in federal institutions commenced when the OA verified information in the paperwork indicating the respondent was incarcerated.

Another problem had occurred in the past when incarcerated respondents were either transferred from one institution to another or released from incarceration. The OA worked with representatives of the respective facilities to obtain the name of the facility to which the NCP was transferred. If the NCP had been released from incarceration, the OA obtained the cooperation of the representatives to release the name of the NCP's parole officer.

These are examples in which the OA established productive working relationships with other jurisdictions and institutions and, thereby, was able to save time and provide an environment in which the service of child support enforcement documents was effectively accomplished.

### **Note Accompanying Flowchart 2**

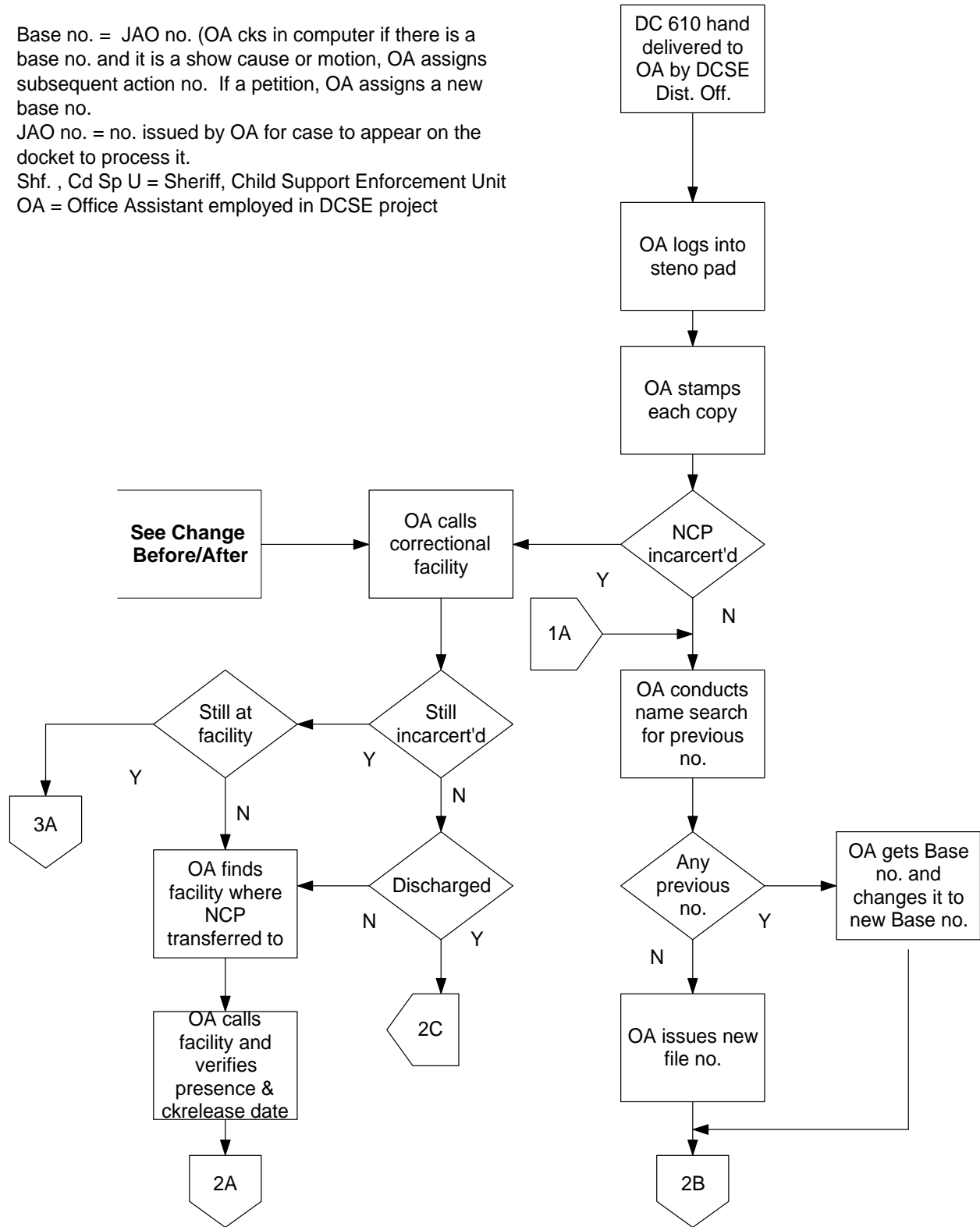
*Initial Petition* and *Summons* documents are prepared and given to a CSEU Investigator for *personal SOP* to the petitioner and the respondent. The OA also puts copies of the documents in the court bin for the assigned judge's court date.

FLOWCHART 2: Initial Petition for Child Support (DCSE)

Base no. = JAO no. (OA cks in computer if there is a base no. and it is a show cause or motion, OA assigns subsequent action no. If a petition, OA assigns a new base no.)

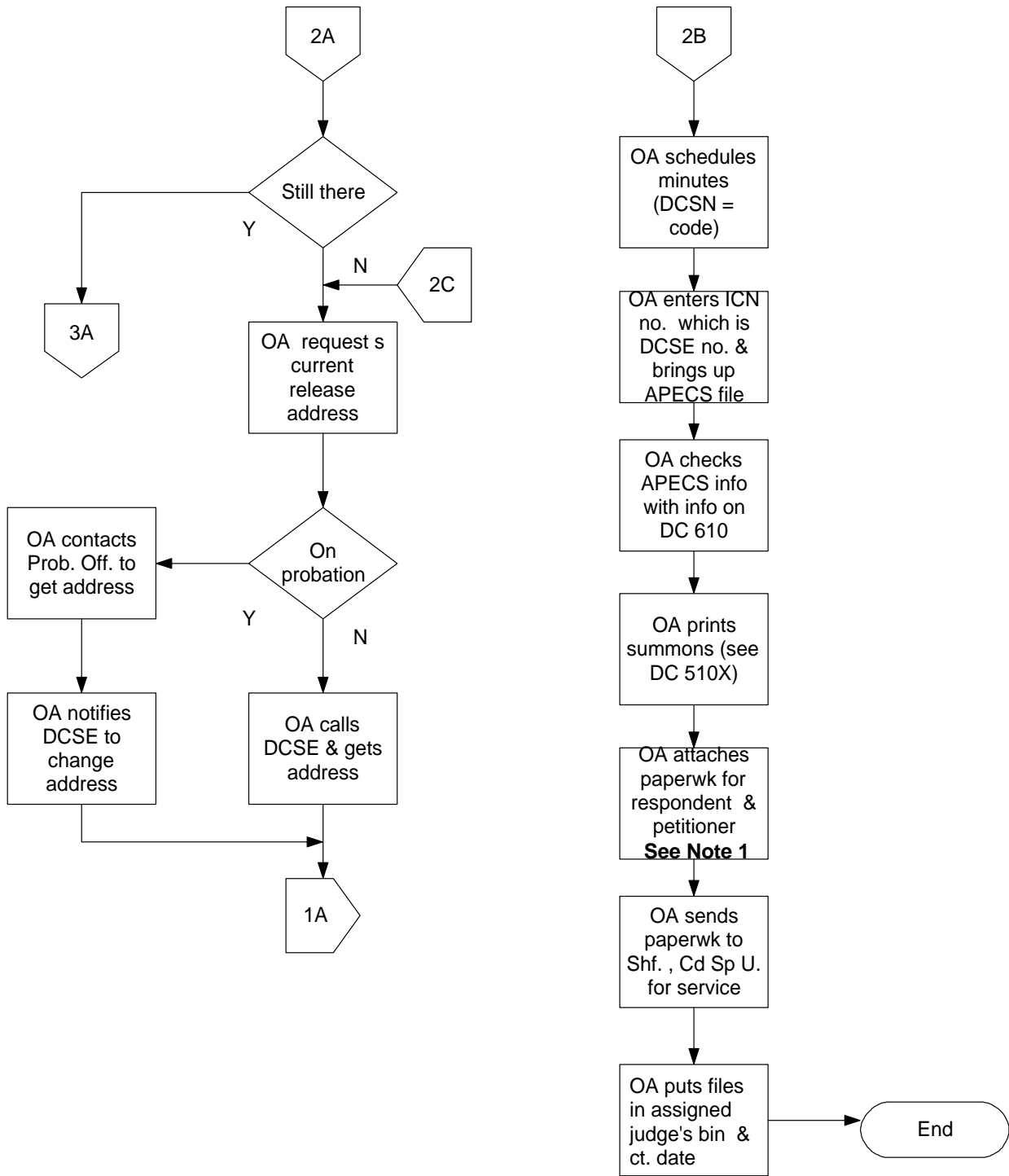
JAO no. = no. issued by OA for case to appear on the docket to process it.

Shf. , Cd Sp U = Sheriff, Child Support Enforcement Unit  
 OA = Office Assistant employed in DCSE project

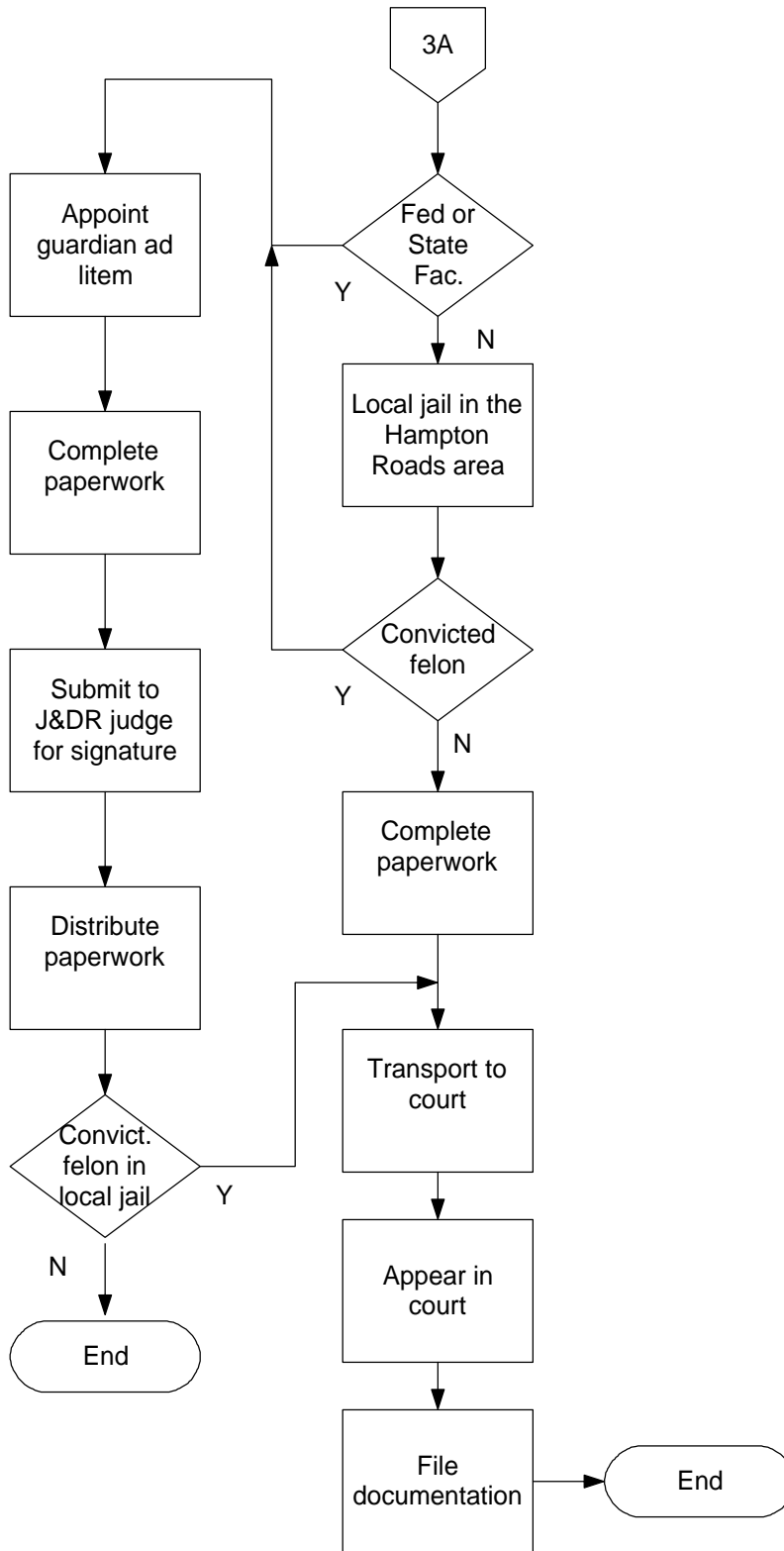




FLOWCHART 2 (cont.)



FLOWCHART 2 (cont.)



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### ***Modified Support Order (Modified Order)***

Flowchart 3 shows the procedures involved in scheduling court time and completing *personal* SOP for *Modified Order* documents.

### **Change Before/After (shown on the continuation page of Flowchart 3)**

As discussed in Note 2 below, through the establishment of good relationships with the Chesapeake District Office, the Chesapeake J&DR District Court and other entities, the *personal* service of documents was considerably improved such as when a CSEU Investigator was attempting to perform *personal* SOP but could not locate the NCP at the address shown on the document. The improvements that were made are described in the narrative for Goal #2.

### **Notes Accompanying Flowchart 3**

Following is an explanation of the Notes on Flowchart 3:

Note 1: A Support Enforcement Specialist (SES) employed in the Chesapeake District Office assembled these documents: copy of existing order, copy of new order, summons, and cover sheet.

Note 2: An Investigator, CSEU, attempted *personal* SOP of *Summons* documents (usually accomplished in 95 percent of cases – see Table 1). If the address was incorrect, the Investigator followed the procedure outlined in Change Before/After discussed above.

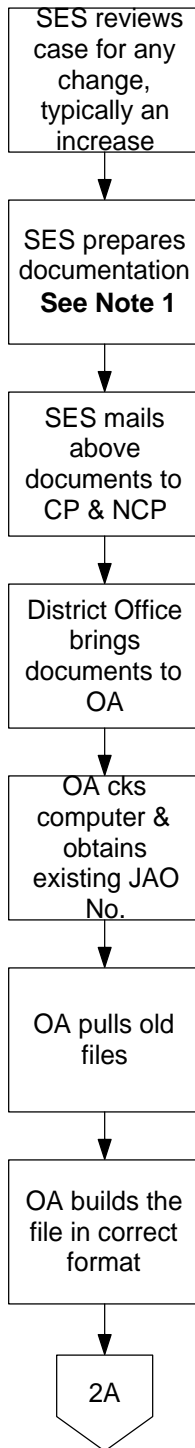
Note 3: After the documents were served, as discussed in Note 2 and Change Before/After, the OA determined 30 days from the last service date (regardless of whether the *personal* SOP date was performed on the petitioner or the respondent), opened the case, and scheduled it on the docket only for entering the order.

Note 4: The Deputy Clerk (Chesapeake J&DR District Court) made copies of the order and then certified and mailed them to the Chesapeake District Office, the respondent, and the petitioner.

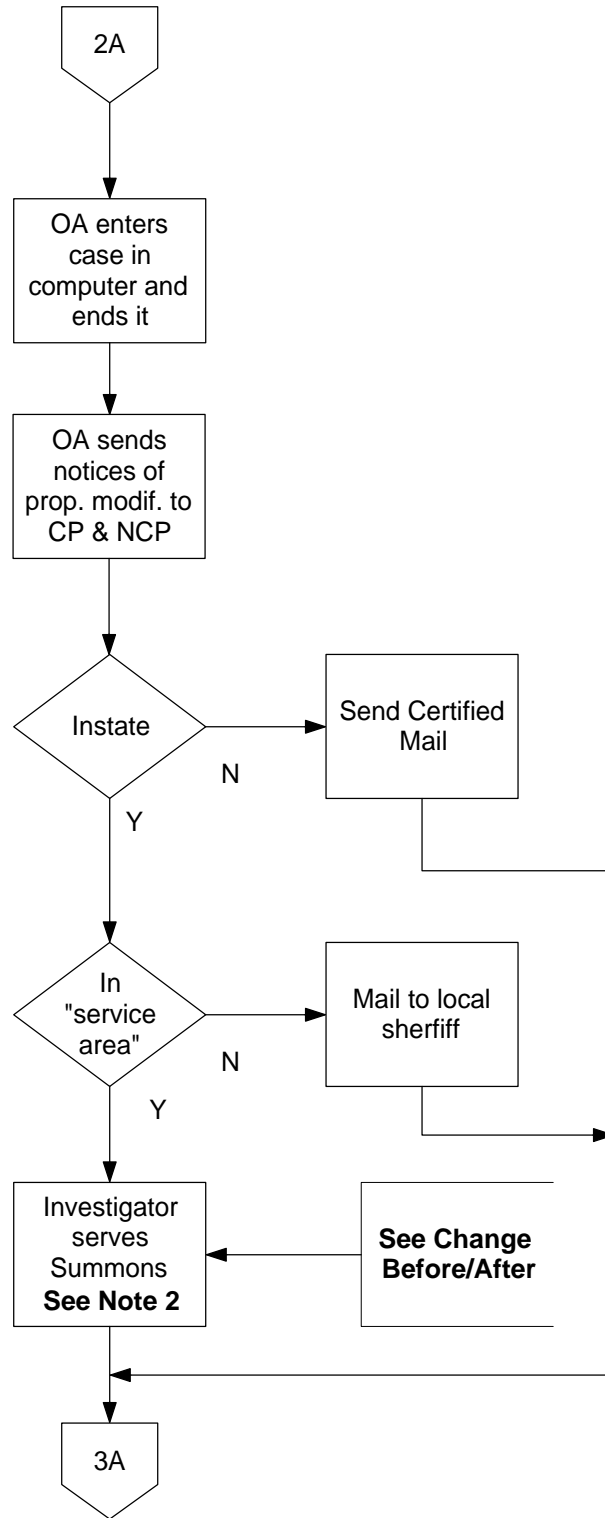
Note 5: Copies of the hearing notice were sent to the Chesapeake District Office, the respondent, and the petitioner.

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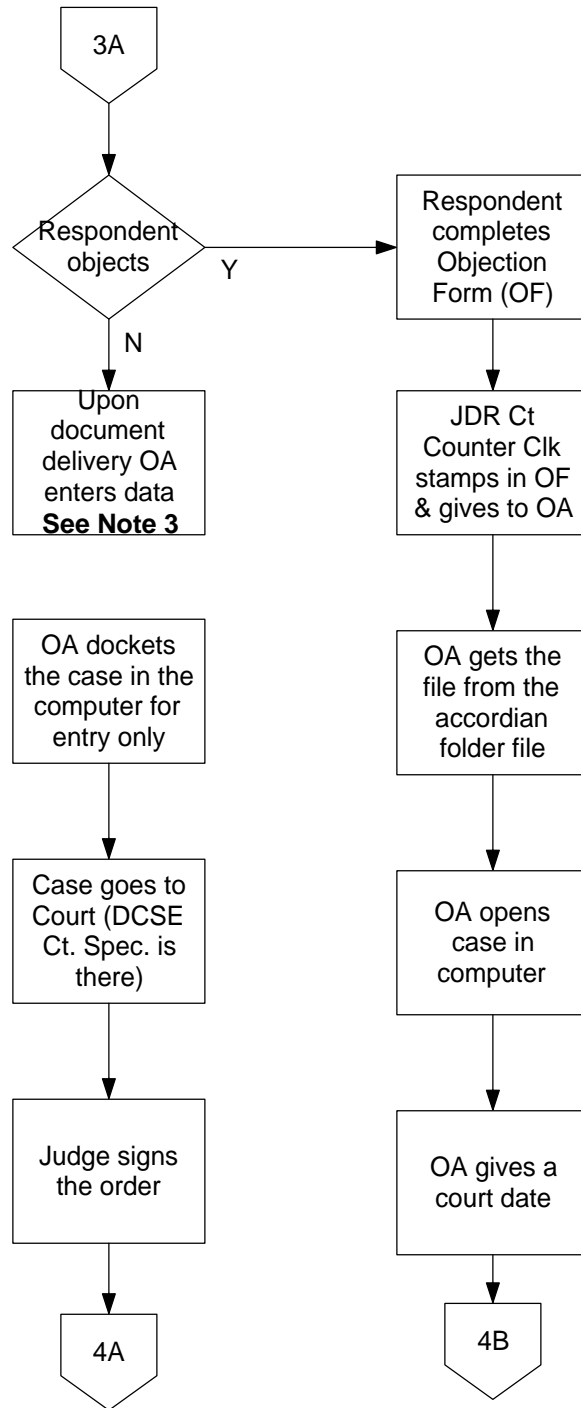
FLOWCHART 3: Modified Support Orders



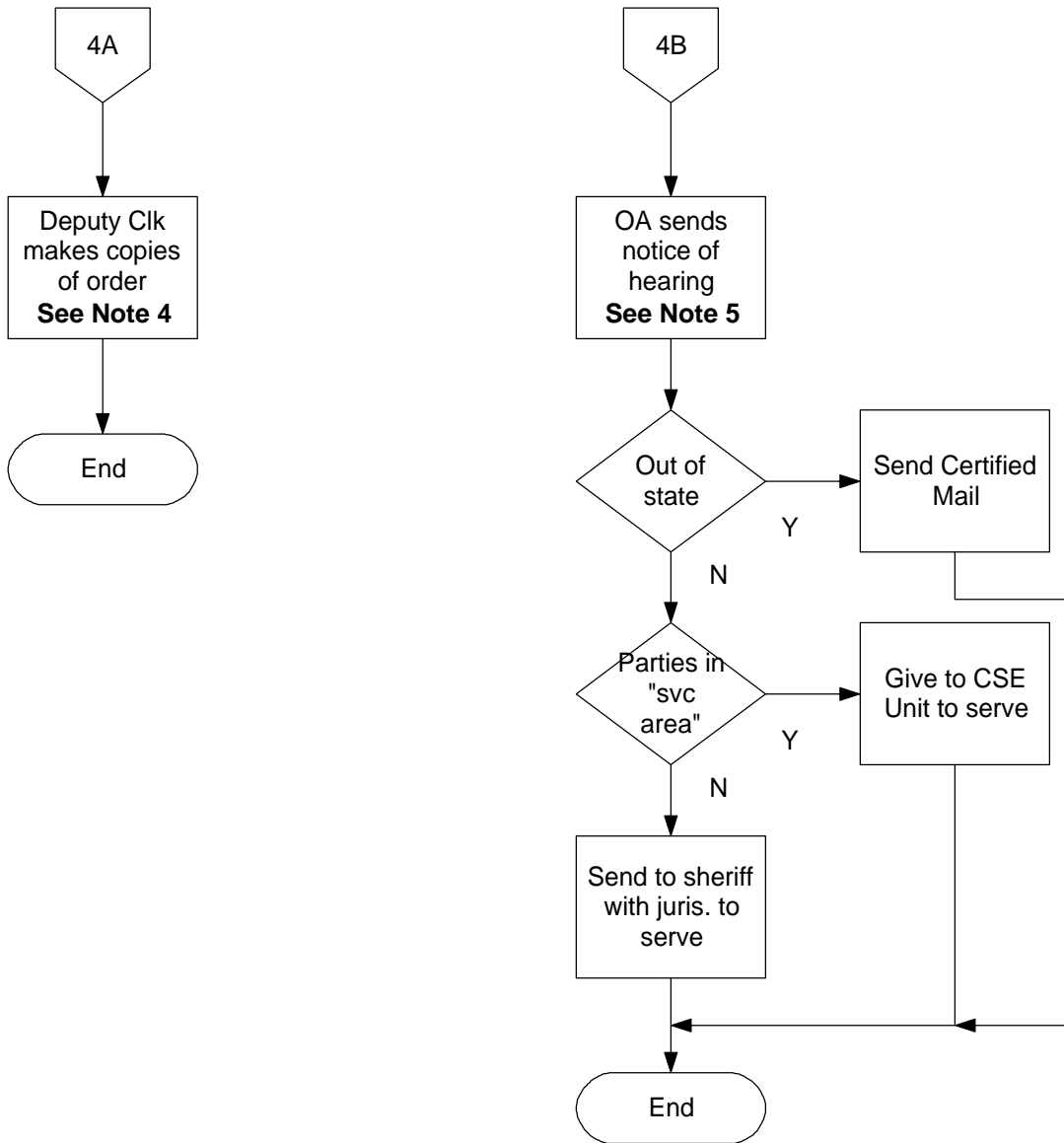
FLOWCHART 3 (cont.)



FLOWCHART 3 (cont.)



FLOWCHART 3 (cont.)



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## *Show Cause*

The procedure for *personal* SOP of *Show Cause* documents is shown on Flowchart 4.

### **Change Before/After**

These procedures were somewhat different before establishment of the CSEU. Previously the forms, such as Form NS-635, which were brought to the Chesapeake J&DR District Court by Chesapeake District Office employees, were logged and stamped by court personnel and placed in a file basket and worked along with regular support documents. This resulted in months of delay before cases were processed and placed on the docket. Meanwhile, arrearages would continue to increase if the reason for preparing the Form NS-635 was a failure to pay the full amount of support due.

At the start of the CSEU, there were approximately 100 Chesapeake District Office support cases backlogged without court action. That backlog was eliminated and the cases were current within a few months after the CSEU was established.

At the end of the grant, forms involving support documents, such as the Form NS-635 were generally processed within the week of the filing date with the court. In addition, once documents (such as *Summons*) were delivered to the CSEU, they were processed within one week.

### **Notes Accompanying Flowchart 4**

Following is an explanation of the Notes on Flowchart 4:

Note 1: The term “Minutes” means the number of minutes allowed in court for the case to be heard. *Show Cause* and most other child support actions were allowed six minutes. *Show Cause* cases were scheduled at 11 a.m. and *Motion to Amend* and *Initial Petition* cases were scheduled at 9 a.m.

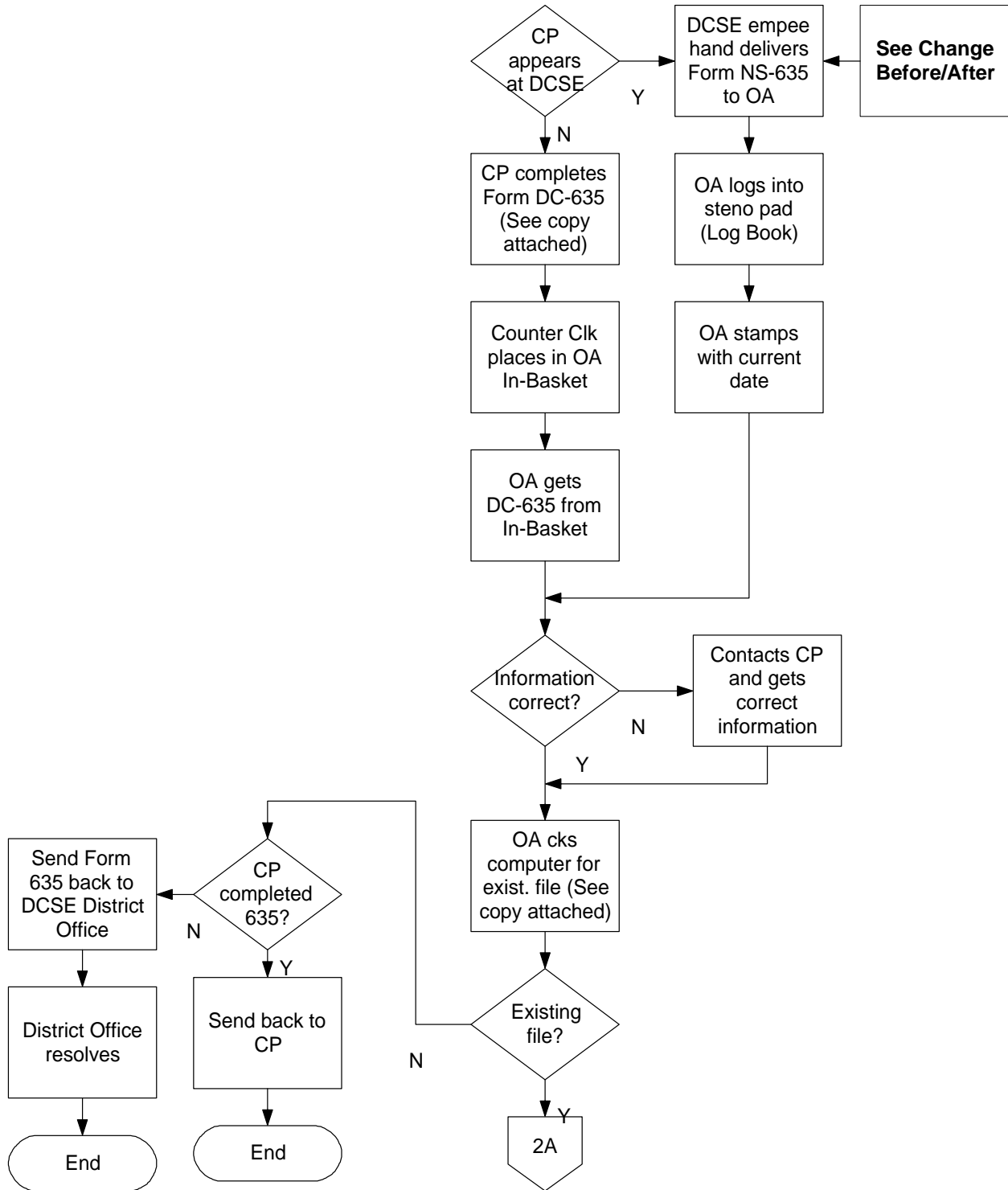
Note 2: When the case was entered in the computer, a *Show Cause* document was printed for the Respondent and a *Summons* document was printed for the Petitioner.

Note 3: A *Show Cause* notice was sent to the CSEU for *personal* SOP. If the NCP was located within Virginia but outside the local area served by the CSEU, the document was sent for SOP by the Sheriff where the NCP resided. Certified mail was used to complete SOP for NCPs living outside Virginia.

Note 4: *Summons* documents for local petitioners were sent for SOP by the CPU. *Summons* documents for petitioners in other localities within Virginia were sent to the

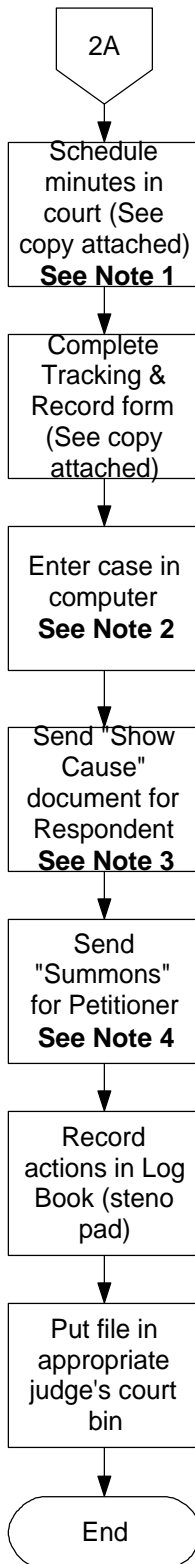


FLOWCHART 4: Show Cause



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FLOWCHART 4 (cont.)



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appropriate sheriff's office. Certified mail was used to send the documents to petitioners living outside Virginia.

### ***Foreign Registration***

The procedure for completing *personal SOP* of *Foreign Registration* documents is shown on Flowchart 5.

### **Notes Accompanying Flowchart 5**

Following is an explanation of the Notes on Flowchart 5:

Note 1: The Court date had to be at least 40 days out. The OA completed Form DC-686. The NCP had 20 days from the date of service of the document to oppose the proposed action. Few, if any, did.

Note 2: As noted on the flowchart, each party received a copy of the *Foreign Registration* and *Summons* documents. Also, the respondent was sent a copy of Form DC-686. All documents (*Foreign Order*, *Summons*, and Form DC-686) were sent to the CP via Certified Mail. If the NCP lived in Chesapeake or the contiguous jurisdictions<sup>34</sup> the CSEU completed *personal SOP* of the documents. If the NCP lived outside these areas but within Virginia, the OA sent the documents to the local sheriff for service.

Note 3: The OA gave a subsequent action number, entered *Show Cause* in the computer and printed a *Show Cause* document for the NCP and a *Summons* document for the CP. These documents, together with a copy of the *Foreign Registration*, were sent to the CP via Certified Mail. Documents for delivery to the NCP were sent according to the same procedure outlined in Note 2.

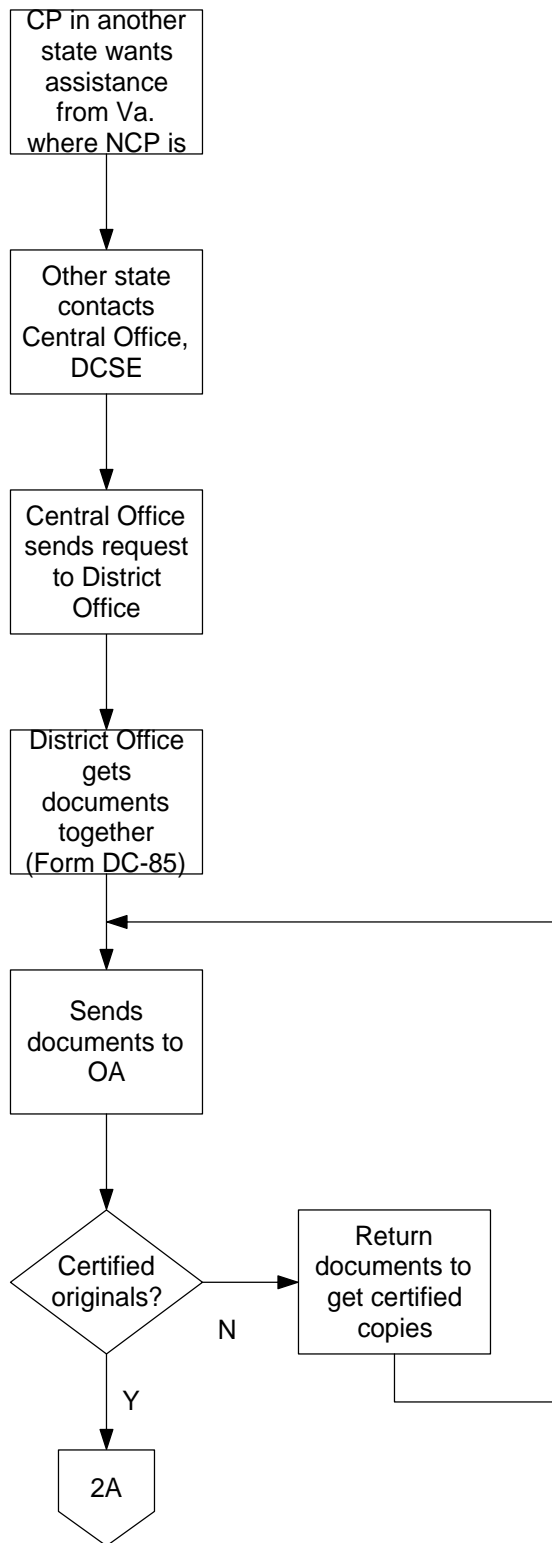
Note 4: The OA gave a subsequent action number, entered *Motion to Amend* in the computer, printed a *Summons* document for both parties and attached it to the *Foreign Registration*. The documents were sent via Certified Mail to the CP. Documents for delivery to the NCP were sent according to the same procedure outlined in Note 2.

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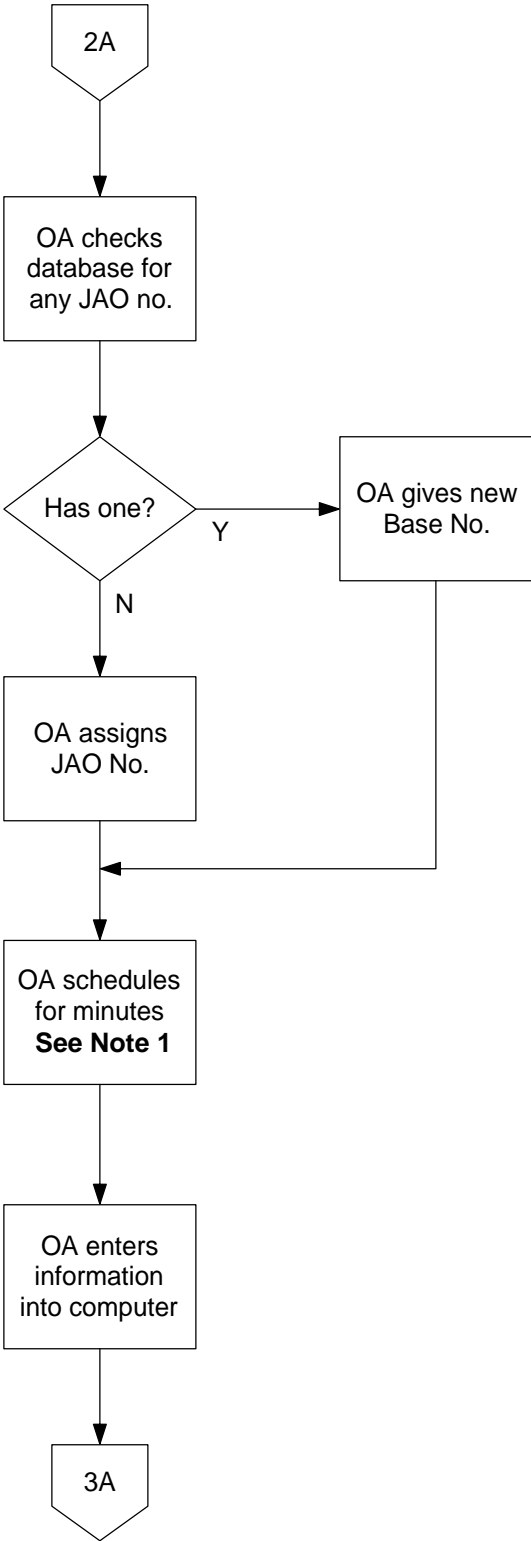
<sup>34</sup> Norfolk, Portsmouth, Suffolk or Virginia Beach.

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FLOWCHART 5: Foreign Registration

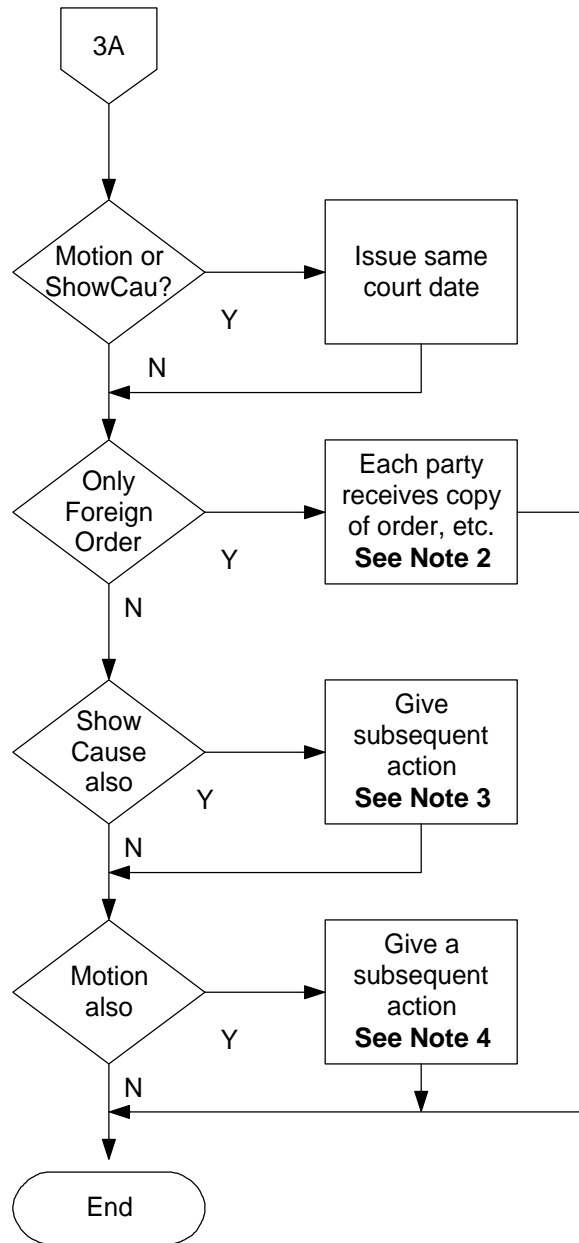


FLOWCHART 5 (cont.)



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FLOWCHART 5 (cont.)



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## ***Uniform Interstate Family Support Act***

The procedure for completing *personal SOP* of *Uniform Interstate Family Support Act* documents is shown on Flowchart 6.

## ***Motion to Amend***

The procedure for completing *personal SOP* of *Motion to Amend* documents is shown on Flowchart 7.

## **Notes Accompanying Flowchart 7**

Following is an explanation of the Notes on Flowchart 7:

Note 1: “CMS” is the court’s database. When the OA received requests, such as an NS-630, *Motion to Amend*, the database was checked to ensure the respondent was the right person in the database. If the respondent was the right person, the screen was printed and the OA pulled the respondent’s file from the file room.

Note 2: In assigning a subsequent action, the OA entered the base letter - the letter M - (which stands for subsequent action).

Note 3: The term “Minutes” was explained in Note 1 of Flowchart 4. When a case was scheduled, the OA went to the CMS database and obtained minutes for the case, which required subtracting that number of minutes from the number available for the day and judge.

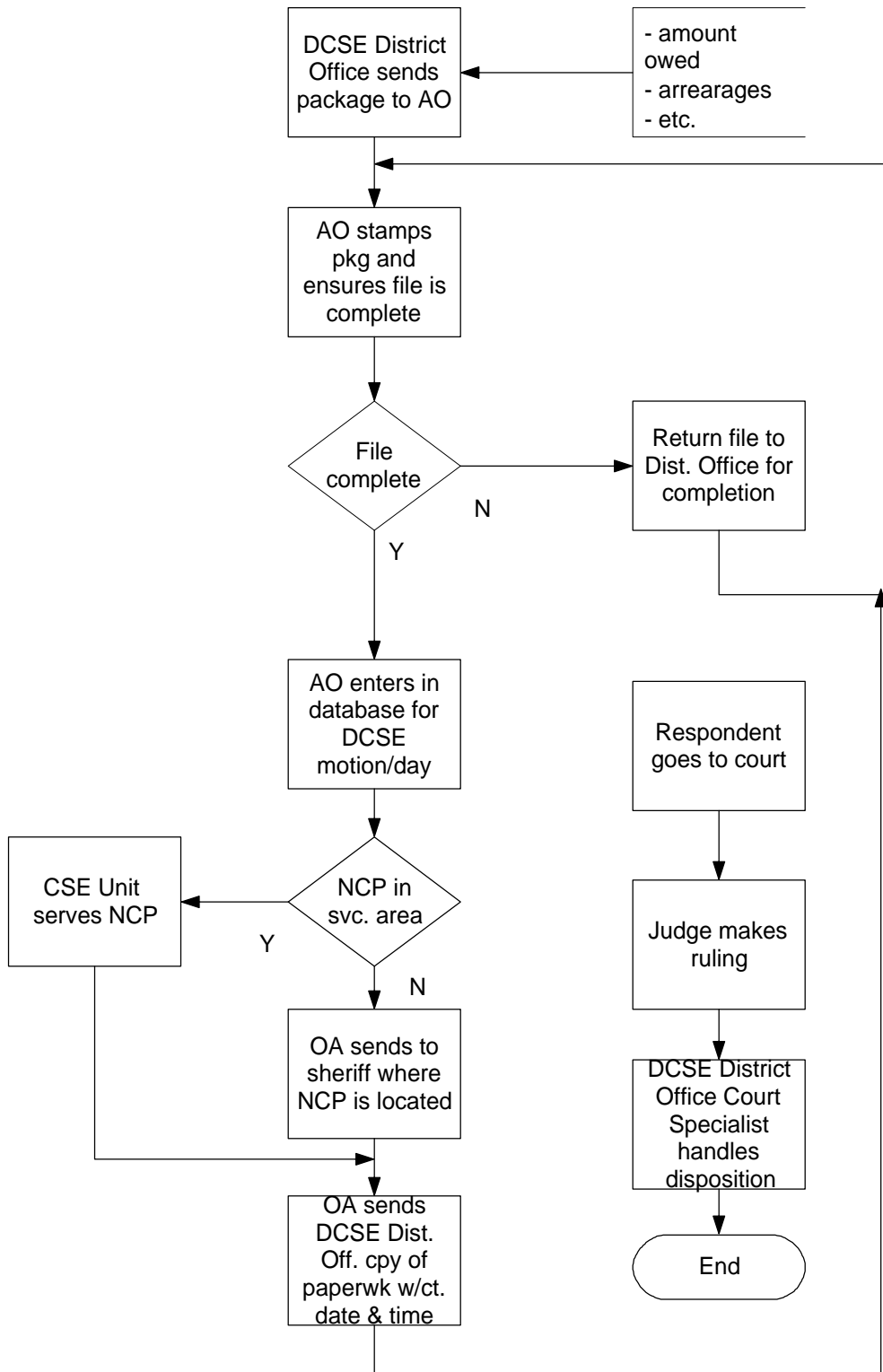
Note 4: After the OA entered the data, a Case Form (which was computer-generated) and three copies of a *Summons* were printed. The “Rights Statement” (which gave the parties information about the right to be represented by a lawyer) was printed on the back of the respondent’s and the petitioner’s copies of the *Summons*.

Note 5: For the CSEU’ files, the OA attached one copy of the *Summons* to a copy of the *Motion to Amend* document. Also, copies of both documents were made for the Petitioner and Respondent.

Note 6: The petitioner’s copies were served by the CPU if the parties lived in Chesapeake. The respondent’s copies were personally served by a CSEU Investigator.

Note 7: If the parties lived in other cities in Virginia, the copies were sent for delivery by the sheriff in the city where they live.

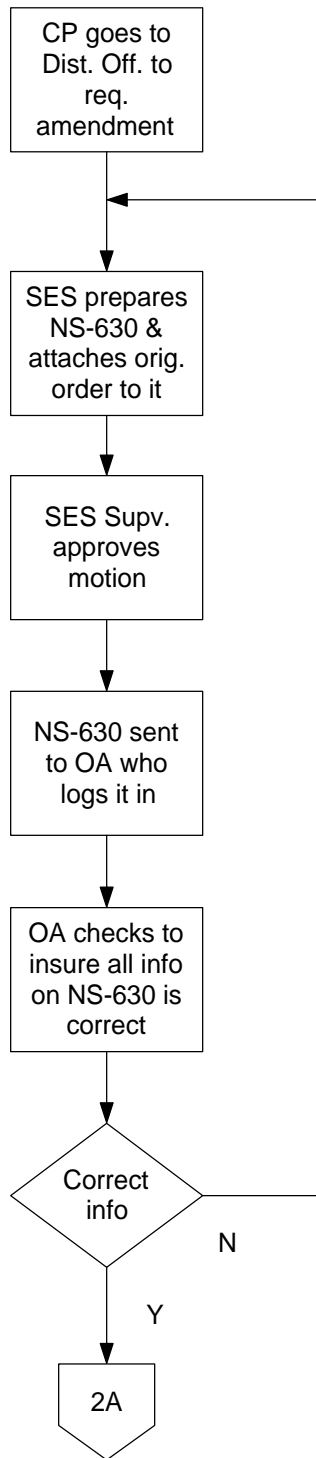
FLOWCHART 6: Uniform Interstate Family Support Act





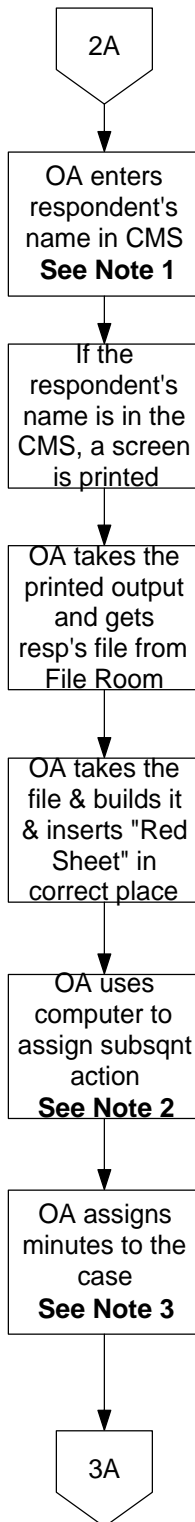
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FLOWCHART 7: Motion to Amend



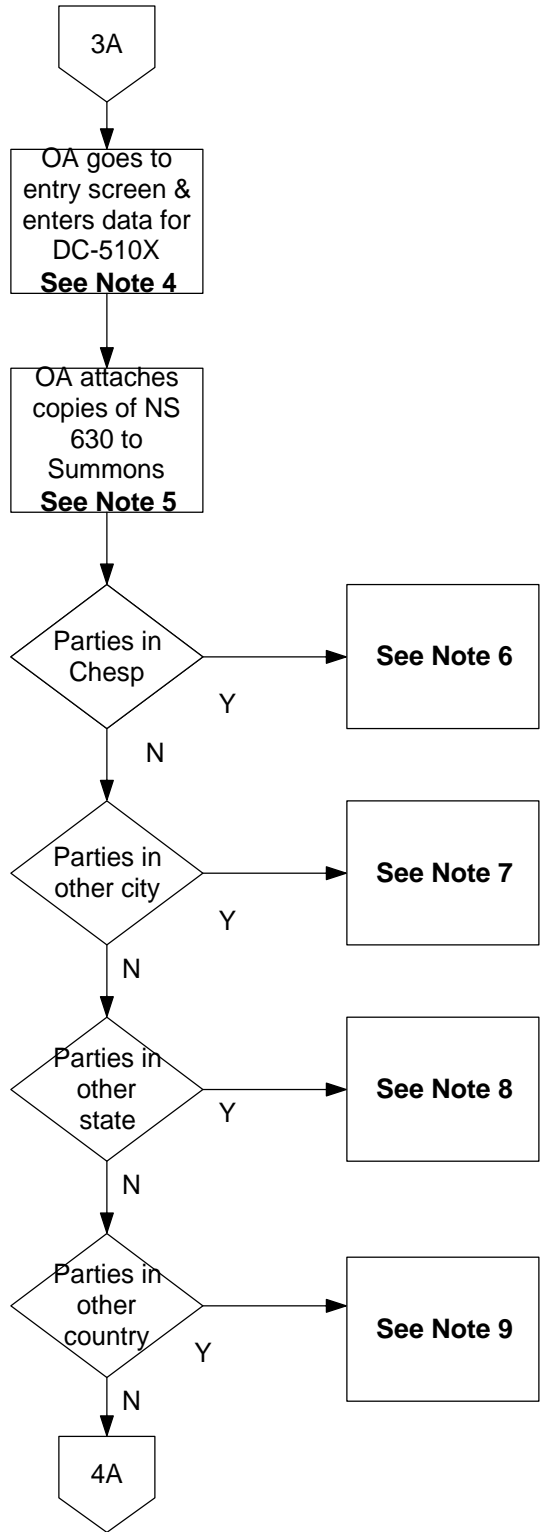
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FLOWCHART 7 (cont.)

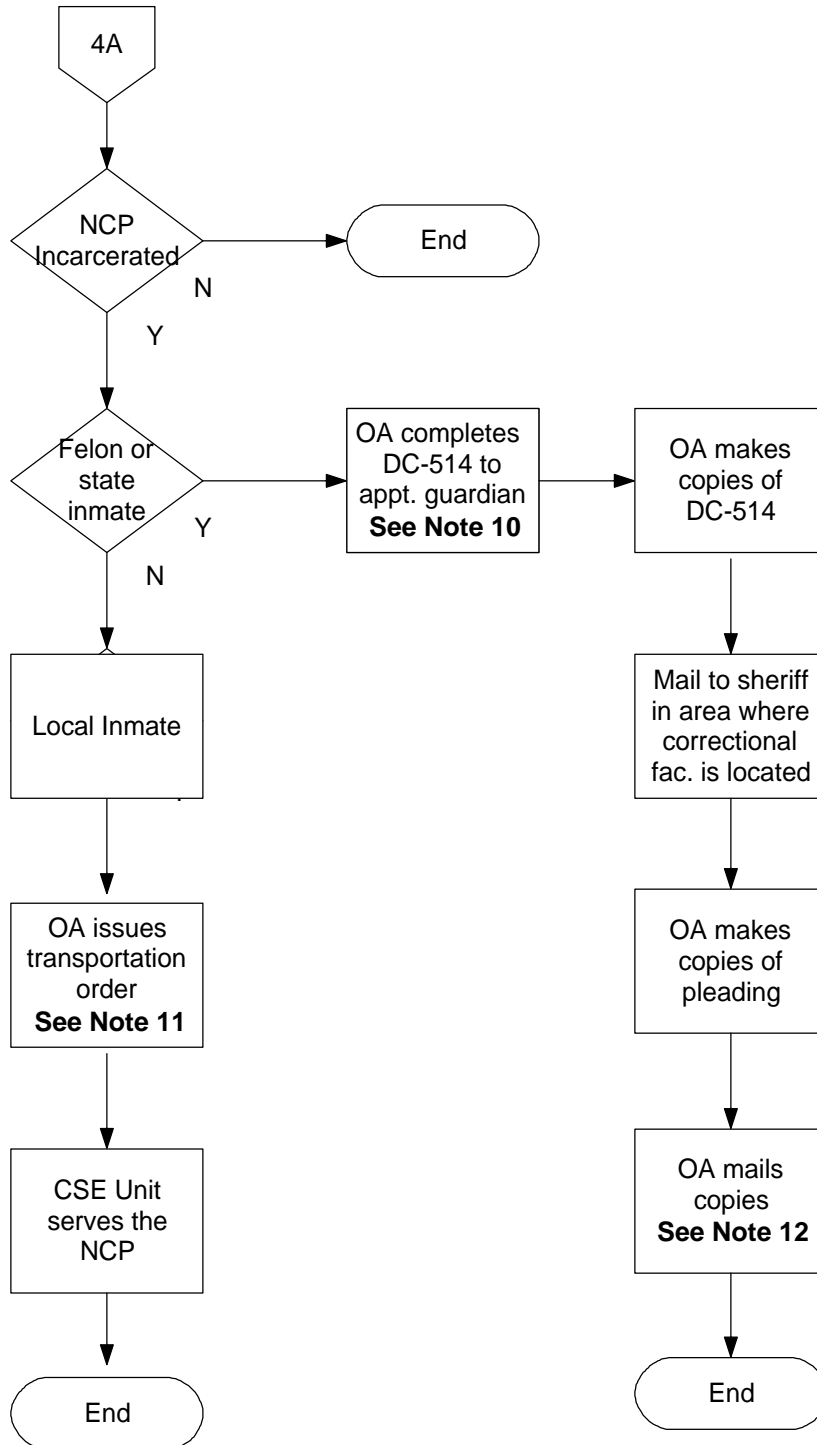


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FLOWCHART 7 (cont.)



FLOWCHART 7 (cont.)



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Note 8: If the parties live in other states, the copies were sent by certified mail to the home addresses.

Note 9: If the parties lived outside the U.S., the copies were sent by registered mail to the home addresses.

Note 10: If the respondent was a convicted felon and incarcerated within the Commonwealth, the OA completed an *Order for Appointment of Guardian Ad Litem* document and submitted it for the judge's signature.

Note 11: If the respondent was incarcerated locally, the OA prepared a *Custodial Transportation Order* document requesting an "authorized officer" to take custody of an inmate and transport the person from the jail to court to appear on the required date.

Note 12: Copies of the *Order for Appointment of Guardian Ad Litem* document and the pleading were handled as follows:

- Mailed to the guardian

- Sent to the sheriff's office serving the area in which the correctional facility was located, for delivery to the inmate-NCP.

#### **Goal #4 Was Accomplished**

As exhibited in the flowcharts and discussed above, a number of improvements were made in the document procedures among the Chesapeake District Office, the Chesapeake Sheriff' Office and the Chesapeake J&DR District Court. Goal #4 was accomplished.

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## Findings, Conclusions and Recommendation

The “Dead File” Project was a three-year federal- and state-financed project to create and demonstrate the effectiveness of the CSEU in the Chesapeake Sheriff’s Office. The demonstration focused on eliminating a backlog of “Dead File” cases, increasing the utilization of and identifying any benefits associated with *personal* as opposed to *substitute* SOP, and improving procedures among the CSEU, the Chesapeake District Office, and the Chesapeake J&DR District Court. The demonstration was extremely successful.

The causes of “Dead File” cases were identified and a backlog of approximately 1,600 such cases was eliminated. The CSEU docketed 7,777 cases and completed *personal* SOP of 8,008 documents for a 95% rate of success. The CSEU had similar success in making arrests since 903 NCPs were arrested for a success rate of 73% in serving *capias* documents. The CSEU used the VCIN to aid in the arrest of 107 NCPs owing child support in Chesapeake but located elsewhere in Virginia. The CSEU used the NCIC system to locate and arrest four NCPs owing child support in Chesapeake but residing outside Virginia. Other activities the CSEU used to aid in making arrests were conducting highly publicized roundups of nonpaying NCPs and developing a network of contacts that materially aided the completion of *personal* SOP and arrests.

With the assistance of the Sheriff’s Work Release Section, the CSEU expanded the WR Program resulting in incarcerated NCPs paying \$159,160 in child support. Assistance from the Sheriff’s Work Release Section also helped the CSEU establish the HEM program that resulted in incarcerated NCPs, who were in the HEM program, paying \$103,815 in child support. Other activities of the CSEU resulted in the collection of an estimated \$50,000 in child support payments from in-state and interstate NCPs who had outstanding *capiases*.

An experimental study was conducted to measure the effects of SOP of *Initial Petition* documents on monthly obligations/payments of NCPs who received service from either CPU Deputy Sheriffs or CSEU Investigators or waived service. The CSEU achieved impressive results. For the one-year period studied, the average monthly obligations were \$327, \$395 and \$360 for NCPs in the CPU, CSEU and waiver groups, respectively. The average monthly payments were \$213, \$285 and \$280 for NCPs in the CPU, CSEU and waiver groups, respectively. NCPs in the CSEU group made the highest average monthly payment (\$285) which was 34% and 2% higher than the average payments made by NCPs in the CPU (\$213) and waiver (\$280) groups, respectively. As might be expected, NCPs who waived service paid the highest percentage (78%) of their monthly obligation over the one-year period. NCPs who received *personal* SOP of *Initial Petition* documents from CSEU Investigators paid 72% of the monthly obligation amount over a one-year period. NCPs who received SOP from a Deputy Sheriff in the CPU paid 65% of the monthly obligation over a one-year period. The difference in

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the payment rate of NCPs receiving service from the CSEU compared to the CPU was \$285 more annually per NCP, which equates to 87% of an additional monthly payment.<sup>35</sup>

In a pre/post demonstration study of the SOP of three documents (*Initial Petition, Motion to Amend* and *Show Cause*), the CSEU performed *personal* SOP for 91% to 100% of the documents, which was an increase ranging from 145% to 852%. The CSEU decreased the failure to locate NCPs by 57% to 91% and used from 12 to 48 more days to serve two types of documents yet reduced by 42 days the time required for the third.

Two of the three judges in the Chesapeake J&DR District Court will not authorize the arrest of NCPs who fail to appear in court in response to *Summons* for *Initial Petition* and *Modified Order* documents unless the SOP is *personal*.<sup>36</sup> The demonstration found that this requirement will result in continuances and additional “Dead File” cases unless the CSEU maintains responsibility for *personal* SOP.

### **Recommendation**

During the demonstration there were increases in docketed cases, *personal* SOP, NCPs and CPs appearing in court and payments made. The demonstration also resulted in reductions in continuances, delayed cases and the issuance of capiases. Therefore, it is recommended that the CSEU should be funded by the Commonwealth so it can resume operations as outlined in this report since it was cost-effective, increased efficiency among agencies and resulted in more support payments to children

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<sup>35</sup> The % paid rate for NCPs in CSEU group (.722) times \$325,956 = \$235,340 - \$211,658 = \$23,682/83 = \$285/NCP annually. Monthly obligation of \$285/\$327 = 87%.

<sup>36</sup> *Summons* are issued in conjunction with several documents, such as the *Initial Petition* and the *Motion to Approve Proposed Modified Support Order*.

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## Glossary

**Adult Name Index:** An on-line file of defendants' names and related information such as case number, charge (such as assault & battery, family abuse, and civil support) contained in the CMS database. When the OA receives requests, such as an NS-630, *Motion to Amend*, the CMS database is checked to ensure the respondent is the right person in the database. If the respondent is the right person, the screen is printed, and the OA pulls the respondent's file from the file room.

**Capias:** The full title is "Motion for Show Cause Summons or Capias." See Form DC-635, which as stated in the definition and purpose for the form, is a form used requesting a court to take certain actions against a defendant, such as complete a sentence which was previously suspended, have his/her bail revoked, be imprisoned (or fined or otherwise punished), and have probation revoked.

**Child Support Enforcement Unit (CSEU):** The CSEU was established through funding from the demonstration. The unit was staffed by three full-time law enforcement specialists (one Supervisor and two Investigators) and several part-time clerical/administrative staff. The Investigators performed *personal* Service of Process of child support documents to NCPs/CPs residing in Chesapeake and surrounding, contiguous jurisdictions.

**Civil Process Unit (CPU):** This unit serves legal documents in civil cases, including those involving child support enforcement in Chesapeake. Deputy Sheriffs in the unit who serve the documents are employees of the Chesapeake Sheriff's Office. During the demonstration, copies of court documents involving petitioners were served by the CPU. Whereas, copies of documents for respondents were served by Investigators, CSEU, Chesapeake Sheriff's Office. See **Investigator**.

**Foreign Registration:** Order from another state to be registered in Virginia to be enforced, modified or both.

**Form DC-354:** *Custodial Transportation Order*, is a form requesting an "authorized officer" to take custody of an inmate and transport the person from jail to court to appear in a case affecting the person.

**Form DC-481X:** *Show Cause Summons (Civil)*, is a form requesting a respondent to appear in court.

**Form DC-510X:** *Summons*, is a form commanding any authorized officer to summon a party to appear in court, with the threat of contempt of court proceedings for a failure to appear.

**Form DC-514:** *Order for Appointment of Guardian Ad Litem*, is a form used to appoint an attorney (guardian *ad litem*) to protect and represent the interests of a juvenile, a person who is



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incarcerated, a minor or a person who has a disability and is therefore unable to protect his/her interest in a proceeding.

**Form DC-610:** *Petition for Support*, is a form requesting a court to do one or more of the following: 1) Make a finding a respondent is the parent of a child, 2) Order or require a respondent to furnish financial support, 3) Require a respondent to enter into an agreement for a wage assignment to enforce any orders in the case, and 4) Require a respondent to provide health insurance.

**Form DC-630:** *Motion to Amend or Review Order*, is a form used to notify a petitioner and a respondent of a proposed change, amendment or modification in an existing order.

**Form DC-635:** *Motion for Show Cause Summons or Capias*, is a form used by a CP to request a court to take certain actions against a defendant (NCP), such as complete a sentence which was previously suspended, have his/her bail revoked, be imprisoned (or fined or otherwise punished), and have probation revoked because an NCP has failed to meet certain conditions (which the CP explains on the form) that were previously stipulated by the court.

**Form DC-641:** *Supplement to Petition*, is a form used requesting the court to appoint a guardian *ad litem*, determine the parentage of children and to resolve other issues named in the Petition.

**Form NS-630:** The same form as Form DC-630 above, except Form NS-630 is printed directly from the APECS system (the DCSE case management information system).

**Form NS-635:** The same form as Form DC-635 above, except Form NS-635 is printed directly from the APECS system.

**Home Electronic Monitoring:** Home Electronic Monitoring (HEM) is an arrangement, subject to the approval of the respective Chesapeake J&DR District Court judge, in which incarcerated NCPs are fitted with electronic anklets that monitor their locations via a satellite global positioning system. The NCPs must pay the daily operational costs of the program and meet other requirements such as the periods of home confinement.

**Investigator:** Employees of the Child Support Enforcement Unit, Chesapeake Sheriff's Office, who locate and serve court documents to respondents and serve capias/arrest warrants as ordered by a court. See **Civil Process Unit**.

**Log Book:** Steno pad that the Office Assistant uses to track cases.

**“Red Sheet”:** A red plastic sheet placed in front of existing orders to highlight the orders that pertain to the present action.

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**Show Cause:** There are two types of “Show Cause.”

One is “Show Cause Summons (Civil)” (see Form DC-481X), which is issued by a judge commanding an authorized officer to have a respondent appear in court and show why the court should not take certain actions against the respondent, such as impose a judgment or be imprisoned until the individual complies with the Court’s order.

The other type of “Show Cause” is for a “Motion for Show Cause Summons or Capias.” See Form DC-635, which as stated in the definition and purpose for the form, is a form used by a CP (petitioner) requesting a court to take certain actions against a defendant, such as complete a sentence which was previously suspended, have his/her bail revoked, be imprisoned (or fined or otherwise punished), and have probation revoked, for reasons described by the CP.

**Summons:** There are three situations in which the term “summons” is used. The first two are described in the definition for **Show Cause**. The third type of summons is, as described in Form DC-510X (see definition for this form), a judicial order commanding any authorized officer to summon a party to appear in court with the threat of contempt of court proceedings for a failure to appear.

**UIFSA:** Uniform Interstate Family Support Act, uniform laws establishing reciprocal law involving the enforcement of support among states. In 1994, this law replaced the former URESA law in Virginia.

**Work Release:** Work Release (WR) is a program affording incarcerated NCPs with the opportunity to earn money for the payment of their child support obligations by working outside the jail during the day and returning to the jail at the end of the work day. Such arrangements are subject to sufficient bed space in the jail’s WR unit and to the approval of the respective Chesapeake J&DR District Court judge.