



TITLE IV-D SUPPORTS ONLINE DISPUTE RESOLUTION IN OTTAWA COUNTY, MICHIGAN



Title IV-D of the Social Security Act establishes a state-federal partnership to provide child support services. States often enter cooperative agreements with local courts to provide child support services to Title IV-D eligible parents, and receive partial cost reimbursement from the federal government.¹ In December 2016, a new federal rule clarified that Title IV-D funds can be used to increase self-represented parents' access to courts, and administrative and alternative dispute resolution processes.²



In December 2016, Ottawa County, Michigan used Title IV-D funding to launch a set of online dispute resolution (ODR) tools including texts to noncustodial parents regarding case status updates, texts about upcoming hearings, and a hearing check-in system to improve prehearing conferences.³ These tools have reduced the number of average monthly hearings and child support-related arrest warrants, and increased child support collections.⁴

Online Dispute Resolution Can Improve Outcomes and Efficiency

The civil court system is often a labyrinth for parents trying to navigate the processes for creating, implementing, or modifying child support agreements. Research shows that regular child support payments are associated with greater noncustodial parent involvement, better educational outcomes, and lower rates of poverty and reliance on public assistance.⁵ ODR is a “public-facing digital space for parties to resolve their dispute or case,” and is being increasingly implemented by courts to resolve issues including child support arrangements and modifications before they escalate to requiring a court hearing.⁶ ODR allows courts to improve child support arrangements for parents and children by meeting the needs and increasing engagement of parents unable or unwilling to meet in court, increase court efficiency and expedite resolutions, and increase access to justice by providing parents with accessible legal information and fairer outcomes.⁷

Title IV-D Funds Services that Increase Access to Justice

Title IV-D of the Social Security Act established the Child Support Enforcement program, a state-federal partnership administered by the U.S. Department of Health & Human Services Office of Child Support Enforcement (OCSE) to provide child support services. All fifty states, the District of Columbia, U.S. territories, and 61 tribal nations operate a child support program, which entitles them to federal matching funds.⁸ Under Title IV-D, the federal government reimburses \$2 for every \$3 the state spends on program costs for eligible cases, including paternity and child support order establishment, order modifications, and enforcement for parents who currently or may eventually receive services under Title IV-D.⁹ The federal reimbursement is “open ended,” meaning that there is no upper limit or ceiling on the federal government’s match of eligible expenditures.¹⁰

In December 2016, OCSE issued *Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*, to strengthen child support enforcement programs, update current practices, and remove regulatory barriers to cost-effective approaches that improve enforcement.¹¹ Its provisions included making clear that states can use Title IV-D funds for “services to increase pro se access to adjudicative and alternative dispute resolution processes in IV-D cases related to providing child support services.”

Ottawa County, Michigan Taps Title IV-D Funds to Innovate with ODR Tools

With more than 850,000 active child support orders and over \$6 billion in arrearages recorded by Michigan’s Department of Health and Human Services Office of Child Support in 2015, court leaders in Ottawa County launched a set of ODR tools in December 2016 to address attendant problems.¹²

Title IV-D funded ODR innovations in Ottawa County include:¹³

- ▶ **Text warnings to noncustodial parents about noncompliance** with child support orders after 45 days of nonpayment, and inviting them to meet with Friends of the Court (FOC) investigators to discuss their inability to pay, changes in employment, and resources available for securing employment;
- ▶ **Text reminders about upcoming show-cause hearings** to connect directly with parents, rather than relying on postal notification; and
- ▶ **Hearing check-in system** to improve speed and effectiveness of prehearing settlement conferences with FOC investigators.

By 2018, these ODR tools contributed to favorable outcomes for parents and courts in Ottawa County:

- ▶ **24 percent reduction in the number of show-cause hearings** and 50 percent fewer days per month dedicated to show-cause hearings, freeing up judicial resources for other family court cases;
- ▶ **29 percent reduction in the number of monthly child support-related arrest warrants**, an equivalent of 50 fewer parents being subject to arrest and detention for failure to pay child support; and
- ▶ **28 percent increase in child support collections**, increasing the financial resources available to custodial parents and their children while also unlocking additional federal incentive payments to the county.

Ottawa County has gone further to leverage data and sound research methods to evaluate the efficacy of ODR in the parenting time context.¹⁴ The Ottawa County courts are partnering with researchers to evaluate their ODR parenting time program to examine whether ODR is in fact a better option than an in-person court process, and to assess litigants' perceptions of fairness in the ODR process.

ODR is a highly effective tool in making civil court systems more accessible, effective, and efficient for parents attempting to create or adjust child support agreements. By enabling parents to engage in conversations about parenting issues outside of a formal courtroom setting, ODR can facilitate more open communication, speedier resolution, and greater accountability between parties.

"The use of ODR technology in child support cases has been incredibly beneficial to parents and the 20th Circuit Court in Ottawa County. Our Court strives to be accessible and ODR is an effective method of making the judicial process more timely, more convenient, and more cost effective for the people we serve. Our initial success with child support cases caused us to create a litigant portal and expand the use of ODR for parenting time disputes. Soon we hope to further expand ODR to other case types."

Kevin Bowling, Michigan 20th Circuit Court Administrator, Ottawa County

Endnotes

1. See https://www.ssa.gov/OP_Home/ssact/title04/0400.htm
2. Lee D. Morhar, Karen Lash, Katherine Altneder, & Renee Danser (2017), *Self-Represented Litigation Network Resource Guide: Use of Title IV-D Child Support Program Resources For Court Based Self-Help Services*, https://www.srln.org/system/files/attachments/SRLN%20Title%20IV-D%20Resource%20Guide%20Revised%2012%202017_0.pdf
3. Kevin Bowling, Jennell Challa, & Di Graski (2020), *Improving Child Support Enforcement Outcomes with Online Dispute Resolution, National Center for State Courts: Trends in State Courts*, https://www.ncsc.org/_data/assets/pdf_file/0013/27103/improving-child-support-enforcement.pdf. See also <https://getmatterhorn.com/video-odr-for-child-support-compliance/>
4. *Ibid* at 46. See also <https://www.acf.hhs.gov/css/newsletter/ocsenewsletter/june-2021-child-support-report#Michigan>
5. U.S. Department of Health and Human Services Administration for Children & Families, Office of Child Support Enforcement (2016), *The Story Behind the Numbers: The Child Support Program is a Good Investment*, https://www.acf.hhs.gov/sites/default/files/documents/ocse/sbtn_csp_is_a_good_investment.pdf
6. National Center for State Courts Joint Technology Committee (NCSC JTC) (2017), *JTC Resource Bulletin: ODR for Courts*, https://www.ncsc.org/_data/assets/pdf_file/0031/18499/2017-12-18-odr-for-courts-v2-final.pdf; and NCSC JTC (2020), *JTC Resource Bulletin: Case Studies in ODR for Courts*, https://www.ncsc.org/_data/assets/pdf_file/0020/16517/2020-01-28-odr-case-studies-v2-final.pdf.
7. The Pew Charitable Trusts (2019), *Online Dispute Resolution Offers a New Way to Access Local Courts*, <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2019/01/online-dispute-resolution-offers-a-new-way-to-access-local-courts>
8. See https://www.ssa.gov/OP_Home/ssact/title04/0400.htm and <https://www.everycrsreport.com/reports/RS22380.html>
9. The Justice in Government Project, *Grants Matrix: State-Administered Federal Funds that can Support Legal Aid* (last updated January 2021), <https://www.american.edu/spa/jpo/toolkit/upload/grants-matrix-12-16-19.pdf>
10. *Supra* note 8.
11. See <https://www.federalregister.gov/documents/2016/12/20/2016-29598/flexibility-efficiency-and-modernization-in-child-support-enforcement-programs>
12. *Supra* note 3. See also *20th Judicial Circuit and Ottawa County Probate Courts Annual Report 2018*, https://miottawa.org/Courts/20thCircuit/pdf/reports/2018_Annual_Report.pdf at 30.
13. *Ibid* at 46.
14. The Pew Charitable Trusts (2021), *How to Evaluate the Litigant Experience as Courts Turn to Online Dispute Resolution*, <https://www.pewtrusts.org/en/research-and-analysis/articles/2021/01/25/how-to-evaluate-the-litigant-experience-as-courts-turn-to-online-dispute-resolution>