



## TESTIMONY

Robert Doar, Commissioner  
Human Resources Administration/Department of Social Services

Prisoner Re-entry and Social Services

*Joint Hearing of the New York State Assembly  
Social Services, Correction, and Housing Standing Committees  
New York City, NY*

July 19, 2007

Good afternoon Chairmen Wright, Aubry, and Lopez and members of the Social Services, Correction, and Housing Committees. I am Robert Doar, Commissioner of the New York City Human Resources Administration. Thank you for inviting me here today to discuss HRA's efforts, as part of a city-wide collaboration, on the coordination of benefits for prisoners upon their discharge. Although the coordination of discharge planning initially falls with various departments of correction, it has become increasingly clear that many other agencies and systems, including the social services community need to be integrally involved as well.

That is why I am pleased to be part of New York City's Discharge Planning Collaboration, formed five years ago by Deputy Mayor Gibbs when she was Homeless Services Commissioner as well as Department of Correction Commissioner Martin Horn. In fact, I was able to visit Riker's Island within my first two weeks at HRA and see the positive results of these efforts that include many other city agencies as well as not-for-profit organizations, advocates, foundations, and researchers. I understand that the success of this collaboration of improving outcomes for those leaving incarceration is based on several premises. All of the sectors mentioned must be involved and be heard, must be on the inside working to make change, and everyone needs to contribute their ideas, energy and be willing to collaborate on solutions, not compete or assign blame.

Efforts are underway in New York City but there is still much more that we can all do to support the formerly incarcerated as they return to the community and their families. Towards that end, at HRA we have many collaborative efforts designed to achieve those goals; - some are long-standing and others are new initiatives.

### ***Long-Standing HRA Efforts***

Our HIV/AIDS Services Administration (HASA) started one of HRA's earliest prison initiatives back in 1992. This was established in order to help ensure a smooth transition for people living with HIV/AIDS in Correctional Facilities back into the community. Since our HASA services are based on medical criteria, a key aspect of this initiative is to receive medical documentation while inmates are still at the correctional facilities to

determine medical eligibility prior to their release. So, if a person is eligible, HASA holds the acceptance in pending status. When the person presents at our intake center (whether we have advance notice or not), we can instantly turn on the case and provide the person, based on his/her needs, with same day financial assistance and/or same day placement into emergency housing. This program within HASA has steadily grown and has a strong working relationship with the New York State Division of Parole, the correctional facilities themselves, and numerous community based organizations.

Also, since 2001 HRA has participated in re-entry programs for State prisoners nearing parole at the Queensboro Correctional Facility and who will be returning to New York City. Prior to release, medical assistance (Medicaid) applications are prepared at the facility with assistance from State Department of Corrections staff, and sent to HRA for registration. A Medicaid card is sent to the prisoner's parole office and after discharge, the recipient picks up their cards at that office. All prisoners choosing to apply for medical assistance through these programs are screened for substance abuse and if a potential issue is identified, they are assessed by credentialed alcohol and substance abuse counselors (CASACs) and assigned to a community or residential treatment program if indicated. In such cases, participation in the treatment becomes a condition of parole. As part of the referral, the initial appointment for treatment is usually scheduled for the day of or day after discharge.

#### ***HRA Efforts as Part of the City Discharge Planning Collaboration***

As part of the City's collaboration, we are working together with a number of groups involved in discharge planning to allow inmates sentenced 30 days or more to start food stamp and Medicaid applications from jail. The goal of this initiative is to have food stamps and Medicaid benefits available on the date of release.

Community-based organizations (CBOs) on Rikers Island will assist an inmate in completing a food stamp application and then work with the inmate and his family to secure all requisite eligibility documentation. The CBO will also work with Rikers staff so that the inmate's photo and finger images can be provided to HRA. A telephone

interview will then be conducted with the inmate while he/she is still incarcerated. However, there are federal regulatory and systems issues with regards to food stamps. As they are being addressed, we are planning to work with CBOs to submit food stamp applications to HRA and then we will schedule an interview for the inmate at a food stamp center after they are released.

Through the RIDE program (Rikers Island Discharge Enhancement), the Department of Health and Mental Hygiene Facilitated Enrollers help the incarcerated individual and their families complete the medical assistance application, and then submit the application to HRA for determination. They also make a referral to on-site HRA-contracted CASACs when substance abuse issues are identified. This replicates at the City level our long-established efforts on substance abuse assessment and treatment referral at the state Queensboro facility. In addition to our efforts with inmates prior to release, we also now have a part-time CASAC assigned to do assessments and referrals for parolees at a local parole office in the City.

Since the first step toward self-sufficiency in many instances is stabilizing an individual's mental health, we have accepted medical assistance applications since 2001 on behalf of certain seriously and persistently mentally ill inmates at Rikers Island. In addition, we have an expedited application process for these individuals so that they can access community-based providers and needed medication immediately upon release.

On behalf of this population, we have also accepted public assistance applications since 2003, and food stamp applications since last year. Prior to the inmate's release, discharge planners submit a joint application to HRA. Each application for food stamps and public assistance is registered and pended for ninety days. When the formerly incarcerated person comes into a local Job Center he/she has an application for PA, food stamps, and/or Medicaid already on file. As with any applicant, the released inmates can also receive Expedited Food Stamp services and an "immediate needs" cash grant on the day they come to the Job Center, if they are otherwise eligible.

In addition, Riker's Island discharge planners as well as staff from state correctional facilities submit applications for supportive housing to HRA on behalf of inmates with serious mental illnesses. After they are released, individuals with approved applications may be placed in various types of supportive housing including housing developed through the NY/NY I, II and III Agreements. The needs of individuals who repeatedly re-enter jail and shelter have been the subject of discussion and consideration in the New York/New York III process.

The City's Collaboration has also developed the Frequent User Service Enhancement (FUSE) initiative to focus on their needs. According to my colleagues at the DOC, one hundred housing units were identified through data matches with DHS, and with the help of several city agencies, the Corporation for Supportive Housing, and the JEHT Foundation. In addition, not-for profit groups willing to provide stabilization assistance stepped up their efforts. The early, initial findings show 100% of these frequent users of jail and shelter have stayed out of shelter, and that 88% have stayed out of jail. The vast majority of those who did return to jail returned to housing and services within days, a very different pattern from their "before FUSE" experience.

We are also working with the NYC Department of Correction to prepare prisoners, many of whom are parents, to understand the importance of caring for their children and to proactively manage their child support to deal with obligations and enforcement issues upon release, including how to obtain a child support order for those inmates who will be reuniting with their children. In fact, as of January 2006 in New York State Prisons, nearly 74% of women prisoners were mothers and almost 59% of men were fathers. This results in almost 63,000 children in the State with an incarcerated parent.

Starting in June, our Office of Child Support Enforcement (OCSE) staff began training Riker's Island discharge planners so that they can better advise prisoners on how to navigate the child support system. I've attached a copy of the most recent training to this testimony. Also, an OCSE child support liaison will be able to provide the discharge counselor with the specifics of the case prior to release so that if the circumstances

warrant, the individual can be prepared to file a petition with the court or approach OCSE to review their case. We are convinced that this will not only remove barriers to employment, but will produce better outcomes in the long run for their children by avoiding the build up of unrealistic arrears that discourage compliance.

### ***Future Direction***

As we move forward, I also understand that new legislation was passed by the legislature to suspend Medicaid rather than closing the case while an individual is incarcerated. We were pleased to see the allowance of time to adapt information systems as part of the final bill. As the State moves towards implementation, we recognize the challenges of creating an automated system to meet the intent of the legislation. Due to a combined application process and multiple entitlement benefits in one case in WMS (Welfare Management System) proper notification and timely interface of systems will need to be put into place. The full automation of all processes relating to incarceration, pre-release and release will also need to be taken into consideration.

Before closing, there is one final, but important point I would like to make. Drawing upon my previous experience at the State-level, New York's locally-based service delivery structure of 59 different local districts or counties, creates unique challenges for securing benefits during discharge from state facilities. I encourage the legislature and the State to consider a mechanism to support the ability of state correctional facilities to arrange for initial benefits for prisoners irrespective of the district in which the inmate will ultimately reside. It may be time to consider an "All-State" district for the initial three or six month period when a parolee could then recertify their benefits within their local district. This would significantly close the gap in attention and support that occurs between the day a prisoner leaves a correctional facility and the day- sometimes 3 weeks, sometimes 8 weeks later when the former prisoner finally approaches the local district social services agency with issues that could have been dealt with sooner. Thank you again for inviting me here and I look forward to your questions.

# **CHILD SUPPORT: WHAT YOU NEED TO KNOW**

**HRA  
OFFICE OF CHILD SUPPORT ENFORCEMENT**

**June 19, 2007 Riker's Island  
Discharge Planning Presentation**

## OBJECTIVES

- Increase/improve knowledge of Child Support program
- Demonstrate proactive behaviors for CPs & NCPs
  - NCP responsibility to care for their children
  - Importance of keeping court hearing & reading notices
  - Understand process & realize need to submit \$\$ to Child Support
  - Formal order = regular collections
  - PA participation requires Compliance
- Relationship building

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## OUR MISSION

- To ensure that NYC's children receive the financial and medical support to which they are entitled to from both parents.

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## COMMON TERMS

- CP – Custodial Parent – parent living with and caring for the child on a daily basis
- NCP- Non Custodial Parent – parent not in the household
- CSMS – Child Support Management System
- SCU – Support Collections Unit = OCSE
- Support Obligation - amount identified by the court to be paid on a weekly, monthly, bi-weekly or semi-monthly basis
- AOP – Acknowledgement of Paternity

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## WHY CHILD SUPPORT

- Improved family financial stability
- Increases family self sufficiency
- Increase opportunity for better parent child relationship
- Emotional benefits to children
- Educational benefits to children

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## COMMON TERMS

- IEX – Income Execution- The withholding notice sent to employer requiring them to withhold money from NCP's wages
- Add Amount – Additional amount to be taken when NCP has arrears or delinquency.
- Arrears – An amount identified by the court as owed by the NCP to DSS or the CP
- Delinquency – amount past due child support tracked by OCSE. This can eventually be set as arrears by the family court

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## BASIC FACTS

- NY - State Administered/County run
- Enforce all court orders payable to SCU
- All orders created by Family Courts (Supreme Court in divorces)
- Service regardless of immigration status or income level

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## HISTORY & LAWS

- Created via enactment of Title IV D of Social Security Act of 1975
- Child Support Enforcement Amendments (1984)
  - Wage Withholding
- The Family Support Act (1988)
  - IEX process
  - Child support guidelines
  - Automated system for collection & distribution
- The Child Support Recovery Act (1992)
  - Federal crime to willfully fail to pay support to a child in another state

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## Calendar Year 2006 STATISTICS

- NYC Collections
  - Total Collections = \$590,000,000
  - Families on PA = \$40,000,000
  - Formerly PA = \$206,000,000
  - Never PA = \$344,000,000
- No. cases on CSMS
  - 413,000
- No. cases with Court Orders
  - 295,000
- No. cases without Court Orders
  - 118,000

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## HISTORY & LAWS

- The Omnibus Reconciliation Act (1993)
  - Civil process for paternity establishment
- The Personal Responsibility & Work Reconciliation Act (PROWRA (1996))
  - Uniform interstate laws
  - New hires reporting
  - Streamline AOP
  - Tougher enforcement tools
  - Lifetime limit of 5 years for cash assistance

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## COLLECTIONS STATS

- In CY06, the average collected across all families is \$5,450
- Breakdown based on PA status
  - Never on PA, the figure increases to \$6,519
  - Formerly on PA the average is about \$4,398
  - Currently on PA, the average is about \$2,783
- Child Support collections represent between 16% and 38% of the poverty level.

The FY 2007 poverty rate for a family of three is \$17,170 rate.

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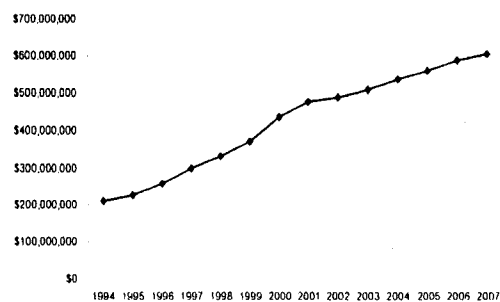
## OUR POPULATION

- PA based
  - Child(ren) on PA
  - A parent absent from the home
  - DSS Commissioner bringing action
  - Representation by Office of Legal Services
- Non-PA based
  - Child(ren) not on PA
  - A parent absent from home
  - Custodial Parent bringing action

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Collections By Calendar Year



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## WHERE TO FIND US

- **PA Cases**
  - Borough Offices
    - Bronx, Manhattan, Brooklyn & Queens
- **Non-PA Cases**
  - Family Courts
    - OCSE's Family Court Support Services Offices (formerly SCU)
  - Bronx, Manhattan, Brooklyn, Queens & Staten Island

### For Assistance

- Customer Services
  - Centralized Location
  - 2 Information Lines

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## LOCATION

### ✓ Whereabouts/income/and/or assets of the NCP are identified and verified

- **Data Matching**
  - Wage Reporting System
  - New Hire Reporting - W4
  - IRS
  - Social Security
  - Dept. of Defense
  - Federal & State Parent Locator Services
  - Postal Clearances

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## OUR SERVICES

- INTAKE
- LOCATION
- PATERNITY ESTABLISHMENT
- SUPPORT ORDER ESTABLISHMENT
- SUPPORT COLLECTIONS
- SUPPORT ENFORCEMENT

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## PATERNITY ESTABLISHMENT

### ✓ Biological & legal father of child born out of wedlock is identified

- **The Voluntary Acknowledgement of Paternity Form**
  - For parents not married to each other
  - Parents must be certain before signing
  - Legally connects child to parents
  - Allows father's name to be placed on child's BC
  - Legal document when signed and submitted
  - Secures a child's rights to benefits and/inheritance (SSI, Veteran, Death)
  - Basis for a child support order
  - Form can be completed up to age 21

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## INTAKE

- ✓ Any activity associated with the opening or maintenance of a case
- Referral due PA participation or direct Application via DSS 2521 (Child Support Application)
- **Identity of NCP**
  - Personal information on NCP (SS#, DOB, Family info, employment, address, etc.)
  - Info on CP & DC (Names, DOB, SS#, Paternity status, marriage/divorce info, address, etc.)
- Updating after cases have been built

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## HOW TO ESTABLISH PATERNITY

- **Voluntary Process**
  - Are you the biological parent?
    - Yes
      - ✓ Complete, sign & submit Voluntary Acknowledgement of Paternity form (LDSS 4418 NYC)
    - Not sure
      - ✓ Should not sign AOP form
      - ✓ Get DNA test OCSE then complete AOP form
- **Family Courts**
  - No/not sure/mother still married/deceased parent
  - DNA testing
  - Order of Filiation Issued

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## SUMMONS SERVICE

- ✓ **Summons - Notice to appear in court on specific date and time**
- Served by adult over age 18
- Must be served for case to proceed
- Served at least 8 days prior to hearing
- Verified address (mail, residential, employment)

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## APPLYING THE CSSA

- Determine source(s) of income
- Allowable Deductions
- No. of children = 1

### Sample NCP support order

• Adjusted Gross Income	\$35,000.00
• 17% (1 child)	\$ 5,900.00
• Weekly Order	\$ 114.42

- Medical Support mandatory
- \*\*\* Child care & education expenses optional

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## THE SUPPORT ORDER

- ✓ **The process of obtaining a court order that sets an obligor's financial obligation to his or her child, including medical coverage**
- **Identify Sources of Income**
  - Wages, salary, investments, etc
- **Allowable Deductions**
  - NYC Taxes
  - FICA
  - Other Child Support orders actually being paid
- No. of children involved

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## THE SUPPORT ORDER

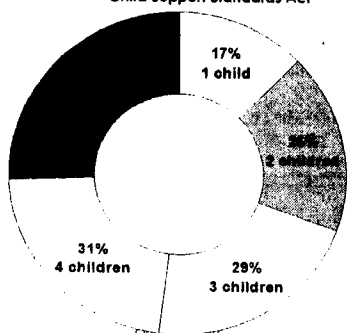
- **Self Support Reserve**
  - \$13,783
  - If NCP income below Self Support Reserve, minimum order of up to \$25 (includes \$0 orders)
- **If NCP at poverty level**
  - Minimum order of up to \$25 (includes \$0 orders)
- **If NCP on PA**
  - Minimum order of up to \$25 (includes \$0 orders)

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## THE SUPPORT ORDER CONT'D

Child Support Standards Act



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## SUPPORT ENFORCEMENT

- ✓ **Delinquent child support accounts are monitored and action taken to collect past due**
- Based on non payment
- Threshold = \$\$ amount or time period
- Multiple actions can occur at same time

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## ARREARS & DELINQUENCY

- Delinquencies tracked by OCSE
- Arrears set by Court & tracked by OCSE
- Trigger enforcement actions
- Can be owed to DSS or CP

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## DISTRIBUTION

- If PA based case
  - Funds retained by government to reimburse PA
  - Up to \$50 of current support collected sent to CP
- If Non PA based,
  - all monies go to CP

• Monies applied to current obligation first, then arrears

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## SUPPORT ENFORCEMENT

- ADMINISTRATIVE
  - DRIVERS LICENSE SUSPENSION & PASSPORT REVOCATION
  - INCOME TAX & LOTTERY PRIZE INTERCEPT
  - BANK ACCOUNT SEIZURES
  - CREDIT BUREAU REPORTING
  - PASSPORT DENIAL
- COURT
  - VIOLATION PETITIONS
  - NY STATE PROFESSIONAL LICENSE SUSPENSION
  - REFERRAL TO US ATTORNEY GENERAL'S OFFICE
  - MANDATORY WORK REFERRAL PROGRAM

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## CHILD SUPPORT SCENARIOS

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## COLLECTIONS

- ✓ **Collection, accounting and distribution of funds for child support**
- Primary instrument of collections is IEX
- At least 70% of monies are collected via IEX
- IEX sent to Employer and NCP
- Employer required to withhold monies from NCP wages and remit to OCSE

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## MOVING...?

- Provide OCSE with new contact information
- Why?
  - *Payment distribution*
  - *Notifications*
  - *Enforcement*

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## CHANGE IN CIRCUMSTANCES

- Job loss
- Working fewer hours
- Incarceration
- Needs of child increases
- Change in custody
- Remedy
  - Petition court for modification/suspension/termination

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## Avoid a Suspended Drivers License

- Pay on time
- Respond to notices
- If NCP is delinquent
  - Pay what is outstanding or
  - Sign statement of Net worth and Confession of judgment
  - Accept payment agreement
  - Comply with the agreement
- **Alternative = Restricted Drivers License**

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## MODIFICATIONS & OBJECTIONS

### Modifications

- Petition Family Court
- Can be upwards or downwards

### Objections

- File within 35 days of receiving order via mail

### Telephonic Testimony

- Request Telephonic Testimony if unable to attend physically

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## WHAT IS THE ADD AMOUNT?

- Administrative process to reduce delinquency/arrests
- Consumer Credit Protection Act
  - Can withhold up to 65% of NCPs income
- Add amount
  - 50% of obligation depending on frequency
  - 40% rule for deduction

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## NCP Failed to Attend Hearing

- Case may be adjourned for 1<sup>st</sup> non-appearance
- Personal service for summons delivery
- Default order issued if second non-appearance
- Default order based on needs of family not what NCP can afford (PA grant or available financial info)
- Copy of order sent to NCP via mail
- Failure to make payment = enforcement actions
- Can petition court

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## WHAT IS COLA?

- Cost of Living Adjustment
  - Case eligible after 2 years
  - Based on CPI-U
  - CPI-U must be 10% or greater
  - Cases from Yr 2000 eligible
  - PA cases automatic updates notices
  - Non-PA cases need request from CP
  - Can be challenged

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## MULTIPLE IEXs

- 1 case & multiple IEXs
  - Notify OCSE
    - If inappropriate, OCSE will correct
      - Required amt being remitted by first IEX
    - If correct, multiple IEXs remain in effect
      - Required amount not being remitted in full by first IEX
- Multiple cases & multiple IEXs
  - Employer to contact Employer hotline
    - 888-208-4485
  - NCP should return to Court for Modification

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## Can OCSE find me a job?

- STEP (Support Through Employment Program)
  - Court based program for NCPs
  - Placement with OCSE community partners
  - Partners assist in job skills development, job search & job placement
  - Process tracked by OCSE
  - NCP involvement reported back to Court
  - Failure to comply could result in community service and/or incarceration

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## Where is my Income Tax Return?

- Notice to NCPs in August
- Delinquent cases to DTF & IRS in October & December
  - Pass due of as little as \$50 for 2 + months
- NCP files taxes
- NCP notified of intercept by IRS/NYS DTF
- OCSE receives money 2-3 months later
- Monies applied to account only when received by OCSE

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## DOMESTIC VIOLENCE

- CP on PA based cases referred to DV Liaisons
- DV Liaison can issue waivers
  - Partial Waiver (action by OCSE)
  - Full Waiver (no action by OCSE)
- Waivers expire
- Information protected
- Non PA cases advised of local Domestic Violence service providers

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## When does OCSE freeze bank accounts?

- 2 or more months delinquency
- Arrears of \$300 or more
- Cases paying by IEX included
- Assets greater than \$2,000

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## RELEVANT CHILD SUPPORT INFORMATION

- Customer Services Unit:  
151 West Broadway, 4<sup>th</sup> floor
- Help Line:  
888-208-4485 (effective November 1, 2004)
- Automated Account Information Line  
800-846-0773
- Western Union Agent Locations
- Web Sites:  
[www.newyorkchildsupport.com](http://www.newyorkchildsupport.com)  
[nyc.gov/hra](http://nyc.gov/hra)