



PROCEDURAL JUSTICE-INFORMED  
ALTERNATIVES TO CONTEMPT

PROJECT BRIEF  
SEPTEMBER 2020

## Working Toward a Resolution

### FACILITATING DIALOGUE BETWEEN PARENTS USING PRINCIPLES OF PROCEDURAL JUSTICE

*Riley Webster*

The Procedural Justice-Informed Alternatives to Contempt (PJAC) demonstration project integrates principles of procedural justice into enforcement practices in six child support agencies across the United States. Procedural justice is 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.<sup>1</sup>

Child support agencies aim to secure payments from noncustodial parents to support the well-being of their children.<sup>2</sup> The target population for the PJAC demonstration project is noncustodial parents who are at the point of being referred to the legal system for civil contempt of court because they have not met their child support obligations, yet have been determined to have the ability to pay. The PJAC demonstration project aims to address parents' reasons for nonpayment, improve the consistency of their payments, and promote their positive engagement with the child support program and the other parent.

The PJAC demonstration was developed by the federal Office of Child Support Enforcement, which is within the Administration for Children and Families in the Department of Health and Human Services. MDRC is leading a random assignment study of the model's effectiveness in collaboration with research partners at MEF Associates and the Center for Court

Innovation. Parents are assigned at random to either a program group offered PJAC services or to a control group not eligible to receive PJAC services; instead, the control group proceeds with the standard contempt process. Oversight of the evaluation is provided by the Georgia Division of Child Support Services. For an overview of the PJAC demonstration, see [“A New Response to Child Support Noncompliance: Introducing the Procedural Justice-Informed Alternatives to Contempt Project.”](#)<sup>3</sup>

This brief is the fourth in a series developed primarily for child support practitioners and administrators that shares lessons learned as the six participating child support agencies implement the PJAC model. It describes the case conference component of the PJAC model, in which a PJAC case manager facilitates a discussion between a noncustodial parent and a custodial parent.

### INTRODUCTION

In regular child support enforcement, the situations in which parents may have to participate jointly — court hearings or pretrial meetings with

---

<sup>1</sup> Swaner et al. (2018).

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

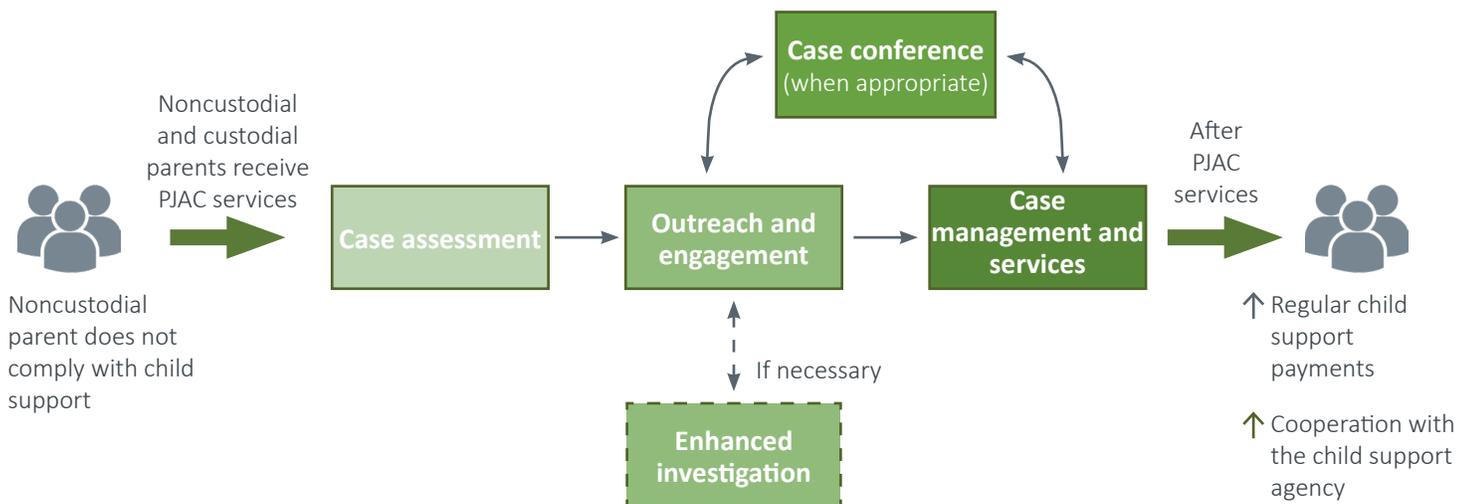
<sup>3</sup> Mage, Baird, and Miller (2019).

child support attorneys or caseworkers — tend to be time-limited and adversarial in nature, and afford few negotiation options. A component of the PJAC model (Figure 1), the case conference provides parents an alternative, nonadversarial venue to resolve disputes. During a case conference, a PJAC case manager facilitates a back-and-forth exchange between parents to identify reasons for nonpayment, come to a preliminary agreement about how to address these reasons for nonpayment, and develop a plan to achieve payment compliance.

conflicts regarding the amount of time each parent has with the child or children. Based on the knowledge gained from the review, the case manager can tailor messages to parents and demonstrate an understanding of the case history.

The case manager then calls the custodial parent to introduce him- or herself, explain the PJAC project, and assess whether a case conference may be appropriate from that parent's perspective. The case manager uses this conversation to gain an initial

**FIGURE 1**  
**The PJAC Model**



Planning for case conferences starts at the outset of a PJAC case manager's work with parents. When assigned a new case, the PJAC case manager thoroughly reviews the history of each parent's case (or cases) before making contact with the parents to assess their willingness to participate in a case conference. This in-depth review helps the case manager identify potential reasons for nonpayment and past case actions or requests that may have gone unaddressed.<sup>4</sup> It also alerts the case manager to previously expressed concerns, possible frustrations, and sensitive issues such as a history of domestic violence, mental health or other health concerns, or

understanding of the relationship between the parents, the custodial parent's concerns about the case (including domestic violence safety), and the custodial parent's perspective on why the noncustodial parent has not made payments. Next, the case manager reaches out to the noncustodial parent and has a similar conversation. Parents are given the case manager's direct phone number to facilitate communication and build trust.

Based on these discussions the PJAC case manager determines whether a case conference could be useful, and if so, schedules one. Depending on parents' schedules, physical distance, safety concerns, and other factors, the case manager can coordinate one of three types of case conferences:

<sup>4</sup>See Cummings (2020) for a summary of common reasons why noncustodial parents in the PJAC study sample have not made payments, as well as additional detail regarding the information gained from case reviews.

- ▶ **Joint, in-person:** both parents meet in person with the PJAC case manager
- ▶ **Joint, one or both on the telephone:** both parents participate, with one or both joining by phone or videoconference
- ▶ **Shuttle:** the case manager interacts with each parent separately, going back and forth between parents

### PROCEDURAL JUSTICE

#### 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.

During the case conference, the PJAC case manager applies training in dispute resolution — received as part of the PJAC project — to establish ground rules for the meeting, facilitate dialogue between the parents, and help them resolve their differences. The case manager also draws on the knowledge gained from the case review to guide the conversation. Finally, the case manager is expected to employ the five principles of procedural justice. For example, as per the principle of *understanding*, the case manager should make sure parents know how decisions are being made.

The goal is to identify reasons for nonpayment and to develop a *case action plan* that responds to those reasons. The case action plan is developed in consultation with both parents. It includes agreed-upon next steps to address reasons for past nonpayment and establish reliable payments in the future. These next steps could include modifications of child support orders to better fit parents' current economic circumstances, compromises on child support debt, new agreements regarding parenting time, or referrals to external service partners that provide employment training or parenting-support services.<sup>5</sup> The PJAC service model's design anticipates that both parents and the case manager will sign the case action plan and both parents will receive copies. The document is considered open for continued adjustments based on changes in parents' situations.

### PJAC CASE MANAGERS' APPROACH TO CASE CONFERENCES

In interviews conducted in the spring of 2019, PJAC case managers described the process of holding case conferences.

#### Scheduling

When scheduling in-person or telephone case conferences, PJAC case managers practice the procedural justice principle of *helpfulness* to make sure the time and location (if in person) are convenient for both parents. Some PJAC case managers will offer to meet at locations other than the child support office that may be easier to travel to, such as another public agency or a community partner's office. PJAC case managers also send email, text, phone, or mail reminders to parents before case conferences, listing the time and location.

#### Preparing

PJAC case managers use the information they learn during case reviews and their initial conversations with parents to help prepare for case conferences. Some case managers find it useful to ask both parents before the case conference about compromises

<sup>5</sup>If a PJAC case manager is unable to engage a custodial parent in the case-conference process but has been able to engage the noncustodial parent, that case manager will work with the noncustodial parent individually to create a case action plan and provide services.

they would be willing to make. For example, a PJAC case manager might ask a custodial parent about his or her willingness to waive child support debt or increase parenting time for the noncustodial parent, if those are factors contributing to nonpayment. By gauging parents' openness to compromises before the meeting, case managers can be better prepared to manage discussions so that parents do not feel pressured to agree to arrangements they are not comfortable with. In addition, some case managers report that informing parents of the topics they will cover before the case conference helps keep the conversation focused. PJAC case managers tailor the content of each case conference to the unique circumstances of each case.

### Facilitating

PJAC case managers shared their strategies for managing the interactions between parents during case conferences to ensure both parents can be heard in a respectful dialogue that results in clear next steps, as per the procedural justice principles of *voice* and *respect*. Some said it was important to center the conversations on what was best for the child or children, to help parents agree on issues such as parenting time or modifying child support orders.

In shuttle case conferences, PJAC case managers must establish the priorities and interests of both parents before they can get parents to come to agreement. For example, a noncustodial parent may have a strong interest in seeing his or her child more often and propose increased or consistent payments if the custodial parent will agree to additional parenting time. The case manager will present the proposal to the other parent and determine whether the parent agrees. The custodial parent might be open to more parenting time, but only after several months of consistent payments or if the noncustodial parent goes to a parenting class. The case manager goes back and forth between the parents until they can reach an agreement.

PJAC case managers also emphasize the procedural justice principle of *understanding* throughout case conferences, using the negotiation process to ensure parents understand what is happening and what their options and rights are, and inviting them to ask questions. PJAC case managers practice the

## CHILD SUPPORT AGENCIES PARTICIPATING 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 (Cities of Richmond and Newport News)

procedural justice principles of *helpfulness* and *neutrality* by offering resources to both parents to help address their parenting or employment needs, or other service needs they identify. The case manager documents agreements reached in the case conference in the case action plan, which both parents usually sign.<sup>6</sup> Across all six PJAC child support agencies (called "PJAC sites" throughout the rest of this brief), a case action plan was completed for the vast majority (94 percent) of noncustodial parents who participated in case conferences.<sup>7</sup>

PJAC case managers said the training they received in dispute resolution, motivational interviewing, and trauma-informed care helped them manage emotion-

<sup>6</sup>Some PJAC case managers only ask custodial parents to sign case action plans when the plans include action items for them.

<sup>7</sup>About 14 percent of noncustodial parents who participated in case conferences had case action plans dated before their case conferences. These are probably parents for whom case action plans were completed individually, before the custodial parents began to engage in the PJAC process. Once the custodial parents began to participate, the PJAC case managers may have opted to coordinate case conferences to facilitate a dialogue between parents and improve ongoing service delivery.

al and challenging conversations between parents.<sup>8</sup> These skills were often new to PJAC case managers, many of whom were previously enforcement workers delivering regular child support services and rarely facilitating discussions between parents.

## THE FREQUENCY OF CASE CONFERENCES

PJAC case managers said that it was often challenging for them to coordinate case conferences successfully for the population of parents assigned to receive PJAC services — that is, those whose cases had reached the point of being referred for contempt of court because they had failed to meet the terms of their child support orders. PJAC case managers often dealt with cases that had histories of poor communication and fraught relationships between noncustodial parents and child support agencies, which could make it difficult for them to engage these noncustodial parents.<sup>9</sup> PJAC case managers also said that custodial parents' frustration and fatigue with the child support system — or with noncustodial parents — often made it more difficult to get them to participate in case conferences. Outreach and engagement strategies informed by principles of procedural justice can help address these challenges.<sup>10</sup> However, if a PJAC case manager could not reach and engage both parents, it was impossible to hold a case conference. As shown in Table 1, PJAC case managers reached both parents (on at least one case) for about 47 percent of noncustodial parents.

Nearly 20 percent of PJAC noncustodial parents had case conferences within six months of enrolling in the study, with a range across sites from 7 percent

to 42 percent. At most sites, shuttle case conferences were the most common type held, and it took about two months for noncustodial parents to complete their first case conferences.

## WHEN PJAC CASE MANAGERS PURSUED CASE CONFERENCES

In interviews conducted in the spring of 2019, PJAC case managers revealed what case characteristics they considered when deciding which types of conferences to pursue.

### Parents' Relationship

Some PJAC case managers gauged what type of case conference to hold based on their understanding of the parents' relationship, gleaned through their conversations with one or both parents. Some case managers said they only brought parents together for joint case conferences when the parents were on good terms or when custodial parents were open to helping the noncustodial parents work through obstacles to payment. When PJAC case managers learned of discordant relationships, or when the custodial or noncustodial parents explicitly said they did not want to participate in joint conferences, the case managers used the shuttle case conference approach instead of bringing the parents into direct communication.

### The Presence of Domestic Violence

PJAC case managers said that during their initial case reviews they paid special attention to any history of domestic violence. They also listened for signs of domestic violence during initial conversations with both parents. Case managers reported that they did not pursue in-person, joint case conferences when they had reason to believe domestic violence was a factor; most said they chose shuttle conferences instead. As shown in Table 2, family violence was recorded for about 18 percent of noncustodial parents assigned to receive PJAC services.<sup>11</sup>

### Lack of Support Owed to Custodial Parents

<sup>11</sup>Domestic violence is generally recorded in a noncustodial parent's case file if either the noncustodial parent or custodial parent on any of the noncustodial parent's cases has claimed it occurred.

<sup>8</sup>See Rodney (2019) for additional information regarding the training PJAC case managers receive. Motivational interviewing is a method for changing behavior by developing inner motivation. The aim of this approach is to help clients identify and change behaviors that make it harder for them to achieve their personal goals. According to the Substance Abuse and Mental Health Services Administration (2014), trauma-informed care "realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff members, and others involved in the system; and responds by fully integrating knowledge about trauma into policies, procedures, and practices, while seeking to actively resist retraumatization."

<sup>9</sup>Cummings (2020).

<sup>10</sup>Kusayeva (2020).

**TABLE 1**  
**Case Conferences and Successful Parent Contacts Among Program Group Members Within Six Months of Study Enrollment, by PJAC Site**

Measure	PJAC Site A	PJAC Site B	PJAC Site C	PJAC Site D	PJAC Site E	PJAC Site F	All PJAC Sites
Case conference held (%)	41.5	7.2	7.4	14.0	23.9	28.0	19.9
Days to first case conference	60.2	82.6	90.1	71.7	35.3	54.2	58.7
Case conference type, among case conferences held (%)							
Joint, in-person	9.0	11.9	52.0	21.2	36.0	4.3	17.3
Joint, one or both on the telephone	8.7	17.9	12.0	9.1	24.0	13.9	13.7
Shuttle	86.5	77.6	36.0	72.7	42.9	89.3	73.5
Successful contact with both parents on at least one case (%)	52.0	33.9	33.0	59.4	56.1	51.6	47.1
Sample size	750	932	675	707	732	669	4,465

SOURCE: MDRC calculations based on PJAC management information system data.

NOTE: The sample includes noncustodial parents enrolled between 2/1/2018 and 7/30/2019.

**TABLE 2**  
**Selected Case Characteristics of Program Group Members, by PJAC Site**

Measure (%)	PJAC Site A	PJAC Site B	PJAC Site C	PJAC Site D	PJAC Site E	PJAC Site F	All PJAC Sites
<b>Primary case</b>							
Custodial parent and child(ren) receiving TANF	1.2	24.2	5.2	4.0	10.5	14.6	10.6
<b>All cases</b>							
Family violence indicated <sup>a</sup>	5.9	10.0	45.5	7.1	4.8	30.1	18.3
Sample size	750	932	675	707	732	669	4,465

SOURCES: MDRC calculations based on child support administrative records and PJAC random assignment data.

NOTES: The sample includes noncustodial parents enrolled between 2/1/2018 and 7/30/2019.

<sup>a</sup>This measure indicates family violence for either the noncustodial parent or the custodial parent on a noncustodial parent's cases, except for at PJAC Site A. At that site the measure only includes instances where the noncustodial parent is indicated as the victim of family violence.



Some PJAC case managers said they did not pursue case conferences when child support payments were owed to the state rather than custodial parents. They assumed custodial parents would not participate if the support was not owed to them. The support might not be owed to them if the custodial parent and child or children were receiving Temporary Assistance for Needy Families (TANF). In that event, the state will generally reclaim a portion of each child support payment for its support of the child. About 11 percent of custodial parents on primary cases in the study were receiving TANF or other cash assistance, ranging across sites from 1 percent to 24 percent (Table 2).<sup>12</sup>

---

<sup>12</sup>In PJAC, the case that made the noncustodial parent eligible for contempt of court and for PJAC is called the primary case, but many parents have additional cases – noncustodial parents average between one and two cases overall.

## CONCLUSION

Case conferences allow parents to discuss why noncustodial parents are not paying child support, and to work towards a resolution that involves consistent payments families can count on to support their children. PJAC case managers infuse the principles of procedural justice into case conferences to facilitate a dialogue between parents. However, PJAC case managers face challenges reaching and engaging parents, making case conferences difficult to coordinate. When case conferences occur, they often involve shuttling, in which PJAC case managers communicate with parents separately rather than bringing them together for a joint conversation. Shuttle case conferences are often the best option to reach agreements between parents given parents' relationships, preferences, and domestic violence concerns. Overall, PJAC case managers reported finding case conferences beneficial, noting that they allow parents to understand each other's situations better.

## REFERENCES

- Cummings, Danielle. 2020. "Who Is at Risk of Contempt of Court for Child Support Noncompliance? Characteristics of Parents Enrolled in the Procedural Justice-Informed Alternatives to Contempt Demonstration." New York: MDRC.
- Kusayeva, Yana. 2020. "Using Principles of Procedural Justice to Engage Disconnected Parents." New York: MDRC.
- Mage, Caroline, Peter Baird, and Cynthia Miller. 2019. "A New Response to Child Support Noncompliance: Introducing the Procedural Justice-Informed Alternatives to Contempt Project." New York: MDRC.
- Rodney, Zaina. 2019. "Incorporating Strategies Informed by Procedural Justice into Child Support Services: Training Approaches Applied in the Procedural Justice-Informed Alternatives to Contempt (PJAC) Demonstration." MDRC: New York.
- Substance Abuse and Mental Health Services Administration. 2014. *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration.
- Swaner, Rachel, Cassandra Ramdath, Andrew Martinez, Josephine Hahn, and Sienna Walker. 2018. *What Do Defendants Really Think? Procedural Justice and Legitimacy in the Criminal Justice System*. New York: Center for Court Innovation.

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

[www.mdrc.org](http://www.mdrc.org)

