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Missouri State Auditor

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## SOCIAL SERVICES

# Timeliness of Child Support Administrative Hearings

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## Improvements Needed To Ensure Timely Child Support Administrative Hearings

The Department of Social Services, through its Division of Legal Services (DLS), has overall responsibility to provide timely administrative hearings for child support cases. From January 2006 through June 2008 the DLS received approximately 24,000 requests for child support hearings. Child support case parents may request administrative hearings to contest decisions made by the Family Support Division. Hearing requests may relate to establishing paternity, establishing child support, enforcing child support orders, or modifying child support obligations. Because of the importance of ensuring timely hearings, we focused audit objectives on determining (1) whether administrative hearings are scheduled, held, and completed in a timely manner, and (2) impediments that adversely impacted achieving timely completion of hearings.

DLS experienced significant delays completing hearings	Analysis of the DLS' database disclosed delays in completing hearings and rendering decisions have increased since 2006. In 2006 the length of time from the date the DLS received a hearing request to the date it mailed the decision averaged 4.6 months. In 2007, the length of time increased by an average of 2 months (43 percent) to 6.6 months, and for the first 6 months of 2008, the length of time increased again by .9 months (14 percent) for an average of 7.5 months. (See page 6)
Significant number of hearings in a pending status	As of June 30, 2008, the DLS had 7,388 hearings in a pending status, meaning either a hearing had not yet been scheduled or held, or a hearing had been held, but the decision had not been mailed. The 7,388 pending cases included 2,326 establishment cases, 1,834 modification cases, 2,983 enforcement cases, and 245 other types of cases. (See page 6)
Significant delays in rendering decisions	The DLS has experienced significant delays in scheduling, completing, and mailing decisions for hearings that have been held. Of 7,388 pending cases DLS had: <ul style="list-style-type: none"><li>• 733 (10 percent) cases pending for 30 days or less</li><li>• 850 (11 percent) cases pending from 31 to 60 days</li><li>• 965 (13 percent) cases pending from 61 to 90 days</li><li>• 1,017 (14 percent) cases pending from 91 to 120 days</li><li>• 1,332 (18 percent) cases pending from 121 to 180 days</li><li>• 2,041 (28 percent) cases pending from 181 to 365 days</li><li>• 442 (6 percent) cases pending from 366 to 838 days (See page 7)</li></ul>

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Workloads, staffing, and turnover contribute to delays and backlog	Increasing workloads, staffing issues, and staff turnover have contributed to delays in scheduling hearings and the backlog of unwritten hearing decisions. Hearing referrals increased significantly from January 2006 through June 2008, and the increased volume has resulted in delays in scheduling hearings of 4 to 5 months. The DLS has taken action to reduce the number of hearings held per day, however, reducing the number of hearings from five to four per day will likely increase the delay in holding hearings. At current staffing levels officials estimate it will take about 7 years to eliminate the current backlog of pending cases. (See page 8 and 10)
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Outdated and inefficient procedures contribute to delays and backlog	DLS procedures have not always been efficient or effective. This situation has occurred, in part, because the DLS had not maintained up-to-date policies and procedures manuals. In June 2008, the DLS distributed manuals to both hearing officers and clerical staff. Prior to June 2008, officials relied on a training manual which contained policies and procedures; however, the training manual was not complete because it did not contain addendums or other changes and/or updates to policies and procedures. (See page 13)
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Improvements needed in training	Discussions with hearing officers disclosed that 9 of 13 hearing officers (69 percent) believed they did not receive adequate training when they were hired. Training consisted of observing other officers conducting hearings, practicing writing hearing decisions based on observations, and asking questions of other hearing officers. (See page 16)
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## Abbreviations

DLS	Division of Legal Services
DSS	Department of Social Services
FSD	Family Support Division
MACSS	Missouri Automated Child Support System
SAO	State Auditor's Office



**SUSAN MONTEE, CPA**  
**Missouri State Auditor**

Honorable Matt Blunt, Governor  
and  
Deborah E. Scott, Director  
Department of Social Services  
Jefferson City, MO

The Department of Social Services, through its Division of Legal Services (DLS), has overall responsibility to provide timely administrative hearings for child support cases. From January 2006 through June 2008 the DLS received approximately 24,000 requests for child support hearings. Child support case parents may request administrative hearings to contest decisions made by the Family Support Division. Hearing requests may relate to establishing paternity, establishing child support, enforcing child support orders, or modifying child support obligations. Because of the importance of ensuring timely hearings, we focused audit objectives on determining (1) whether administrative hearings are scheduled, held, and completed in a timely manner, and (2) impediments that adversely impacted achieving timely completion of hearings.

Our audit disclosed the DLS has experienced significant delays in completing child support administrative hearings. This situation has occurred because of (1) increased workloads, staffing issues, and turnover of staff; and (2) outdated and/or inefficient procedures. In addition, the DLS has not ensured hearing officers and clerical staff have always been adequately trained.

We conducted our audit in accordance with the standards applicable to performance audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides such a basis. This report was prepared under the direction of John Luetkemeyer and key contributors to this report included Robert Spence, Brenda Richardson, and Amy Ames.

A handwritten signature in black ink that reads "Susan Montee".

Susan Montee, CPA  
State Auditor

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# Introduction

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The Department of Social Services (DSS), through its Division of Legal Services (DLS), has overall responsibility of providing timely administrative hearings when a parent<sup>1</sup> requests a hearing to contest child support decisions made by the Family Support Division (FSD).

FSD personnel maintain a case management and tracking system called the Missouri Automated Child Support System (MACSS). All information about child support cases is recorded on that system, including administrative hearing information. Parents on child support cases, through "due process," may request an administrative hearing. The request must be in writing. Parents requested administrative hearings on approximately 24,000 child support cases from January 1, 2006 through June 30, 2008.

Hearing requests may relate to establishing paternity, establishing child support, enforcing child support orders, or modifying child support obligations. Under certain circumstances, a child support obligation may be established, or a current obligation may be modified, administratively. Hearing decisions may change the amount of the obligation, impact enforcement, and affect arrears balances.

When child support enforcement<sup>2</sup> personnel receive a written hearing request, technicians must acknowledge receipt of the request within two working days, and must send the request to the DLS Child Support Hearings Unit no later than 10 calendar days after acknowledgment of receipt.<sup>3</sup> The child support enforcement technicians are also responsible for recording the date the request was referred to the DLS on the MACSS.

When DLS personnel receive requests for administrative hearings, they record the referral on a DLS log. They schedule a hearing and record the hearing date on the DLS database. Notice of the hearing date and time is then sent to hearing participants. After the hearing has been held, the hearing officer writes a decision which is then reviewed by another hearing officer. Once a decision has been approved by the reviewer, it goes back to the hearing officer and the decision is mailed to the participants. In addition, DLS personnel are responsible for recording all other hearing information on the MACSS, and ensuring the accuracy and completeness of that information. Information recorded includes the date the referral was received, hearing date, decision date, hearing officer, hearing resolution, and

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<sup>1</sup> Parents, as used in this report, are defined as a custodial parent, non-custodial parent, or legal guardian.

<sup>2</sup> The child support program is part of the Family Support Division.

<sup>3</sup> Child Support Policy Manual, Chapter 1, Section II.

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date the decision was mailed. See Appendices I and II for step-by-step processes.

The DLS has maintained a database containing information on child support administrative requests and hearings since 1996. As of June 30, 2008, the DLS had 76,302 hearing cases on its database. Of the 76,302 cases, approximately 7,388 were pending as of June 30, 2008.<sup>4</sup>

While there are no timeframes for scheduling hearings,<sup>5</sup> DLS management has adopted timeframes for the review process and writing decisions once the case record is closed (after the hearing has been held). The timeframes are:<sup>6</sup>

- 15 days to write decisions for cases involving defaults, withdrawals, and agreements
- 60 days for cases involving all other contested decisions
- 3 days for reviewers to complete reviews of decisions written by other hearing officers

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## Scope and Methodology

To accomplish audit objectives, we conducted work at DLS offices in Jefferson City and Independence, Missouri.

We reviewed policies and procedures, and laws and regulations governing child support administrative hearings. We interviewed DLS hearing officers, clerical support staff, and executive management. We also reviewed DLS internal controls and procedures for processing administrative hearings.

To identify administrative hearing requests the FSD referred to the DLS, we obtained an automated file of child support IV-D cases<sup>7</sup> with identification numbers and referral dates on or after January 1, 2006, as recorded on the MACSS at the end of business on May 7, 2008.

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<sup>4</sup>When we use the term pending in this report, it refers to cases where a hearing request has been received and recorded on the database, but a hearing may or may not have been scheduled or held, and a decision has not been rendered.

<sup>5</sup> We found no federal regulations/guidelines on time frames applicable to the child support administrative hearing process.

<sup>6</sup>Officials included this guidance in a September 2008 update to the June 2008, Child Support Hearing Officer Manual.

<sup>7</sup> A IV-D case is a case where the custodial parent is receiving public assistance or applies for child support enforcement services pursuant to Title IV-D of the federal Social Security Act.

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To identify administrative hearings recorded on DLS records, we obtained the DLS log of incoming hearing requests and the database containing administrative hearing records at the end of business on June 30, 2008.

We queried the DLS database to identify pending cases, decisions rendered, types of cases still pending, and when administrative hearings had been requested.

To determine whether administrative hearings had been scheduled for all hearing requests on the MACSS records and case information had been recorded on the DLS database, we conducted a data match of case identification numbers on the MACSS records to case identification numbers on the DLS database. For a sample of 133 of the 435 referrals not recorded on the DLS database, we manually compared the non-custodial parents' names on the MACSS to the non-custodial parents' names on the DLS database.

To determine the extent of hearing information recorded on the MACSS, we accessed hearing information records on the MACSS.

To determine the accuracy of totals of the progress of hearings, we obtained copies of the DLS' monthly production reports generated by personnel from the division's automated database.

To determine whether administrative hearings were scheduled and held in a timely manner, we randomly selected 50 administrative hearings from the MACSS database and judgmentally selected another 30 administrative hearings for testing from the universe of approximately 24,000 requests referred to the DLS for the period of January 2006 through June 2008. We used information in physical case files and data recorded on the DLS database to complete the testing.

To test the accuracy of the DLS' database records, we randomly selected 50 administrative hearings and traced 700 data elements from source records to the information recorded on the DLS database. We found that 97 percent of the data elements recorded on the DLS' database for these 50 cases agreed to the information on source documents.

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# Improvements Needed to Ensure Timely Administrative Hearings

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Improvements are needed in the oversight of the DLS' administrative hearings of child support cases because the DLS has experienced significant delays in processing and completing administrative hearings. This situation has occurred, in part, because of (1) increased workloads, staffing issues, and turnover of staff and (2) outdated and/or inefficient procedures. In addition, the DLS has not ensured hearing officers and administrative staff have always been adequately trained. As a result of delayed hearings, a custodial parent may not be receiving child support payments and/or a non-custodial parent may be waiting for an adjustment in child support owed.

DLS officials distributed new policies and procedures manuals in June 2008. However, the manuals did not address procedural weaknesses subsequently found by SAO auditors. The DLS also has revised some procedures since June 2008 which, if fully implemented, should help reduce its current backlog of hearing cases.

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## DLS Experienced Significant Delays Completing Hearings

Our analysis of the DLS database disclosed delays in completing hearings and rendering decisions have increased since 2006. For example, in 2006 the length of time from the date the DLS received a hearing request to the date it mailed the decision averaged 4.6 months. In 2007, the length of time increased by an average of 2 months (43 percent) to 6.6 months, and for the first 6 months of 2008, the length of time increased again by .9 months (14 percent) for an average of 7.5 months.

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## Significant number of hearings pending

From January 2006 through June 30, 2008, the DLS received approximately 24,000 requests for administrative hearings, according to DLS records. As of June 30, 2008, the DLS had 7,388 hearings in a pending status, meaning either a hearing had not yet been scheduled or held, or a hearing had been held, but the decision had not been mailed. During the first 6 months of 2008, hearings had been requested for 4,586 (62 percent) cases, 2,733 cases (37 percent) in 2007, and 69 cases (.9 percent) in 2006 or earlier.

The 7,388 pending cases included:

- 2,326 establishment cases
- 1,834 modification cases
- 2,983 enforcement cases
- 245 other types of cases

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Significant delays in scheduling hearings and completing decisions

The DLS has experienced significant delays in scheduling, completing and mailing decisions for completed hearings. As of June 30, 2008, DLS had:<sup>8</sup>

- 733 (10 percent) cases pending for 30 days or less
- 850 (11 percent) cases pending from 31 to 60 days
- 965 (13 percent) cases pending from 61 to 90 days
- 1,017 (14 percent) cases pending from 91 to 120 days
- 1,332 (18 percent) cases pending from 121 to 180 days
- 2,041 (28 percent) cases pending from 181 to 365 days
- 442 (6 percent) cases pending from 366 to 838 days
- 8 cases which could not be aged because the date the referral had been received had not been accurately recorded on the database

Of the 7,388 pending cases, 781 had not had a hearing scheduled, 4,201 had a hearing scheduled, but not yet held, and 2,406 had a hearing, but a decision had not been written and/or mailed.

Delays also occurred after hearings held

Prior to August 2008, the DLS required hearing decisions to be written and mailed within approximately 30 days of the hearing. However, our aging of the 2,406 pending cases for which hearings had been held disclosed 1,582 (66 percent) decisions had not been sent within 30 days. For the 2,406 cases, the delays since case hearing dates and June 30, 2008, are as follows:

- 824 (34 percent) 30 days or less
- 473 (20 percent) 31 to 60 days
- 334 (14 percent) 61 to 90 days
- 293 (12 percent) 91 to 120 days
- 321 (13 percent) 121 to 180 days
- 159 (6 percent) 181 to 365 days
- 2 (1 percent) 366 to 735 days

Without impediments and backlog, decisions could be more timely

One official told us hearing decisions could be completed within approximately 45 days after a hearing if the current backlog of unwritten decisions did not exist, and if there were not impediments such as inadequate staffing, lost case files, and rescheduled hearings. In discussing timeframes, another official told us decisions could be completed and mailed within 60 days, and in August 2008, officials revised the required timeframe from approximately 30 days to 60 days.

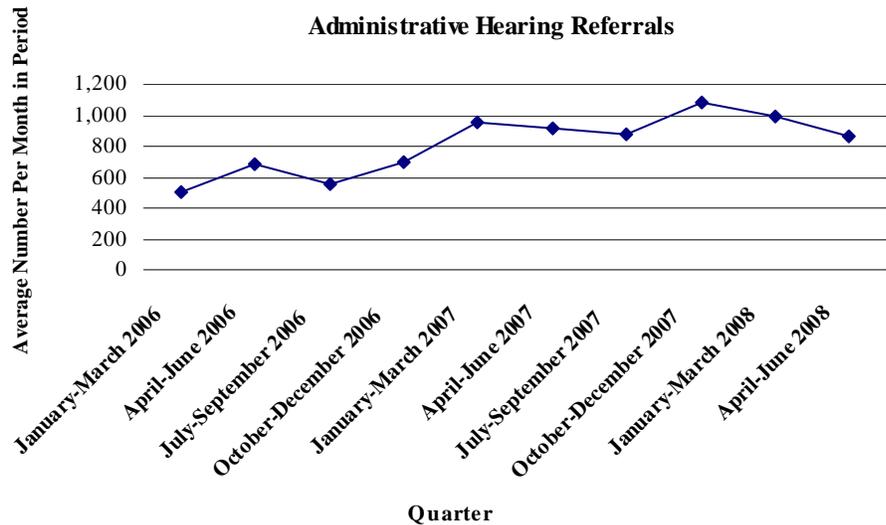
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<sup>8</sup> For aging analysis, we used the date received by the DLS.

## Workloads, Staffing, and Turnover Contribute to Delays and Backlog

Increasing workloads, staffing issues, and staff turnover have contributed to delays in scheduling hearings and the backlog of unwritten hearing decisions. For example, during 2006 the DLS received 7,341 referrals, or an average of 612 referrals per month. During 2007, the DLS received 11,484 referrals, an increase of 56 percent, or an average of 957 referrals per month. From January through June 2008, the DLS received an average of 930 referrals a month. Figure 2.1 shows the average change in referrals by quarter from January 2006 through June 2008.

**Figure 2.1: Average Monthly Change in Referrals by Quarter From January 2006 Through June 2008**



Source: SAO calculations using DLS data.

## Increase in referrals results in hearing delays

As discussed, referrals for hearings have increased significantly from January 2006 through June 2008, and the increased volume has resulted in delays in scheduling hearings. Because of the increased volume of referrals for hearings, and other workload issues, DLS personnel have to schedule hearings 4 to 5 months in the future. For instance, DLS personnel scheduled administrative hearings in November 2008 for referrals received in June 2008.

## Five hearings a day not realistic

Prior to September 2007, the DLS implemented a specialized docket for scheduling hearings, according to an official. A specialized docket is where the DLS schedules certain types of hearings for each hearing officer. For instance, a hearing officer could be scheduled to conduct only enforcement hearings, or a combination of hearings such as modification and establishment hearings. With the specialized docket, the DLS scheduled five

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	<p>enforcement hearings per day for the hearing officers.<sup>9</sup> However, conducting five hearings a day has not been realistic with current staffing levels, according to 11 of the 13 hearing officers. Instead, a more reasonable workload would be to conduct four hearings a day, which would allow hearing officers more time for writing decisions, as well as more time to review decisions written by other hearing officers, according to an official.</p>
<p>Number of hearings reduced, but decisions will be delayed longer</p>	<p>In September 2008, the DLS began scheduling four hearings a day, instead of five, in order to allow hearing officers more time to write decisions, according to one official. However, the official also acknowledged that reducing the number of hearings from five to four per day will increase the 4 to 5 month delay in holding hearings. Because of current scheduling delays, four hearings a day will not occur until January 2009.</p>
<p>Significant backlog of pending cases with decisions not mailed</p>	<p>As shown on page 7, as of June 30, 2008, the 13 hearing officers conducted hearings over 90 days earlier on 775 (32 percent) of 2,406 cases where hearings had been held, but the decisions had not been mailed. Six of the 13 hearing officers told us they worked nights and weekends writing hearing decisions to reduce the backlog of pending cases. For example, available time records disclosed 4 hearing officers worked an average of approximately 11 hours of overtime per month from January 2008 to August 2008. However, extended working hours has not enabled hearing officers to eliminate the backlog of unwritten decisions because of the increasing volume of hearings.</p>
<p>Changes may help reduce delays</p>	<p>According to another DLS official, other changes have been planned or implemented which may reduce delays in writing decisions. For instance, in June 2008 hearing officers were notified that beginning in November 2008 the DLS plans to allow each hearing officer to take one day every two weeks, where hearings will not be scheduled, to catch up on decision writing. The official also notified hearing officers that when a hearing does not take place as scheduled, hearing officers may use that time to write decisions instead of filling that time-slot with another hearing.</p>
<p>Staffing changes or other options could help hearing officers expedite hearings</p>	<p>Hearing officers expressed concerns regarding workload and the lack of staffing. For example, 4 of 13 hearing officers told us the DLS needs more hearing officers and/or clerical staff to handle the current workload. One hearing officer also told us the DLS should consider using law students as interns to help with enforcement hearings and/or decisions. According to the hearing officer, this could be done at little or no cost since the incentive for</p>

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<sup>9</sup> For the other types of hearings, such as establishment or modification, officials schedule only 4 hearings each day.

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the law students would be the experience rather than the salary. In discussing the hearing officer's suggestion, an official told us using law students to assist on enforcement hearings and/or decisions would not be practical because of the time required to train them.

Another hearing officer suggested the DLS delay previously scheduled hearings for a couple of weeks and devote that time to catching up on the backlog of unwritten decisions, which would help eliminate that backlog<sup>10</sup> in a matter of weeks. The hearing officer told us some of the backlog includes cases from 2007, and he believes those parents deserve to get decisions expeditiously instead of enduring further delays.

Backlog will take 7 years to clear with current staffing

The DLS increased the number of hearing officers from 7 in June 2006 to 13 in June 2008. However, despite adding more hearing officers, internal reports disclosed the time to complete hearings and mail decisions continued to increase. In discussing workload issues, one official told us he would like to have more hearing officers so the DLS could increase the number of hearings held and decrease the time it would take to clear the backlog of pending cases. According to the official, with current staffing, hearing officers can reduce backlog by about 100 cases a month. At that rate it will take about 7 years to eliminate the current backlog of pending cases, according to the official.

Assessment needed to determine clerical staffing needs

According to one hearing officer and four of five clerical staff, additional clerks are needed to handle increased workloads and clerical duties. The DLS uses temporary workers to supplement clerical staff in order to get work done, according to an official. However, according to one clerk, the DLS needs to hire fewer temporary workers and hire more full-time clerical staff to eliminate constantly training temporary workers on how to do assigned work. In discussing this issue the official told us he would like to hire two more full time clerks.

Clerks have many duties

Discussions with clerical staff disclosed they have varying duties. Table 2.1 depicts examples of the duties of the five clerical staff.

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<sup>10</sup> The backlog represents 2,406 cases where a hearing had been held but the decision had not been mailed.

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**Table 2.1: Examples Of Duties Of Clerical Staff**

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<b>Duties Performed</b>				
<b>Clerk 1</b>	<b>Clerk 2</b>	<b>Clerk 3</b>	<b>Clerk 4</b>	<b>Clerk 5</b>
Clerical for three hearing officers	Clerical for two hearing officers	Clerical for three hearing officers	Clerical for four hearing officers	Clerical for one hearing officer
Logs incoming hearing requests onto an electronic spreadsheet	Records case information onto the database after the hearing is scheduled	Re-schedules continuances/prints and mails those notices		Faxes/mail-checks fax machine once an hour. Opens mail three times a day.
May assist clerk 5 in updating the MACSS with decision information	Print/mail first hearing notices	Copies records in case files and sends to the hearing officer in the Independence office	Copies records in case files and sends to the hearing officer in the Kansas City office	Updates the MACSS once a hearing decision has been mailed and updates the MACSS with decision information

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Source: Discussions with five clerks.

Workload includes hundreds of files and records

To illustrate the volume of work clerical staff may have on any given day, we counted records and files in clerical workspaces. We found the 5 clerks had a total of approximately 5,700 files and/or correspondence and miscellaneous records pertaining to pending or completed cases in their workspaces. For example, we found one clerk had 889 files and records in her workspace. Of these files, 689 required some action by the clerk. She identified the files and records, as follows:

- 16 cases with default decisions waiting to be written
- 42 decisions from 2 hearing officers waiting for the administrative assistant to make minor corrections
- 41 decisions needed to be mailed
- 38 cases with decisions that needed corrections to be made in the database
- 35 cases where the administrative assistant was unsure of what needed to be done
- 8 cases where parent requested the case to be withdrawn and the withdrawals needed processing
- 423 copies of original case files that had been sent to an out-of-town hearing officer
- 45 case files where the hearing had been continued, but not rescheduled, and notices not sent
- 20 unidentified cases left in the workspace by a predecessor
- 21 returned hearing notices that needed to be put in case files

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- 200 completed cases that needed to be sent to storage (no further work required)

We also found another clerk with 582 case files on hand, as follows:

- 32 files that needed some type of action to be taken right away, but the clerk was not sure what action was needed
- 77 decisions that needed to be mailed
- 99 decisions that needed to be signed by a hearing officer
- 1 decision that needed to go to a reviewer
- 21 miscellaneous mail and faxed documents which needed to be put in case files
- 303 copies of original case files that had been sent to an out-of-town hearing officer
- 28 case files where the hearing had been continued, but not rescheduled, and notices not sent
- 18 returned notices that needed to be put in case files
- 3 case files waiting for additional required information before the decision can be written

Workload analysis  
needed

As discussed above, duties vary among the clerical staff and the workload includes handling hundreds of case files and/or correspondence. Sound business practices dictate that management determine optimum clerical workloads and balance workloads in order to achieve the most efficient flow of work.

In discussing workload issues, an official told us clerical workloads may be adjusted when someone is sick, on leave, or leaves the agency. The DLS has not conducted a workload analysis to determine the most effective workload distribution for clerical staff because the workload is constantly shifting among the clerks, according to another official.

Staff lack experience due  
to turnover

Discussions with hearing officers disclosed turnover for hearing officers has been high. For example, 7 of 13 (54 percent) hearing officers have been in their jobs less than 1 year, as of June 30, 2008. According to an official, high turnover also has been caused, in part, by increased workloads, low salaries, and inexperienced clerical staff.

One clerk told us the turnover for clerical staff has also been high. For example, we found the longest term of employment for clerks, as of June 30, 2008, has been approximately 18 months. According to an official, high turnover of clerical staff has been caused, in part, by increased workload and low pay. The official also told us clerical staff tend to move to higher paying jobs.

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## Outdated and Inefficient Procedures Contribute to Delays

The DLS procedures have not always been efficient or effective. This situation has occurred, in part, because the DLS had not maintained up-to-date policies and procedures manuals. In June 2008, the DLS distributed up-to-date manuals to both hearing officers and clerical staff. Sound business practices dictate management provide current and comprehensive written policies and procedures manuals for staff to follow and ensure that staff are aware of all guidance.

The DLS hired 7 of 13 hearing officers within the last year and, according to those hearing officers, they did not receive, nor were they aware of, any formal policies and procedures. Instead, they relied primarily on other hearing officers for instructions for processing hearing cases. One hearing officer employed by the DLS for over 10 years said he thought a manual had existed sometime in the past. Further review disclosed the hearing officers received a training manual in September 2007 that contained policies and procedures.

According to the five clerical staff, all of which have been employed 18 months or less, the DLS did not provide them with written procedures until June 2008. Prior to that time, they told us they generally received on-the-job training and were verbally told procedures.

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## Training manual used as policies and procedures manual

In discussing this issue, DLS officials told us a policies and procedures manual did exist and provided us with a training manual that included general policies and procedures. However, that manual did not include a comprehensive discussion of some policies and procedures. According to officials, the training manual was the only manual available that contained policies and procedures prior to the issuance of the June 2008 policies and procedures manual. However, the undated training manual was not complete because it did not contain addendums or other changes/updates to policies and procedures.

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## The DLS issued formal guidance in June 2008

The policies and procedures manuals the DLS distributed in June 2008 documented many of the procedures used by DLS personnel. According to officials, the new manual distributed to hearing officers had been a "work in progress" for approximately 2 years. Our review of the new manual disclosed it contained nine chapters covering a variety of subjects related to child support administrative hearings, guidelines and policies. For example, the June 2008 policies and procedure manual addressed, in part, the following:

- New employees will be given a copy of job expectations detailing what is expected in the performance of their job as a hearing officer

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- Each hearing officer will be scheduled for 4 to 6 hearings per day<sup>11</sup> depending on the type of hearings they are holding in a given month
  - Notification of the administrative hearing must be mailed at a minimum of 10 days prior to the date of the hearing
  - Step-by-step instructions for conducting the hearing
  - All incoming faxes and mail must be processed and distributed the same day it is received

Our review of the policies and procedures manual for the hearing officers disclosed the DLS did not address certain procedures, discussed in the following sections, the lack of which contributed to problems we identified.

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### Lack of, or inefficient procedures may contribute to delays

In reviewing procedures used by personnel, and dates recorded on the DLS' database, we found hearings had not always been scheduled and delays in scheduling occurred. For example, in comparing case identification numbers on child support referrals to case identification numbers on the database, we found 435 referrals had not been recorded. Further manual review of 133 sampled cases disclosed 24 (18 percent) referrals had been made; however, hearings had not been scheduled or the case had been withdrawn.<sup>12</sup> This situation occurred because the DLS had not established procedures to reconcile incoming referrals to hearings recorded on the DLS database.

In discussing this issue, officials told us the referrals had not been recorded because of administrative errors and agreed that incoming referrals should be reconciled with hearings recorded on the database. One of the officials told us, "reconciliation is a good idea", and the division is developing procedures to reconcile the incoming referrals to scheduled hearings recorded on the database.

### Delays occurred in holding hearings

Our review of records for 80 child support hearing requests disclosed the DLS incurred significant delays in holding hearings on 27 cases (34 percent). Hearings were delayed primarily because personnel did not schedule the hearing in a timely manner or personnel had to reschedule a hearing because they did not notify one or more hearing participants of the date and time of the hearing. For example:

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<sup>11</sup> In August 2008, the Deputy Director told us they will begin scheduling only four hearings per day for each hearing officer. We suggested an addendum be added to the new policy manual to reflect this and other changes.

<sup>12</sup> Of the 133 cases, we found 109 cases were not errors because 21 cases had been scheduled and recorded on the DLS database under another case number. For 88 cases, the hearing packet either had not been sent to the DLS or the request had been entered on the MACSS in error.

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- The hearings on 20 cases had not been scheduled timely, with delays of 3 months to 19 months from the date the request was received to the hearing date. According to officials, the delays occurred because of administrative errors.
  - Hearings had to be rescheduled on 7 other cases because the DLS failed to notify one or more participants of the hearing date/time. The additional delays on these 7 cases ranged from 4 months to approximately 18 months. According to officials, these delays also occurred because of administrative errors.

No procedure to account for case files

Officials could not produce the case files for 4 of 80 cases (5 percent). Sound business practices dictate the DLS establish and maintain internal controls over cases files. In discussing this issue, one official told us having a method to account for case files is important and there should be a standard procedure to do so.

One clerk accounts for case files

One clerk told us she routinely accounts for case files assigned to her. According to the clerk, she pulls the files for the next week's hearings and puts them in date order. She then compares the parents' names on the files to names on hearings recorded on the scheduling book. If she cannot find information on the scheduling book, she asks the hearing officer about the files. If the hearing officer does not have the file, she then contacts other clerical staff to locate the file.

In discussing this issue, an official told us that while personnel may have their own personal case management tools, the division does not necessarily adopt them because the tools may not work well for other individuals.

Timeframes needed for passing case files and decisions

The DLS had not ensured decisions under review were passed on to the intended reviewer by clerical staff in a timely manner. For example, one hearing officer told us he may receive as many as 60 hearing decisions to review at one time. He believes these decisions are being delayed by clerical staff. Another hearing officer told us this is also a factor in delaying the completion and mailing of decisions.

In addressing this issue, a DLS official told us the division had not established timeframes for clerical staff in passing decisions and files under review. However, in August 2008 the DLS corrected this oversight and started requiring hearing officers to pass decisions under review directly to the intended recipient at the end of each day. In follow-up discussions with four hearing officers, all four told us they were not aware of this change even though officials sent an email, dated August 19, 2008, notifying all hearing officers of the change.

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Inefficiencies exist in the intake process

In reviewing intake procedures, we found three clerks and a temporary worker handle hearing packets<sup>13</sup> before the hearing officer receives the files. For example, one clerk responsible for recording case information on the DLS database does not record some needed information when she receives the hearing packet the first time. Instead, she only records names and addresses, then passes the packet to a temporary worker for additional processing. This worker then passes it back to the original clerk, at which time she records the hearing date and time. Because the hearing date is not recorded on the database at the same time the names and addresses are recorded, there is potential risk that hearing dates will not be recorded and notices will not be mailed timely when files are misplaced, forgotten or lost. (See steps 4 through 6 on Appendix I).

We discussed changes to the procedures of recording case and hearing information on the database with an official and suggested recording all information at one time before passing the file to the temporary worker. As a result of that discussion, officials told us they have changed intake procedures so that, as of September 2008, the data entry clerk will record all case information at the same time.

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Improvements Needed In Training

Discussions with hearing officers disclosed that 9 of 13 hearing officers (69 percent) did not believe they received adequate training when they were hired. According to hearing officers, training consisted of observing other officers conducting hearings, practicing writing hearing decisions based on observations, and asking questions of other hearing officers. One of the hearing officers also told us he had been given statutes to review that governed child support law.

According to clerical staff, their training had been verbal, on-the-job training. They did not receive a policies and procedures manual until June 2008. For example, one clerk told us when she started working at the DLS she did not receive any job expectations or formal training. Instead, she said her training consisted of on-the-job training and her ability to ask questions. Another clerk, that started her position in mid-June 2008, told us she has approximately 2,700 final decisions to record on the MACSS. However, as of July 31, 2008, she had not received training on the MACSS, so decision information for those 2,700 hearings has not been recorded on the MACSS.

Sound business practices dictate that division officials provide an adequate

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<sup>13</sup> A hearing packet consists of documents and records child support personnel prepare and send to the DLS when an administrative hearing is requested.

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training program for employees. In discussing training for hearing officers, an official provided information which showed one official had been in charge of training new hearing officers during 2007, and set up a training program for the division. However, that individual left the DLS in November 2007, and the training responsibility was transferred to another official that relied more on informal training. For example, new hires would read statutes, practice writing decisions, and observe actual hearings. In March 2008, officials decided to start a mentoring program in which new hearing officers were assigned to more experienced hearing officers for guidance and questions.

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## Conclusions

The DLS has not ensured child support administrative hearings have been scheduled, held, and completed in a timely manner. The DLS workload has increased significantly since 2006 and at current staffing levels, DLS personnel have not kept up with the workload or significantly reduced the backlog of unwritten decisions. As a result, parents who requested administrative hearings are currently waiting 4 to 5 months for a hearing to occur and, in some cases, over 2 years for the written results of the hearings. Therefore, a custodial parent may not be receiving child support payments and/or a non-custodial parent may be waiting for an adjustment in child support owed. In September 2008, the DLS reduced the number of scheduled enforcement hearings from 5 to 4 a day for hearing officers which should allow hearing officers more time to write decisions. However, that action will likely result in further delays before hearings can occur.

Although the DLS has increased the number of hearing officers since 2006, the time to complete hearings and mail decisions has increased. DLS personnel and officials believe more hearing officers and clerical staff are needed. However, officials may not have adequately considered other options suggested by staff that could possibly help in coping with the increased workload.

Personnel and officials recognize the workload for clerical staff has increased and rebalance workloads when clerks are not available or leave employment. Officials also use temporary clerks to supplement clerical staff and want to hire two additional clerks. However, officials have not conducted a workload analysis for clerks in order to determine all duties clerks perform. The analysis could be used to determine whether additional changes should be made to ensure uniform and efficient procedures are in place and/or whether additional clerks are needed.

The lack of updated, formal policies and procedures manuals for hearing officers and clerical staff has also contributed to the DLS' inability to conduct and complete administrative hearings in a timely manner. Prior to

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June 2008, officials assumed hearing officers were aware of policies and procedures contained in a training manual. However, hearing officers generally were not aware that document served as a policies and procedures manual. The DLS updated and distributed policies and procedures manuals in June 2008. However, those procedures did not address some weaknesses noted during our audit. We also found the DLS has not established formal procedures to account for case files and as a result, case files have been lost and hearings delayed or not held. All changes to policies and procedures should be incorporated in the DLS manuals for future reference.

The DLS also needs to improve its training program. The DLS should evaluate its informal training program and establish a formal training program. Doing so would help ensure personnel know procedures and processes used by the DLS and help ensure more timely processing of administrative hearing requests.

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## Recommendations

We recommend the Director of the Department of Social Services:

- 2.1 Evaluate staffing levels needed, methods to reduce employee turnover, and other options suggested by DLS staff, to improve the overall timeliness of the hearing process and eliminate the backlog of pending cases.
- 2.2 Establish timeframes for scheduling hearings.
- 2.3 Conduct a workload analysis of clerical duties in order to ensure all duties and activities are identified and to establish appropriate clerical staffing levels.
- 2.4 Ensure all procedures are included in policies and procedures manuals and establish formal procedures to account for case files.
- 2.5 Evaluate methods to improve training and develop a formal training program for personnel.

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## Agency Comments

The Department of Social Services provided the following response:

2.1 *The department agrees with the auditor's recommendation.*

*As the auditor noted, the number of requests to the DLS for child support hearings has increased in recent years. In response, the department more than doubled the number of hearing officers dedicated to holding child support hearings.*

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*What is not clearly set out in the audit is that in addition to holding child support hearings, the hearing officers must write a legal decision in each case and review an almost equal number of decisions written by other hearing officers. The decisions rendered by the hearing officers are equivalent in nature to judicial decisions issued by a court, and therefore, each hearing officer must engage in substantive legal analysis. Just as the legal decision is important, having each decision reviewed prior to its being issued is necessary to the process of ensuring correct and accurate decisions. The review process helps to ensure the integrity of the entire process and results in a very low number of the decisions being rejected by the courts.*

*Turnover has hindered progress in addressing the backlog. As the auditor notes, there was a turnover rate of 25 percent between June 2006 and September 2007. Not only does turnover disrupt scheduling and delay the completion of hearings, productivity suffers from resources being diverted to the recruiting, hiring and training process. Newly hired attorneys need time for their productivity to increase to that of their experienced peers.*

*Starting salaries are modestly competitive with other state agencies, and are well behind compensation offered in the private sector. In short, often young attorneys hired into the DLS can parlay their experience into more attractive employment opportunities outside of the department. The DLS has implemented flexible work scheduling for its hearing officers to allow them to better balance the unique demands of managing a hearing docket and rendering decisions. It is hoped that this will be seen as an attractive benefit to hearing officer employment, as well as a tool that will help hearing officers manage their dockets more efficiently.*

*Promoting efficient workflow processes increases productivity, reduces stress caused by backlogged schedules and reduces turnover through increased job satisfaction. The DLS has conducted various workflow analyses over the past two years, but will conduct another thorough work flow analysis to recommend changes that will optimize efficient handling of the large number of hearing requests, cases opened, hearings held and decisions written, reviewed and issued.*

*Today, the DLS has a cadre of skillful and capable attorneys under a new management and team structure, supervised by new managers. These teams are making steady progress towards reducing the backlog created by the significant increase in the number of cases. The turnover that accompanied the increase in caseload has moderated, although it*

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*remains a condition that must be carefully managed. Productivity across the unit is increasing and is well positioned to take maximum advantage of the workflow improvements we expect to discern from the workflow analysis.*

*2.2 The department agrees with this recommendation and the DLS already implemented this as of July 2008. Guidelines have been set and are being used by staff responsible for scheduling.*

*2.3 The department agrees with this recommendation. As noted in our response to recommendation 2.1, a workflow analysis will be included in every aspect of the hearing process, including all clerical functions as recommended.*

*2.4 The department agrees with this recommendation. The DLS has a current procedures and training manual for all positions (attorneys and clerical). The DLS has also established set procedures for updating the manual as necessary.*

*Ongoing improvements in procedures for managing case files will be incorporated into the manual as appropriate.*

*2.5 The department agrees with this recommendation. The DLS presently trains its hearing officers and support staff by use of the following methods:*

#### **HEARING OFFICER TRAINING**

*The first step is to provide the new hearing officers a copy of the Child Support Hearing Officer Manual, which they are to read and review. This provides a general overview of the Administrative Hearings Section. Additionally, new child support hearing officers are provided copies and cites to the applicable Missouri statutes, as well as the templates used for all of the different types of hearings conducted. New hearing officers are instructed in the reading, reviewing and comprehension of the Directions, Comments for Use and Examples for Completion of Form No. 14. (Child Support Guidelines issued by the Missouri Supreme Court). New hearing officers are trained in the use of all applicable computer programs and equipment, such as the headset and digital recorder necessary to conduct and write hearing decisions.*

*To further facilitate the new hearing officer's understanding of the position, each is assigned a mentor to whom questions can be asked regarding all applicable aspects of the position. The mentor is one of the more experienced hearing officers in the office. New hearing*

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*officers observe their mentor's hearings and assist them in reviewing and writing decisions in order to gain an understanding of the process. When the new hearing officers begin to conduct their own hearings, they can bring questions or issues to their mentor, as well as the managing attorneys.*

*New hearing officers also observe other hearing officers' hearings to see the different approach and styles taken regarding hearings. New hearing officers observe hearings for at least two weeks before they conduct their own. Also, before beginning to conduct their own hearings, new hearing officers are required to read and review several decisions written by other hearing officers for content and style to gain an understanding of how decisions are written. When hearing officers begin to conduct their own hearings, they begin gradually with only one hearing per day for the first week. As they gain confidence and experience, new hearing officers move to two per day, then three, and finally a full docket of four hearings per day. The DLS's annual Continuing Legal Education offerings include job specific offerings on all subjects, such as court cases, legislative changes, and changes to the hearing process.*

#### **SUPPORT STAFF TRAINING**

*Presently, new members of the support staff (clerical) are presented with the child support manual designed for the support staff to read and review. They are presented a form for his or her signature stating that they have been given the manual and have read it. The manual remains available to all clerical for purposes of reference and review.*

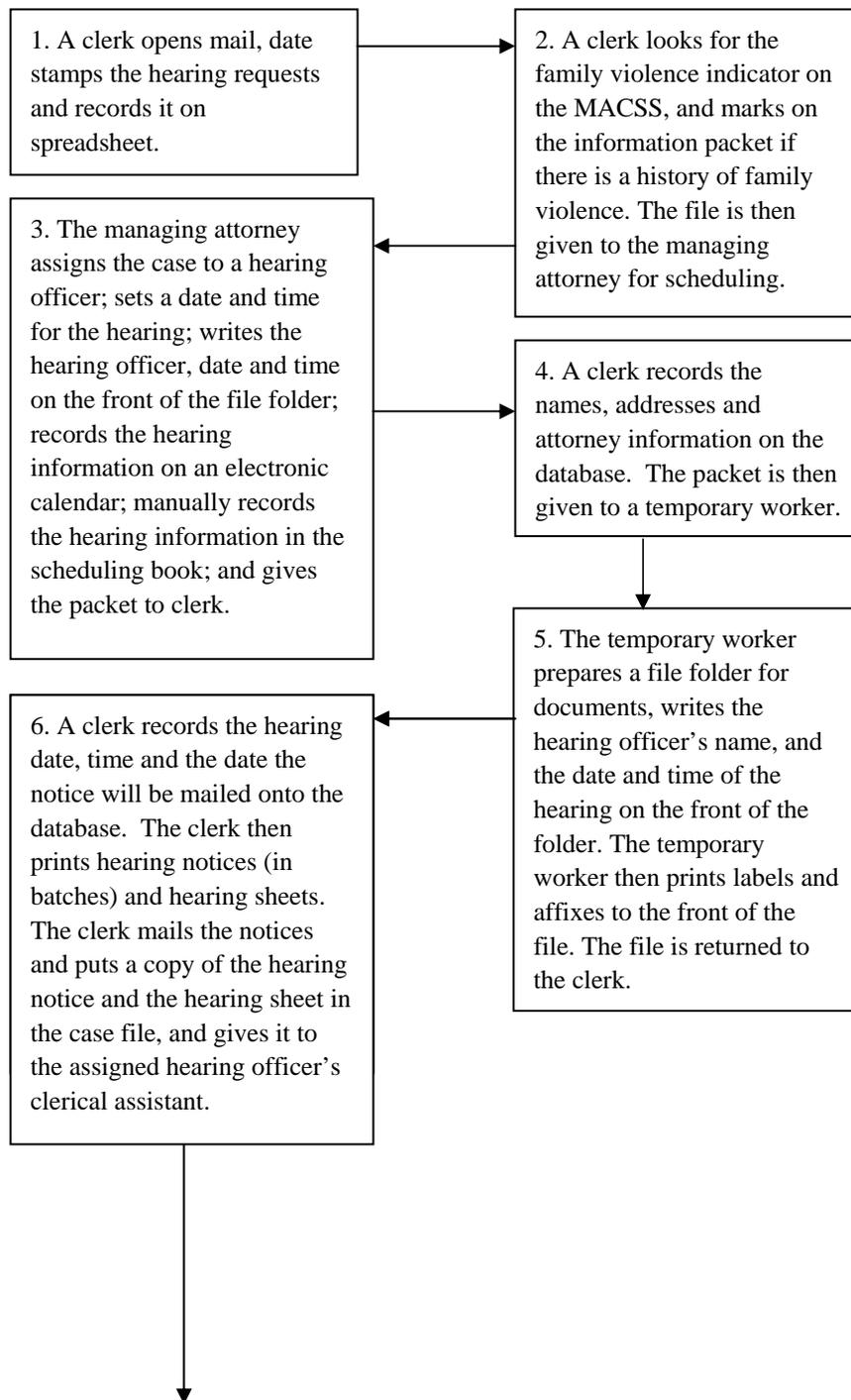
*The clerical is assigned a mentor (another member of the support staff) with whom to train. The new worker will shadow the mentor for two days. During this two day period, the mentor will train him or her on typing decisions, answering telephones, mailing decisions, logging data into the database, filing, typing and reviewing transcripts. Due to the nature of the work, this is on the job training. The Administrative Office Support Assistant (supervisor) oversees the entire process and routinely checks for progress and offers assistance whenever needed.*

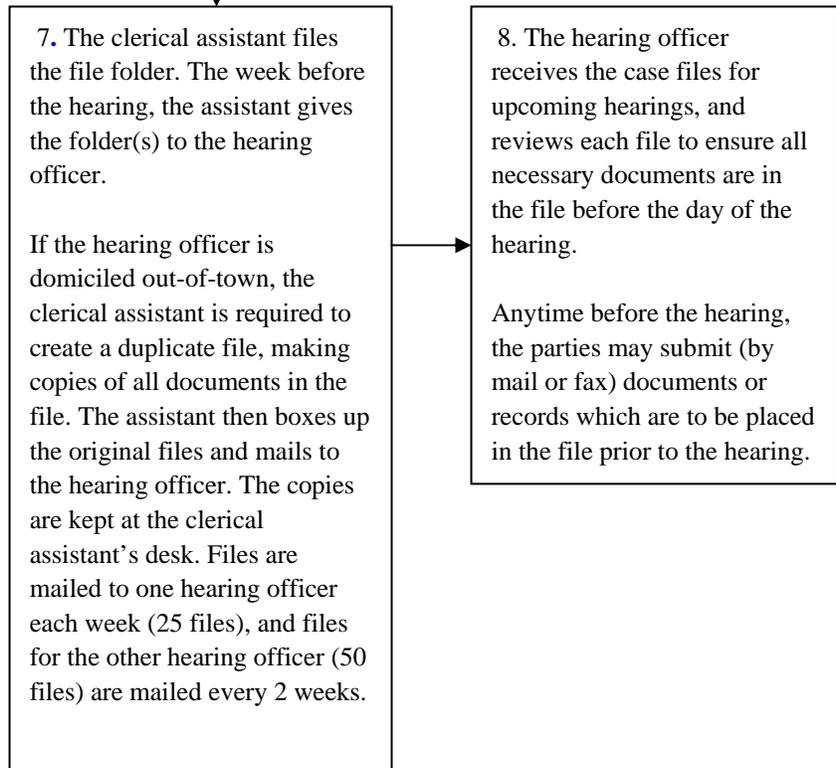
*The new worker is also being sent to formal training in areas where they need to improve their technical skills, as may be identified by the mentor and the supervisor. In addition, there is formal training in the use of any computer equipment or systems necessary for their job performance and training in any automated systems used to gather and record data and case records.*

# Flowchart of Intake Process

Figure I.1 depicts the DLS's intake process once child support enforcement staff record a parent's request onto the MACSS, gather applicable records, and mail the DLS a hearing packet of records.

**Figure I.1: Flowchart of Intake Process**



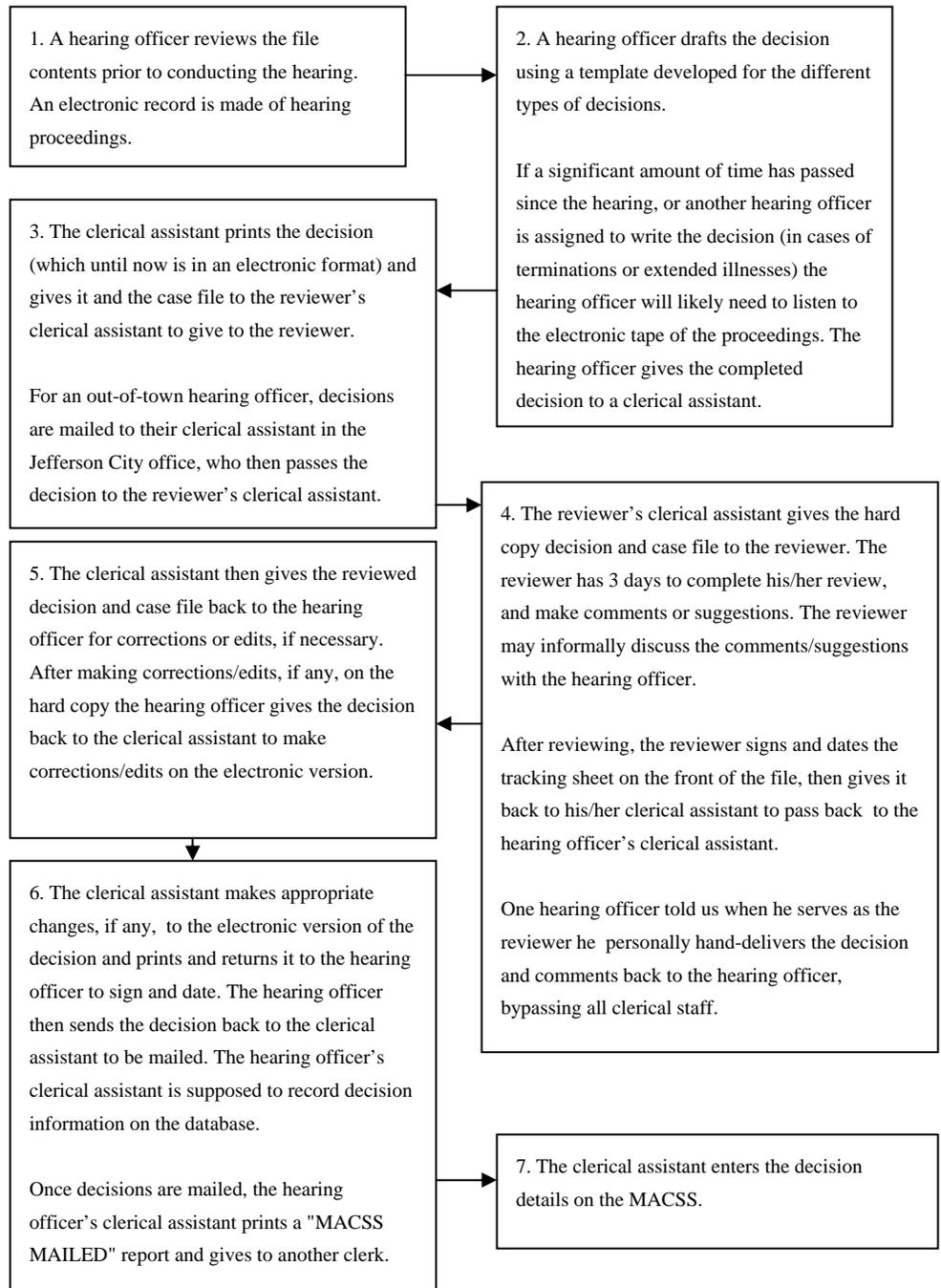


Source: Flowchart developed based on discussions with DLS personnel.

# Flowchart of Processes Used From the Hearing Date to the Date the Decision Is Mailed

**Figure II.1: Flowchart of Processes Used From the Hearing Date to the Date the Decision Is Mailed**

Figure II.1 depicts the flow of processes used from the hearing date to the date the DLS' decision is mailed.



Source: SAO flowchart based on discussions with DLS staff.