

PROCEDURAL JUSTICE-INFORMED
ALTERNATIVES TO CONTEMPT

PROJECT BRIEF
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From Grant-Funded Study to Enduring Practice

HOW AGENCIES IN THE PROCEDURAL JUSTICE-INFORMED ALTERNATIVES TO CONTEMPT DEMONSTRATION CONTINUED THEIR WORK AFTER RESEARCH ENDED

Keri West

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration integrated principles of procedural justice into child support enforcement practices (see Box 1). Procedural justice refers to the perception of fairness in processes that resolve disputes and result in decisions. Research has shown that if people perceive a process to be fair, they will be more likely to comply with the outcome of that process, whether or not the outcome is favorable to them.¹

Child support agencies aim to secure payments from noncustodial parents to support the financial well-being of their children.² The PJAC demonstration targeted noncustodial parents who were at the point of being referred to the legal system for civil contempt of court because they had not met their child support obligations, yet had been determined to have the ability to pay by child support agency staff members. The goal of PJAC services was to address noncustodial parents' reasons for nonpayment, promote their positive engagement with the child support agency and the custodial parent, and improve the consistency and completeness of their payments. The PJAC demonstration was developed by the Office of Child Support Enforcement within the U.S. Department of Health and Human Services' Administration for Children and Families.

After a competitive process, six child support agencies across the United States were awarded grants to implement the PJAC model (see Figure 1). As part of the demonstration, grantee child support agencies operated PJAC services from late 2017 through September 2021. After the study ended, participating agencies had the flexibility to determine whether to continue to use procedural justice principles, and if so, how. The research team conducted eight interviews with program managers and former PJAC case managers in August 2022 to learn how each agency continued using procedural justice. This brief presents the findings from those interviews and describes how the child support agencies that took part in PJAC have continued to deploy the principles of procedural justice.

PROCEDURAL JUSTICE IN PRACTICE DURING THE PJAC DEMONSTRATION

During the PJAC demonstration period, each site—participating agency—trained a certain number of case managers to use principles of procedural justice in their work with parents. These staff members provided services specific to the PJAC model that

¹ Tyler (2007).

² The noncustodial parent is the parent who has been ordered to pay child support and is generally the parent who does not live with the child. The other parent is referred to as the custodial parent.

“business-as-usual” child support services do not routinely offer. The PJAC process began with PJAC case managers completing a **case review**, or a review of the noncustodial parent’s case histories, to inform their approach to the rest of the model components. PJAC case managers then conducted **outreach and engagement**, making initial contact with custodial and noncustodial parents to introduce PJAC and learn about their perspectives on their cases, followed by continued contact. If appropriate, PJAC case managers set up a **case conference** involving both the custodial and noncustodial parent. During the case conference, the case manager facilitated a back-and-forth exchange between parents to identify reasons for nonpayment; come to a preliminary agreement about how to address those reasons for nonpayment; and develop a plan to achieve payment compliance, often documented as a **case action plan**. The case action plan could also include enhanced child support services (such as child support order modifications and child support debt forgiveness) or other supportive services outside the child support agency (such as employment services or legal support). The final component of the PJAC model was **case maintenance**, during which case managers monitored payments, met with parents, and modified case action plans as necessary to help noncustodial parents reach or sustain compliance.³

ONGOING PROCEDURAL JUSTICE EFFORTS

After the study, the sites changed how they used procedural justice in three fundamental ways:

- They used principles of procedural justice earlier in the child support process, applying them beginning with parents’ earliest interactions with the program.
- They broadened their use of those principles in their communications with parents.

³For more information on the PJAC model and how it was implemented, see [“Procedural Justice in Child Support Enforcement: Lessons Learned from an Implementation Study of the Procedural Justice-Informed Alternatives to Contempt Demonstration.”](#) For additional information on PJAC services and case managers’ perspectives on delivering them, see [“Integrating Procedural Justice Principles into Child Support Case Management: How Staff Members Experienced the Procedural Justice-Informed Alternatives to Contempt \(PJAC\) Demonstration.”](#)

BOX 1

The Five Key Elements of Procedural Justice as Applied to the Child Support Context

- **Respect:** Parents should believe they were treated with dignity and respect and their concerns were taken seriously.
- **Understanding:** Parents should understand the child support process and have their questions answered.
- **Voice:** Parents should have a chance to be heard by sharing their perspectives and expressing their concerns.
- **Neutrality:** Parents should perceive the decision-making process to be impartial.
- **Helpfulness:** Parents should feel that the child support agency was helpful and interested in addressing their situations.

- They trained more staff members in approaches informed by procedural justice.

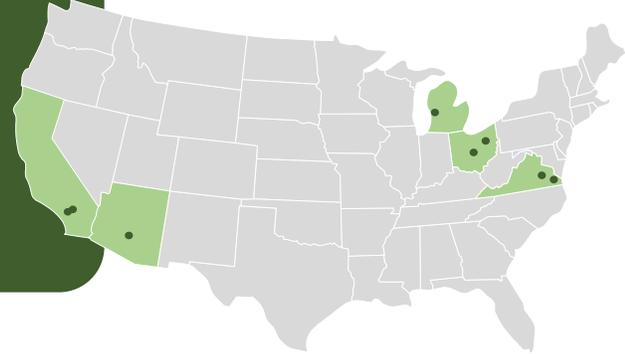
All the changes sites made fell into one of these three categories, though not all sites made changes in all the categories.

Using Procedural Justice Earlier

After the PJAC study ended, half of the PJAC sites began integrating principles of procedural justice at earlier points in the child support process. The agencies in San Bernadino and Arizona began using approaches informed by procedural justice at the intake and establishment phases—that is, during parents’ first interactions with the child support program, when child support orders are first established—emphasizing the principles of *understanding* and *helpfulness*. They wanted parents to have more information about child support processes, the ways case managers can support both parents,

FIGURE 1 Child Support Agencies in the PJAC Demonstration

- ▶ **Arizona Division of Child Support Services**
Maricopa County
- ▶ **California Department of Child Support Services**
Riverside and San Bernardino Counties
- ▶ **Michigan Office of Child Support**
Muskegon County
- ▶ **Stark County Job and Family Services, Division of Child Support Enforcement** *Ohio*
- ▶ **Franklin County Child Support Enforcement Agency** *Ohio*
- ▶ **Virginia Division of Child Support Enforcement**
Richmond and Newport News District Offices



and the services the agencies had available. In Stark County, the agency created a new staff position charged with explaining the child support process to parents at the beginning of their cases. It created this position based on responses from PJAC case managers that integrating procedural justice earlier could prevent parents from reaching contempt by helping them better understand child support processes sooner.

Using Procedural Justice in Communications with Parents

Child support agencies often use public-facing media such as posters and brochures to provide parents with information about child support. Half of the sites revised or planned to revise their brochures, surveys, forms, websites, and other public-facing media to include language informed by procedural justice. In Stark County, for example, the child support agency created a notice it provided to custodial and noncustodial parents when it opened a new case, informing both parents of their rights and responsibilities as well as the expectations of the agency.

Additionally, all sites began to incorporate procedural justice into direct interactions between parents and staff members. For example, Michigan encouraged its front desk staff to use procedural justice when talking with parents, by taking the initiative to explain parents' options. Likewise, in Virginia, parents now have direct access to the team who conducts reviews of orders and can adjust them. That

team is trained in procedural justice and can answer parents' questions about their cases.

Expanding the Use of Procedural Justice Through Staffing and Training

PJAC child support agencies made staffing decisions that allowed them to continue using the procedural justice training PJAC case managers received during the demonstration, and the skills they honed during that time. Across the six sites, PJAC case managers either remained in their roles or moved to new teams that allowed them to keep providing services informed by procedural justice. On new teams, they helped train their teammates. The Virginia Division of Child Support Enforcement created an *alternative to contempt* team that offers parents enhanced child support services (like those provided under PJAC) aimed at helping them avoid contempt. In Riverside County, the California Department of Child Support Services created a *collaborative engagement* team to engage harder-to-reach cases headed for contempt.

After the demonstration, every site participated in training in procedural justice or related concepts that helped it expand its procedural justice-focused work. The six sites either trained everyone on staff in procedural justice or planned to train everyone in the future. Program managers explained that one training goal was to help staff members listen to and communicate with parents and incorporate their *voices* in the child support process.



Some sites also had plans to expand some of the other, non-procedural justice training provided during the demonstration.⁴ For example, Virginia planned to provide training related to domestic violence to all staff members. Likewise, Arizona's PJAC team received training in collaborative negotiations during the demonstration. The site intends to train all staff members in this approach so that they can use it for case conferences and facilitating communication between parents.⁵

STAFF PERSPECTIVES

Former PJAC program managers and case managers who participated in interviews believed that procedural justice principles could improve parents' experiences with child support. Many advocated for the broader use of procedural justice across different teams and departments in their agencies. Child support leaders also reported that training in procedural justice was generally well received within their agencies and that case workers and other front-line staff members plan to use the principles in their work.

A few sites experienced challenges with getting staff members to buy into the principles, particularly those whose interactions with parents may feel less compatible with procedural justice approaches. For example, staff members on collections teams charged with obtaining payments from noncustodial parents may find it harder to consider parents' circumstances, as the procedural justice principles of *respect*, *voice*, and *helpfulness* suggest. These staff members typically do not work with consistent caseloads of parents, and therefore may not have

the chance to get to know parents over time. Former program managers in these sites reported that some staff members considered procedural justice "soft" on noncustodial parents. However, program managers saw opportunities to make parents' experiences with these workers more procedurally just. They did not view the reluctance of staff members as an insurmountable barrier to continuing their agency-wide procedural justice work.

Interviewees reported that procedural justice helped them work with parents in ways that allowed parents' voices to be heard and included in decision-making. One former PJAC case manager shared that procedural justice provided more space to be empathetic and vulnerable with parents. It helped parents be more open and motivated the case manager to continue using procedural justice principles.

IMPLEMENTATION CHALLENGES

As detailed throughout this brief, PJAC sites have had many successes in continuing and expanding their use of approaches informed by procedural justice. They have drawn on their experiences during the demonstration to initiate procedural justice earlier in the life cycle of a case, improve communication with parents, and use training to bring procedural justice to additional staff members or departments.

But procedural justice requires a lot of time and effort to build rapport and trust with parents. PJAC case managers expended a lot of energy not only trying to get parents to participate in services but also sustaining communication with them. Due to the hands-on nature of procedural justice, PJAC case managers worked with considerably smaller caseloads than is the norm for case workers in child support. Translating procedural justice approaches to the larger caseloads that are standard in child support can be difficult. Case managers already face many competing demands and have limited time to meet them, and some described procedural justice as taking more time than they had available. Some sites created sustainability plans to address this challenge. They outlined their procedural justice work in phases, encouraged staff members to use their discretion in providing services informed by procedural justice, and identified specific elements of procedural justice that they want to continue and

⁴The core PJAC training focused on four content areas: procedural justice concepts and applications, responses to domestic violence, dispute resolution, and trauma-informed practices. These four areas were selected because they represented challenges common in child support enforcement. The idea was that case managers would learn to address these areas using principles of procedural justice, enhancing their ability to deliver the PJAC model. See "[Incorporating Strategies Informed by Procedural Justice into Child Support Services](#)" for more information.

⁵Collaborative negotiation is a strategy to help parents work together to create a plan that meets both of their needs. Training staff members in collaborative negotiation can strengthen case conferences because the case manager and parents are already negotiating and trying to create a mutually agreed-upon plan regarding child support payments.



focus on delivering well.⁶ While these solutions may not give staff members more time, they help them determine how best to use the time they do have.

In addition, interviewees highlighted that some non-custodial parents they worked with had barriers to payment related to poverty, mental health, and substance use. While procedural justice approaches helped them learn about these challenges, case managers found that connecting parents to community-based services could be challenging, especially if available services were limited. A more expansive set of supportive services is needed to help parents facing these circumstances meet their child support obligations.

PLANS TO CONTINUE USING PROCEDURAL JUSTICE

Almost all sites created working groups charged with developing plans and recommendations to further procedural justice efforts. To identify areas for potential improvement, working groups reviewed their agencies' policies and procedures, customer survey responses, and recorded call center conversations. Former PJAC program managers and case managers served on these working groups and made recommendations as part of them, as did other, non-PJAC child support staff members. The Arizona PJAC site is developing innovative plans that would, if implemented, bring principles of procedural justice to bear in administrative pro-

cesses undertaken by child support workers, and then have those administrative processes influence the judicial authorizations that govern cases. The agency intends to implement case conferences and develop case action plans at the phases of the child support process where parentage is determined and child support orders are established. The goal is to create a *stipulated establishment* process wherein both parents reach agreement in a case action plan; the courts then can approve that agreement as the formal terms of a child support order.⁷ Bringing parents together through case conferences at the beginning of a case can help establish a sense of *neutrality* in the decision-making process. A stipulated establishment process would give parents a *voice* in determining the terms of their child support orders.

CONCLUSION

The six sites in the PJAC demonstration valued their participation in the project. Across all sites, interviewees highlighted the importance of consistent communication with both parents that validates their perspectives. Work informed by procedural justice has led staff members to believe that all conversations with parents are chances for the child support program to learn how to help parents meet their needs and achieve their goals. Managers are eager to bring this approach to more areas of the child support process.

⁶ See "[Integrating Procedural Justice Principles into Child Support Case Management](#)."

⁷A stipulated establishment process is a child support order that was mutually agreed upon by parents without the court's influence.

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NEW YORK

200 Vesey Street, 23rd Fl.
New York, NY 10281
Tel: 212 532 3200

OAKLAND

475 14th Street, Suite 750
Oakland, CA 94612
Tel: 510 663 6372

WASHINGTON, DC

750 17th Street, NW
Suite 501
Washington, DC 20006

LOS ANGELES

11965 Venice Boulevard
Suite 402
Los Angeles, CA 90066

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