

# **Sunset Advisory Commission**



**Office of the Attorney General-  
Child Support Division  
Texas Office for the Prevention of  
Developmental Disabilities  
Children's Trust Fund of Texas Council**



**Special Purpose Reviews**

**2000**

## SUNSET ADVISORY COMMISSION

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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 10-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them. This report is the Commission staff's recommendations, which serves as the starting point for the Commission's deliberations.

**OFFICE OF THE ATTORNEY GENERAL  
CHILD SUPPORT DIVISION**

**TEXAS OFFICE FOR THE PREVENTION  
OF DEVELOPMENTAL DISABILITIES**

**CHILDREN'S TRUST FUND OF TEXAS COUNCIL**

**SPECIAL PURPOSE SUNSET REVIEW**

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**OFFICE OF THE ATTORNEY GENERAL  
CHILD SUPPORT DIVISION**

**SPECIAL PURPOSE SUNSET REVIEW**

# Agency Information

## AGENCY AT A GLANCE

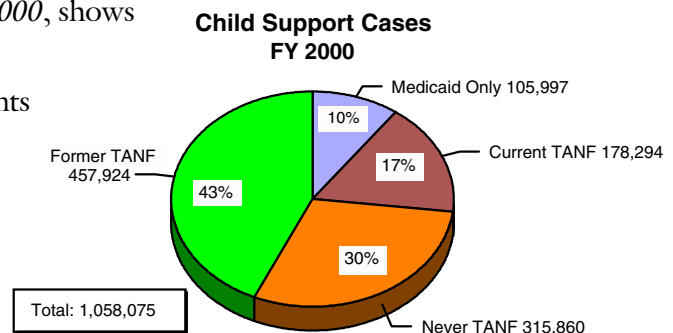
The Office of Attorney General (OAG), through its Child Support Division (Division), is the state agency designated to provide services under Title IV-D of the Social Security Act and Chapter 231 of the Texas Family Code. The Division provides child support services to families receiving or that previously received public assistance. Families who never received public assistance may also request and receive services. The services, among other things, include establishment of paternity, establishment of support obligations, collection of child support, distribution of child support payments and enforcement of child support orders. The chart, *Steps in the Child Support Process*, shows the primary elements of the child support process in Texas.

### Key Facts

- **Funding.** The Division's funding for fiscal year 2000 was about \$187 million. Of this amount, approximately 67 percent was federal funds.
- **Staffing.** The Division employs 2,524 staff. About 500 staff work in the central office in Austin, while the remainder work in field offices divided among eight geographical areas throughout the state.

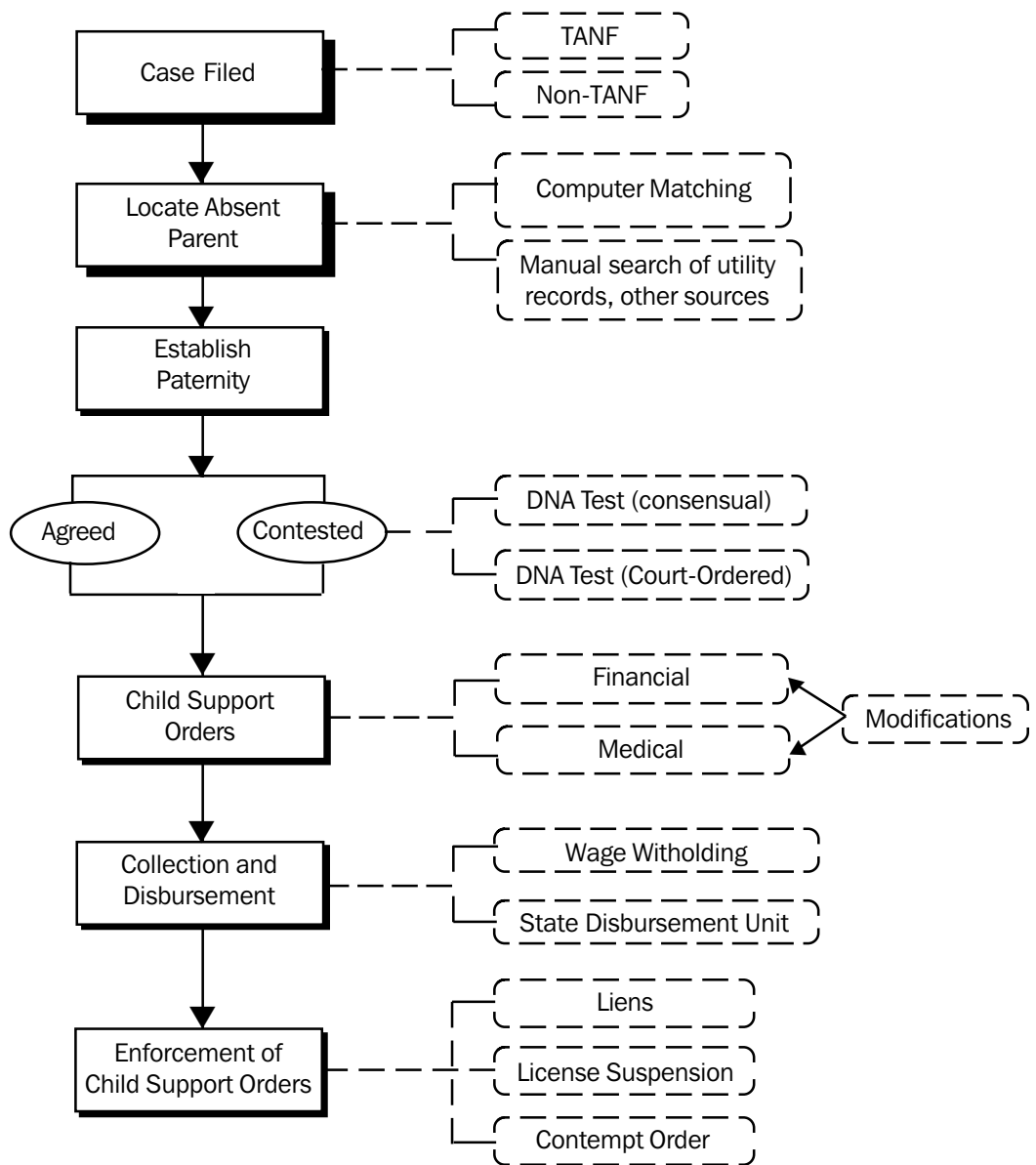
### Other Key Facts

- Each year, Division court filings represent 50 percent of all family law filing in the state.
- In fiscal year 2000, the Division's caseload was 1.1 million cases. The chart, *Child Support Cases - FY 2000*, shows the caseload by type of case.
- The Division processed 7.8 million payments in fiscal year 2000.
- More than 50 percent of the caseload involves children born out of wedlock.
- About 55 percent of the caseload has an order for support.



- Sixty percent of the noncustodial parents in the caseload make less than \$20,000 per year.
- The Division processes approximately 1.2 million phone calls per month.

### Steps in the Child Support Process



## MAJOR EVENTS IN AGENCY HISTORY

- 1975 The United States Congress amended the Social Security Act by adding Part D of Title IV. This section, known as IV-D, required all states, if they are to receive federal Aid to Families With Dependent Children funds, to establish a statewide plan for child support enforcement. The legislation also required each state to designate a single organization to administer the program. That same year, the Texas Legislature designated the Department of Human Services (DHS) as the State's IV-D agency.
- 1983 The Legislature authorized DHS to contract with the Office of the Attorney General to operate the IV-D agency. The State Constitution was amended to allow garnishment of wages for child support.
- 1985 The Legislature designated the Office of the Attorney General as the official IV-D agency.
- 1986 The Legislature authorized the Division to use administrative wage withholding and created the IV-D Masters program.
- 1989 Legislation passed authorizing testing to establish paternity and requiring courts to include medical support in court orders.
- 1993 The Legislature created a quasi-administrative process for voluntary paternity establishment, and support establishment, modification, and enforcement.
- 1995 The Legislature allowed license suspensions to enforce child support obligations.
- 1996 U.S. Congress passed Federal Welfare Reform Act.
- 1997 The Legislature placed the Division under Sunset review to determine whether it should remain at the Attorney General's Office, be placed at another state agency, or established as a stand alone agency.
- 1999 Sunset bill passed recommending the Division remain at the Attorney General's Office for a two-year probationary period.



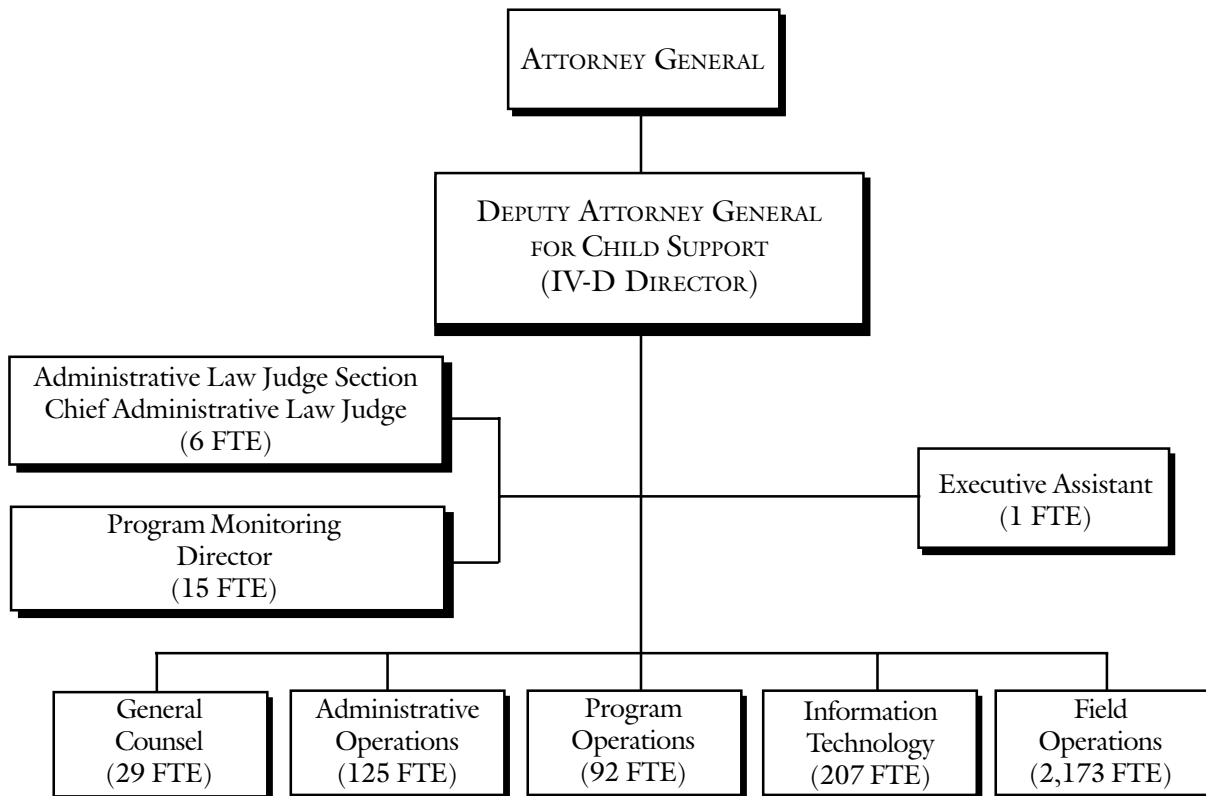
**ORGANIZATION**

**Staff**

The Deputy Attorney General for Child Support serves as the IV-D Director and head of the Child Support Division. The *Office of Attorney General Child Support Division, Organizational Chart* depicts the organization of the Division.

During fiscal year 2000, the Division was authorized 2,524 full-time equivalent positions. The Austin headquarters housed about 500 employees. The remainder of the employees work in the Division's field offices located throughout eight geographical regions in the state. The chart below illustrates the Division's organization and staffing (including vacancies and part-time employees).

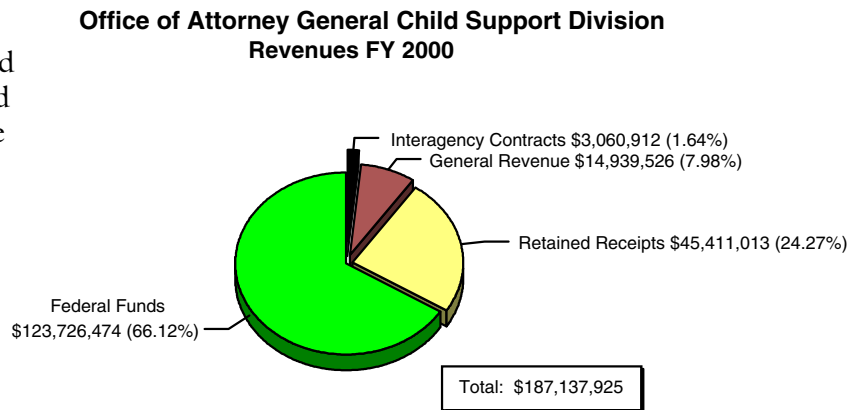
**Office of the Attorney General  
Child Support Division  
Organizational Chart**



## FUNDING

### Revenue

The Division received \$187,137,925 in appropriated revenue in fiscal year 2000. The pie chart, *Office of Attorney General - Child Support Division, Revenues FY 2000*, identifies each source of funds for that year.



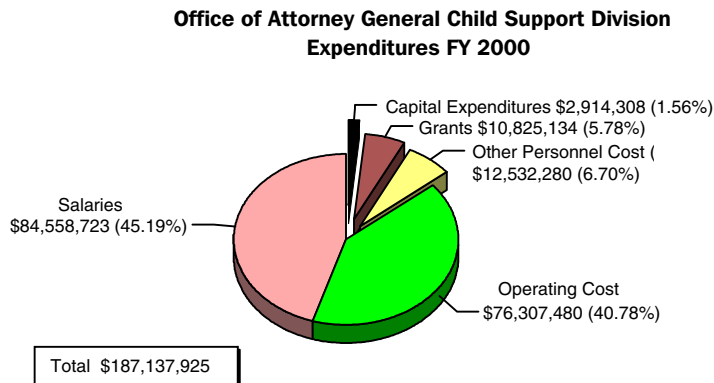
The IV-D program is funded by both the state and federal governments, with the federal government making payments to the states by a set formula. The financing of the Texas title IV-D program has three major components: Federal Financial Participation (FFP); retained child support collections in TANF cases; and federal incentive payments. The table, *Federal Funds FY 1996 - FY 2000*, provides total amounts received from each of these sources for the last five fiscal years. These are explained briefly below.

<b>Federal Funds FY 1996 - FY 2000</b>				
Fiscal Year	Federal Funds	Federal Incentives	Recovered Assistance	Total Federal Funds
1996	\$91,409,394	\$15,884,501	\$33,219,553	\$140,513,448
1997	\$101,143,938	\$17,868,740	\$38,536,763	\$157,549,441
1998	\$98,695,774	\$17,978,524	\$40,533,694	\$157,207,992
1999	\$105,524,889	\$14,308,983	\$40,201,068	\$160,034,940
2000	\$123,726,474	\$16,645,790	\$34,572,113	\$174,944,377

- Federal Financial Participation** The federal government reimburses states 66 percent of eligible expenditures for administering their IV-D programs. In addition, enhanced FFP, at 90 percent, is available for certain costs associated with paternity establishment. Until the end of FY 2001, an additional 80 percent of enhanced FFP is available for completion of federal automation requirements.

- Federal Incentive Payments** Out of its share of retained collections, the federal government makes incentive payments to states based upon certain performance criteria. The criteria used are: IV-D paternity establishment percentage, cases with support orders, collections on current support orders, collections on arrears, and cost effectiveness of the program.
- Recovered Assistance** Federal law requires TANF recipients to assign their child support to the State. When the State collects child support in a case with such an assignment, both the State and federal government are reimbursed according to their respective participation of the financing of the original TANF payment. For Texas, that percentage of the retained TANF collections is currently 39.43 percent.

**Expenditures**



The Division’s expenditures are divided between Objects of Expense outlined in its Strategic Plan and in the General Appropriations Act. These expenses are divided into broad areas such as salaries, operating cost capital expenditures and others (see pie chart, *Office of Attorney general Child Support Division Expenditures FY 2000*). To provide a better picture of the Division’s operational expenditures, the table, *Operating Budget by*

*Program Area as of September 1, 2000*, identifies expenditures based on the Division’s five Deputy Directors’ internal operating budgets.

<b>Operating Budget by Program Area as of September 1, 2000</b>		
<b>Program</b>	<b>Amount in Millions</b>	<b>Percent</b>
Field	1.2	43%
Information Technology	50.8	22%
Operations Support	12.8	6%
County Pass Through	10.0	4%
Outsourced Contracts	5.6	2%
Program Operations	5.3	2%
Court Masters/Presiding Judges	5.2	2%
Automated Mail Center	4	2%
Paternity Lab Testing	3.4	2%
Statewide Training	2.3	1%
SDU	33	14%

## Approach

Because of recurring problems with operation of the State's child support program, the 76th Legislature directed the Attorney General to redesign and improve the program, and required the Sunset Commission to analyze and report on those efforts.

- In 1997, the 75th Legislature enacted House Bill 3281, which placed the Attorney General's Child Support Division (Division) under Sunset Review. The legislation required an analysis of the structure, efficiency, and effectiveness of the program to determine whether child support operations should remain as a part of the Office of Attorney General (OAG), be privatized, or transferred to an independent agency.
- In 1999, the Sunset Commission recommended, and the 77th Legislature adopted, placing the Division under a two-year "probationary" period. The bill, SB 368, directed the Attorney General to redesign and improve Division operations during the two-year period. SB 368 also directed the Sunset Commission to report to the 77th Legislature on whether the OAG was successful in its efforts to redesign and improve child support operations. The related text of SB 368 is summarized in the textbox *SB 368, 76th Legislature: Sunset Review of Child Support Enforcement*.
- To assist the Commission in its review, SB 368 directed OAG to report to the Commission detailing its progress toward significantly improving the performance of the Division. In its analysis, Sunset staff extensively used the OAG's progress report, reviewed documentation related to that report, and interviewed OAG staff as well as others familiar with the operation of the State's child support system. In addition, the State Auditor's Office provided invaluable assistance in the Sunset analysis by reporting on the Division's implementation of the Sunset Commission's management recommendations on child support operations contained in its 1999 Sunset Report to the Legislature.

### **SB 368, 76th Legislature Sunset Review of Child Support Enforcement**

The Attorney General shall redesign and improve the child support enforcement program. In determining whether the Attorney General has improved the program, the Sunset Commission shall analyze the degree to which the Attorney General has:

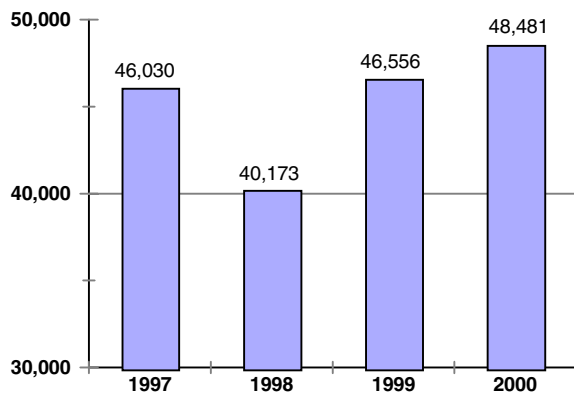
- improved all elements of the child support program;
- resolved computer system implementation issues;
- complied with federal welfare reform mandates; and
- improved customer service and increased client satisfaction.

## Analysis

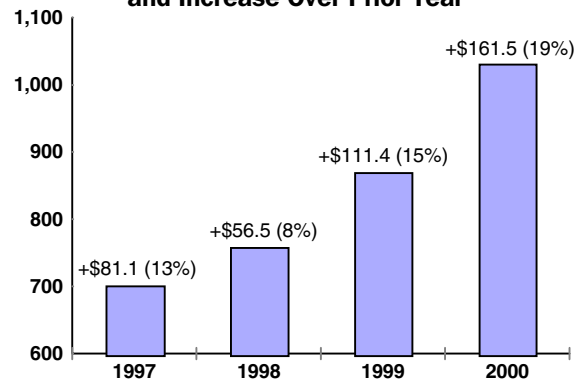
The OAG reports significant improvement in the performance of the child support program.

- Following the implementation of the Texas Child Support Enforcement System (TXCSES) in September 1997, the Division failed to meet performance goals for five of its six key measures in fiscal year 1998. The Division fell below acceptable variance levels in three measures. The initial Sunset review of the Division took place during this time period and the report highlighted extensive performance problems. Since stabilizing the computer system, making management changes, and with the strong Texas economy, performance has significantly improved. The following bar charts show the improvement in performance for those three key measures.

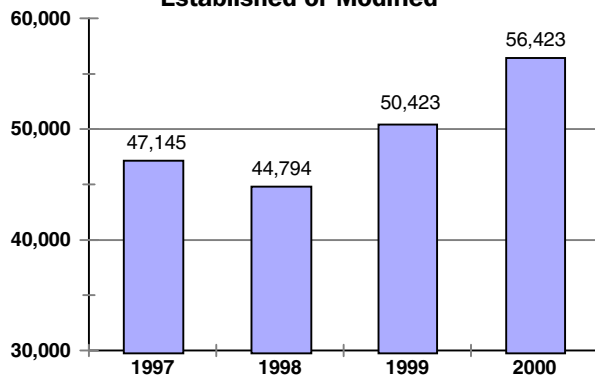
**Children with Paternity Established**



**Child Support Collections and Increase Over Prior Year**



**Child Support Obligations Established or Modified**



- In fiscal year 2000, the Division exceeded its goal in five of its key measures. The table, *Five Key State Measures, Fiscal Years 1998 - 2000* shows the Division's achievements versus its goals in five of the Legislative Budget Board's key measures for the last three fiscal years.

Five Key State Measures, Fiscal Years 1998 - 2000*						
Year	1998		1999		2000	
Measure	Goal	Performance	Goal	Performance	Goal	Performance
Amount of Child Support Collected (in millions)	\$782.21	\$757	\$883.70	\$868.30	\$911.70	\$1,029.80
Number of children for whom paternity has been established	48,025	40,173	50,800	45,556	43,569	48,481
Number of orders established or modified	45,994	44,794	47,834	50,423	45,357	56,423
Percent of paternities acknowledged for out of wedlock births	50%	54.7%	50%	56.7%	NA**	NA**
Ratio of dollars collected per dollar spent	\$5.46	\$4.83	\$5.83	\$5.26	\$4.76	\$5.80

\* Amounts based on Fourth Quarter Output and Efficiency Measures Reports submitted by Office of Attorney General to Executive and Legislative Budget offices.

\*\* For FY 2000, this measure has been replaced with two outcome measures based on similar federal measures.

- The Division has worked with LBB to establish new performance measures that more closely match federal incentive performance measures. The federal measures are outcome based. OAG anticipates qualifying for federal incentive payments in each of the federal categories. Those measures can be seen in the table, *Federal Incentive Performance Measures - Federal Fiscal Years 1999 and 2000*.

As shown in the chart, performance has improved over the two-year period. However, this time frame is too short to form conclusions about the program. Also, the increase in performance percentages is affected by the significant reduction in the number of cases the Division considers active. The number of active cases dropped from 1.2 million in 1999 to 1.1 million in 2000.

Federal Incentive Performance Measures Federal Fiscal Years 1999 and 2000		
	1999	2000
Statewide paternity establishment percentage	101%	113%
IV-D paternity establishment percentage	36%	51%
Percent of IV-D cases with court ordered support	45%	55%
Percent of current support due that is collected	50%	65%
Percent of cases with arrears that have collections on arrears	63%	67%

**Computer systems, a major problem area for the Division in 1997 and 1998, are now operating well, though additional work remains to be accomplished.**

- **High-level planning.** In 1998, the Sunset Commission found that the Division did not strategically plan for information technology projects, increasing the likelihood of project failure. To address high-level planning, the Division created a Deputy Director for Information Technology (IT) position and consolidated the child support technology functions. In August 1999, the Division created an Information Technology Steering Committee to develop and approve IT strategic and tactical plans, and prioritize work requests for changes to the system. Finally, the Division created a long-term computer system plan, the Financial Process Redesign (FPR) project, to manage many of the changes needed to simplify and enhance the financial systems. The Division expects to implement the plan in four phases through 2003.
- **Coding child support cases.** The Sunset report noted that TXCSES could not correctly identify and code Temporary Assistance to Needy Families (TANF) and Medicaid cases. Based on information from the Division and the State Auditor's Office, the interface now correctly codes new and recertified cases. Work to correct historical case data is ongoing.
- **System unavailability.** In 1998, time requirements for batch processing and adjustments frequently made TXCSES unavailable to Division staff. By implementing software changes, adding a new, faster storage device, and a new mainframe computer, the Division has improved processing time. Currently, nightly batch processing usually finishes with three to four hours to spare. In addition, the average end of month processing has declined from 30 hours to 12. TXCSES availability improved from 88 percent in August 1998 to 97 percent in August 2000.
- **Undistributed payments.** The Division continues to work to reduce the volume of undistributed payments. The Sunset report noted that undistributed payments (payments not distributed because of collection holds, arrearage overages, address holds, future pay, and various other problems) represented a significant problem for the agency. To initially reduce the volume, the Division assigned staff to identify problem payments, obtain needed information, and release the payment. However, the volume continues to recur. To address the long-term issue, the Division has directed a Financial Process Redesign team to correct computer and processing problems that lead to collection holds and to automate corrective actions. By January 2001, the Division plans to have the automated system in place to identify and release several categories of the holds.

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The Division has significantly increased computer system availability.

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**Currently, the Division is on track to meet all requirements of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA).**

- The Division must certify compliance with PRWORA requirements to the federal Office of Child Support Enforcement (OCSE) by December 31, 2000. The Division reports that of 170 PRWORA certification requirements to be met by the deadline, 140 of the items have been accomplished, and anticipates completing the remaining 30 by the December 31 deadline.

Certification is a subjective test, and does not necessarily mean complete and total implementation. For example, OCSE may consider positive movement as enough to allow states more time to become fully compliant. Currently, the Division anticipates being in compliance by the December deadline, but recognizes the need for continued work in the following areas to meet the certification requirements.

**Expanded Parent Locator Service (EPLS)** EPLS is an automated registry system that receives and maintains parent-related data in IV-D and non-IV-D cases. Federal law requires that the system be capable of exchanging information with several other systems, including the Federal Case Registry, TXCSES, State Case Registry, Employee New Hire Registry, and the National Directory of New Hires. To become fully implemented, the Division is working to transfer all non-IV-D case information to the Federal Case Registry and finalize an automatic link between TXCSES and the State Case Registry.

**State Disbursement Unit (SDU)** – The SDU is a centralized payment receipt and disbursement processing unit. Besides receiving and disbursing payments, the system also includes services for maintaining payment records, maintaining payee addresses, and collecting information from employers and county registries. PRWORA requires that all states operate a centralized SDU for all IV-D cases, and all non-IV-D cases with orders issued after January 1994.

OCSE has approved a Division plan for a two-phased approach to implementing this requirement. In the first phase, the Division established the SDU through a contract with Lockheed Martin, IMS. Lockheed Martin processes the IV-D payments that formerly went directly to the state registry, and new orders issued since July 7, 2000.

**PRWORA**

In 1996, the federal government enacted the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). This law redesigned the nation's welfare system with a goal of helping families leave the welfare rolls and become self sufficient. Included in the law were extensive changes in the Title IV-D Child Support program. The changes required states to alter many existing policies and pass new statutes. Failure of states to implement the requirements jeopardizes their federal IV-A funding.

During the 76th Legislature, SB 368, the Sunset bill on the Child Support Division, contained more than 30 statutory changes mandated by PRWORA. With the passage of SB 368, all statutory requirements have been enacted by the Texas Legislature. The Division is responsible for implementing the remaining requirements.



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The Division has loaded license information from 42 agencies for the license suspension process.

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The Division plans for the second phase to begin after November 1, 2000. In this phase, the vendor will begin redirecting the non-IV-D orders to the SDU on an employer-by employer basis.

- **Enforcement Remedies** – The Division has made progress regarding several key enforcement provisions of PRWORA.

**License Suspension** – PRWORA requires that states provide for the suspension of certain licenses in cases where the non-custodial parent fails to pay child support. At this time, the Division has completed loading the computer system with license information from 42 state agencies, including the Texas Department of Public Safety and the Texas Parks and Wildlife Department. The automation of the license suspension program is scheduled for total implementation in November 2000.

**Review and Adjustment** – PRWORA provides that parents have a right to request a review of child support orders every three years. The Division staff has finalized procedures to allow a tri-annual notice to parents of their right to request a review of child support orders. Full implementation of automated implementation is scheduled for January 2001.

**Administrative Enforcement of Interstate (AEI) and Liens** – PRWORA requires states to establish and use administrative and judicial procedures that impose liens to enforce child support obligations. A lien attaches to a non-custodial parent's nonexempt real and personal property. This requirement applies to interstate orders as well as state-issued orders. Full implementation of the AEI process is currently on hold pending a final report on an OCSE pilot project. The Division is filing lien notices manually on real property in the appropriate county on cases with arrearages of \$5,000 or more. Technical improvements leading to automation of the process are expected by the summer of 2001.

- **Financial Institution Data Match** – PRWORA requires states to enter into agreements with financial institutions doing business in the state for the purpose of securing information leading to the enforcement of child support orders. The system must provide a quarterly report that includes the name, record address, and Social Security number or other taxpayer identification number for each non-custodial parent who maintains an account and who owes past-due support.

During fiscal year 1999, the Division participated in what is referred to as "the Alliance," a consortium of 15 states jointly seeking a vendor service contract to provide financial data matching. The formal contract award was made to Tier Technologies on March 23, 2000. The vendor will negotiate a separate contract with each of the

participating states. Contract negotiations for the State of Texas are expected to be concluded and a contract awarded by December 31, 2000.

- **Distribution Changes** – PRWORA requires changes to the way states distribute arrears to post-TANF families. Under pre-PRWORA regulations, the State retained collections made on all arrears and split the retained collections with the federal government, as reimbursement for public assistance payments to the family. Under PRWORA, collections made on arrears that accumulate after a family leaves TANF (a post-TANF family) go to the family.

The Division has developed three phases for implementing the changes. The Division implemented Phase 1 on April 1, 2000 to correctly distribute payments on arrears received after that date.

Phase 2 consists of processing retroactive adjustments to redistribute collections received between October 1, 1997 and April 1, 2000. Retroactive adjustments began processing on April 17, 2000. Since mid-April, approximately \$21 million was disbursed to families as a result of retroactive and field adjustments. Phase 2 is now complete.

Phase 3 consists of additional modifications and redesign of TXCSES to provide for payments on arrears that accumulated before the custodial parent received TANF. For payments received after October 1, 2000, the Division expects to disburse payments on these arrears to that parent rather than to the State as reimbursement for public assistance.

### **The Child Support Division has shown significant improvements in Customer Service.**

- The Division conducted a recent customer service survey to determine the level of customer satisfaction with its program. Based on a similar survey conducted in 1998,<sup>1</sup> the 2000 Customer Service Survey shows an increase from 51 percent to 63 percent in customer satisfaction for custodial parents. The most significant areas of improvement related to the ability to get through to a local office (up 41 percent); computer system improvement (up 17 percent); answering questions and explaining services (up 17 percent); and taking actions needed for a case (up 25 percent).
- Telephone accessibility for clients has significantly improved. During the 76th Session, the Legislature approved an additional 114 staff to help the Division provide its customers the ability to contact Child Support staff over the telephone, to inquire or provide information about their cases. Before 1999, this was nearly impossible. The answer rate for customers calling the Division and wanting to speak to a person, was between 14 and 17 percent in 1998. Today, the answer rate is nearly 95 percent.

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The Division is now able to answer nearly 95 percent of incoming calls.

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Another indication of improvement is the smaller number of legislative inquiries received by the Division. Out of frustration, callers who could not get an answer from the Division often turned for help to their legislators, who would then contact the Child Support Division on their behalf. Legislative inquiries have declined sharply, going from a high of 526 in March 1998, to 187 in August 2000, a 64 percent drop.

- The Division has implemented several other Sunset recommendations that have helped improve customer satisfaction. An ombudsman and complaint tracking program receives and acts on customer complaints. The Division now has a designated ombudsman in every local office. Also, the Division activated an employer phone line for employers to use when they have questions or need help with the process, particularly to assist with wage withholding orders. Since becoming operational in July 1999, this service has received more than 51,000 calls.
- Besides implementing Sunset's statutory and management recommendations, OAG has initiated several other changes directed at improving customer service. Some of these initiatives include:
  - mandatory customer service training for all Child Support staff;
  - establishing four decentralized Child Support call centers; and
  - creating an interactive Child Support Web page.

**The Child Support Division has implemented or partially implemented all of the provisions of its Sunset legislation, and management recommendations made by the Sunset Advisory Commission in its 1999 *Sunset Report to the 76th Legislature*.**

- Of the statutory requirements contained in S.B. 368, two are not fully implemented. Both requirements are reports to the Legislature, one on the progress and impact of privatization of certain functions in the program, and the other on the Division's use and effectiveness of enforcement tools. Although neither report has a specific due date, the Division indicates that both reports will be ready by January 2001.
- The State Auditor's Office (SAO) reviewed the Division's progress on the Commission's management recommendations. (See Appendix A for SAO's complete implementation report.) SAO found that the Division has implemented seven and partially implemented seven of the Sunset management recommendations. The following material describes three of the key partially implemented management recommendations, and their status.

**Privatizing collections.** The Commission recommended that the Division increase efficiency and capacity by contracting with a private

vendor to perform collections on delinquent accounts. While OAG is investigating the use of vendors to perform this activity, no action has been taken. The Division will report its findings in November 2000. If OAG determines that a private vendor is likely to improve collections, it will develop a request for proposals.

**Re-engineering field offices.** The Commission recommended that the Division re-engineer field office business processes, develop a model field office program, and restructure field office jobs consistent with the model field office program. The Division has established a planning team, a project plan and a schedule for completion of the project. The Division anticipates establishing the initial model office in July 2001 and statewide implementation in January 2002.

**Improving locate capabilities.** The Commission recommended that the Division improve its capabilities to locate absent parents for the collection of child support. Part of this recommendation asked the Division to identify counties where on-line access to computer locate searches would be most cost effective. The Division has identified 41 counties with automated systems that are candidates for online access for locate searches. The Division has not yet determined if accessing these records is cost effective. The Division intends to implement approved projects in fiscal year 2001.

**The presiding judges and Office of Court Administration (OCA) have completed a plan to improve the efficiency of the IV-D masters program, but have yet to implement all components of the plan.**

- S.B. 368 required the presiding judges and OCA to develop a plan that would improve the efficiency of the masters appointed by the presiding judges. The judges and OCA provided a report to the Legislature in December 1999 on the plan. Although progress has been made, three of the key provisions have not been completed. These provisions are detailed below.
  - Require OCA and the Board to establish uniform practices (bench book) that can be used by all masters.
  - Require OCA and the Board to address training needs and resource requirements of the masters.
  - Require OCA and the Board to have a uniform process for receiving, handling, and resolving complaints about individual masters or the child support masters program.

## Conclusion

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Based on legislative requirements, the Sunset staff has reviewed the Office of Attorney General's implementation of child support enforcement functions and the redesign and improvements of the child support program. The review found that, overall, OAG has implemented the requirements of SB 368. Also, it has made significant strides in redesigning and improving the child support program. These efforts have led to readily seen improvements in the child support program. For example, as pointed out in the proceeding findings, the Division has shown significant improvement in customer satisfaction with the program. Today, 95 percent of people calling get through and receive answers from OAG staff. The Division has also shown substantial increases in the number of paternities established and the total amount of child support collected per year.

Although much has been accomplished, work remains. Implementing requirements of the federal PRWORA is a continuing effort. Texas will not present its certification application to the federal OCSE until December 2000. Besides these known requirements, future unknown requirements must be handled. Currently, Congress is debating new changes and requirements to the IV-D program and, if the past is any indication, these changes may be significant. The Division will then have a new set of requirements to implement. For these reasons the OAG must continue to be vigilant in its efforts to improve the quality of the child support system.

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<sup>1</sup> For more complete information on the survey see *Progress Report on Improving The Title IV-D Program*, Report to the Sunset Advisory Commission October 2000, Office of Attorney General - Child Support Division.

<sup>2</sup> For purposes of the IV-D Masters' program, the presiding judges of the nine administrative judicial regions of the State sit as the Board of Regional Judges for Title IV-D Account (referred to as the "Board").

**SPECIAL PURPOSE SUNSET REVIEW OF THE  
OFFICE OF THE ATTORNEY GENERAL  
CHILD SUPPORT DIVISION**

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**TEXAS OFFICE FOR THE PREVENTION OF  
DEVELOPMENTAL DISABILITIES**

**SPECIAL PURPOSE SUNSET REVIEW**

# Agency Information

## HISTORY

In 1989, a legislative steering committee reported that while many state agencies and private organizations were involved in prevention activities, Texas lacked a comprehensive, coordinated approach. As a result, the Legislature created the Texas Office for the Prevention of Developmental Disabilities (TOP), and directed the Office to focus initial prevention efforts on high-risk behavior among teenagers, specifically teenage substance abuse, teenage pregnancy, and teenage head injuries.

In 1991, the Texas Department of Health (TDH) received a federal Centers for Disease Control grant for disability prevention, and funded TOP with a portion of this grant from 1991 through 1997. From 1997 through 1999, TOP was funded by TDH with federal Title V (Maternal and Child Health Block Grant) funds. In 1999, the Legislature, through the Sunset process, administratively attached TOP to the Texas Department of Mental Health and Mental Retardation (TDMHMR).

## ORGANIZATION

### Executive Committee

The Texas Office for the Prevention of Developmental Disabilities is governed by a nine-member Executive Committee comprised of individuals who have expertise in the field of developmental disabilities. The Governor, Lieutenant Governor, and the Speaker of the House each appoint three members to staggered six-year terms. The Governor designates the presiding officer. State Representative Bill Carter, the original House sponsor of the bill that created TOP, has been the Chairman since January 1993. By statute, the Executive Committee meets quarterly.

#### Executive Committee

##### Governor's Appointments

J.C. Montgomery, Jr. (Dallas)  
Dr. Jonathan Clark Race (Austin)  
Dr. Marian Sokol (San Antonio)

##### Lt. Governor's Appointments

Senator Judith Zaffirini (Laredo)  
Dr. Theresa Mulloy (Stephenville)  
Vacant

##### Speaker's Appointments

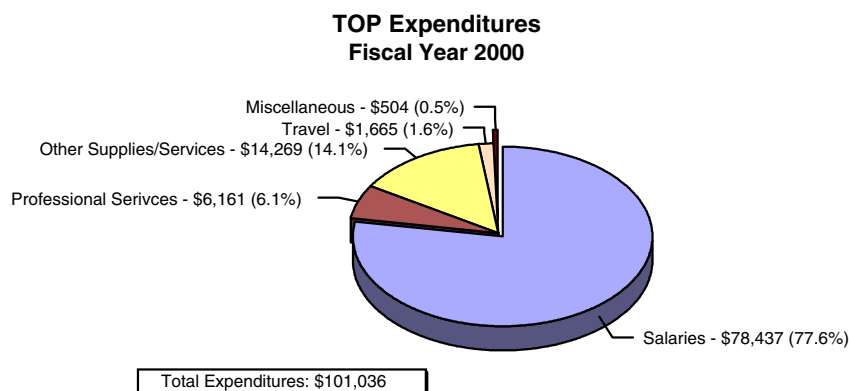
Representative Bill Carter, Chair (Fort Worth)  
Eileen Curry Resnik (Addison)  
Lanny Voss (Plainview)



The Executive Committee is authorized to appoint a board of advisors made up of representatives of government agencies, consumer groups, private foundations, corporations, or other interested individuals. In 1993, TOP established this advisory board to develop a long range plan, which was completed and submitted to the 74th Legislature. The Executive Committee is also required to establish task forces to plan and implement prevention programs.

### Funding and Staffing

Through a rider to the Appropriations Act, the Legislature directed TDMHMR to fund TOP an amount not to exceed \$120,000 per year for the 2000-2001 biennium. In fiscal year 2000, TDMHMR allocated \$109,692 from the agency's indirect administration budget to fund the Office. Of those moneys, TOP spent \$101,036. The chart, *TOP Expenditures – Fiscal Year 2000*, shows the breakdown of these expenditures.



TOP employs two full-time staff, an Executive Director and an administrative assistant. Although TOP is an independent agency, TDMHMR provides office space, payroll, personnel, travel, and other support services.

### Activities

TOP's purpose, as defined in statute, is to help minimize the human and economic losses in Texas caused by preventable disabilities. Broadly stated, the agency's duties fall into four categories:

- coordinate the many state and local agencies, as well as private organizations, involved in prevention activities;
- raise awareness on the preventability of many disabilities;
- monitor and assess prevention programs; and
- promote innovative prevention programs.

To accomplish these goals the Executive Committee has chosen three areas in which to focus the agency's limited resources:

- Fetal Alcohol Syndrome awareness;
- youth risk reduction; and
- head and spinal cord injury prevention.

#### Fetal Alcohol Syndrome Awareness

Fetal Alcohol Syndrome (FAS) and resulting secondary disabilities have been TOP's primary focus, with prevention efforts aimed at developing public awareness, professional education, and provision of services to affected individuals. TOP provides professional training seminars and educational materials for public and private sector service providers to help them identify women at risk of bearing a child with FAS, and recommend needed services to people with this disorder. TOP has also developed a library of print and audio/visual resources for use by professionals and the public, and a Web site that provides information and links to state and national resources.

#### Youth Risk Reduction

The Executive Committee formed the Youth Risk Reduction Task Force in 1999, to promote innovative drug abuse prevention efforts. To date, TOP's role has been limited to coordination with ongoing efforts such as Partnership for a Drug Free Texas and the Texas Distance Learning Project. TOP staff have met with public and private agencies to explore funding options.

#### Head and Spinal Cord Injury Prevention

In the 1993 and 1995 Sessions, legislative members of the Executive Committee filed bills requiring statewide use of bicycle helmets, the latter for children under 18. TOP staff served as legislative support for these initiatives, but these efforts have yet to be successful. Currently, TOP is focusing bicycle helmet promotion at the local level. In addition, the Executive Committee is considering targeting future efforts at preventing child-abuse related injuries.

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Building public awareness of Fetal Alcohol Syndrome has been TOP's primary focus.

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# Issue 1

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## Continue the Texas Office for the Prevention of Developmental Disabilities as an Independent Agency Administratively Attached to TDMHMR.

### Approach

The Sunset staff reviewed the effectiveness of the administrative attachment of the Texas Office for the Prevention of Developmental Disabilities (TOP) to the Texas Department of Mental Health and Mental Retardation (TDMHMR).

- In 1999, the Sunset Commission reviewed TOP and found a continuing need for a state entity charged with minimizing the economic and human losses caused by preventable disabilities. The Commission recommended continuing TOP as a separate, independent agency.
- The Legislature concurred with the need for this function, but opted to administratively attach TOP to TDMHMR. Under this arrangement, TDMHMR fully funds TOP by providing computers, office space, travel reimbursement, salaries, and benefits to support its activities. However, TOP maintains its independence as a separate agency with a governing board and its own employees.
- To determine the effectiveness of the administrative arrangement with TDMHMR, the Legislature gave TOP a new Sunset date of September 1, 2001. Unlike standard Sunset provisions that require a full review of an agency's function, TOP's Sunset provision requires only a review of the Office's relation to TDMHMR. Consequently, the scope of this recommendation is limited to this prescribed analysis. The statutory charge is provided in the textbox, *TOP's Sunset Provision*.

#### TOP's Sunset Provision

The Office for the Prevention of Developmental Disabilities is subject to Chapter 325, Government Code. Unless continued in existence as provided by that chapter, the office is abolished and this subchapter expires September 1, 2001. In its review, the Sunset Commission shall specifically address the issue of whether the office should continue to be administratively attached to the Texas Department of Mental Health and Mental Retardation or whether the functions of the office should be transferred to that department.

## Analysis

The current administrative attachment of the Texas Office for the Prevention of Developmental Disabilities to TDMHMR is appropriate.

- TOP's stature as an independent state agency increases its effectiveness. As a small agency with its own governing board, TOP is not bound by the same constraints that sometimes hamper the operations of large agencies. TOP's nine-member Executive Committee, appointed by the Governor, Lieutenant Governor, and the Speaker of the House, has significant flexibility to change the agency's focus to address specific needs as they are identified.

TOP's statutory mission is broad, but its activities are focused. In general, TOP is mandated to coordinate state and local efforts, monitor the performance of existing prevention programs, promote innovative prevention programs, and raise the level of public awareness concerning the preventability of many disabilities. TOP has chosen to focus specifically on Fetal Alcohol Syndrome awareness, youth risk reduction, and head and spinal chord injury prevention.

- Because TDMHMR has a large service population and many direct service providers located throughout the State, the agency serves as a good fit for TOP's outreach and education activities. With an annual budget of \$1.7 billion and nearly 23,000 employees, TDMHMR serves approximately 175,000 Texans each year.
- Through a rider to the Appropriations Act, the 76th Legislature directed TDMHMR to fund TOP in an amount not to exceed \$120,000 per year for the 2000-2001 biennium. In fiscal year 2000, TDMHMR allocated \$109,692 from its \$27 million indirect administration budget to fund TOP. According to TDMHMR staff, the agency can continue to support TOP.

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TDMHMR's population and services provide a good fit for TOP's outreach activities.

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## Recommendation

### Change in Statute

- 1.1 Continue the Texas Office for the Prevention of Developmental Disabilities as a separate state agency administratively attached to the Texas Department of Mental Health and Mental Retardation.**

This recommendation would maintain TOP's link to TDMHMR for administrative support.

**1.2 Repeal the separate Sunset provision for the Office and allow it to be reviewed in conjunction with TDMHMR.**

This recommendation would allow the Sunset Commission to review TOP as part of the next Sunset review of TDMHMR in 2011, eliminating the need for a separate evaluation of this individual office.

**Fiscal Implication** \_\_\_\_\_

These recommendations would have no fiscal impact to the State. The Texas Office for the Prevention of Developmental Disabilities is supported through funds administered by TDMHMR, and this arrangement would continue. The Legislature may choose to provide guidance to TDMHMR regarding the amount of funding through an appropriations rider, as it did for the 2000-2001 biennium.



**SPECIAL PURPOSE SUNSET REVIEW OF THE  
TEXAS OFFICE FOR THE PREVENTION  
OF DEVELOPMENTAL DISABILITIES**

**Report Prepared By:**

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**CHILDREN'S TRUST FUND OF  
TEXAS COUNCIL**

**SPECIAL PURPOSE SUNSET REVIEW**

# Agency Information

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## AGENCY AT A GLANCE

The mission of the Children's Trust Fund of Texas Council (CTF) is to prevent child abuse and neglect in Texas. To this end, CTF provides grants to community-based organizations to implement prevention programs. To provide grant recommendations, CTF develops local child abuse and neglect prevention councils (Family PRIDE) or builds on existing community coalitions. CTF also coordinates statewide public awareness campaigns and distributes public education materials.

### Key Facts

- **Funding.** In fiscal year 2000, CTF's appropriation was about \$2 million. The agency budgeted 90 percent of its expenditures on direct services. CTF is primarily funded through the collection of \$12.50 from each marriage license fee in Texas.
- **Policy Body.** CTF is governed by a Council composed of nine members appointed by the Governor to serve six-year staggered terms. The requirement for appointment is that members must have demonstrated concern for child abuse and neglect. The Council establishes policy for agency operations, sets funding priorities, hires the Executive Director, and provides administrative direction to staff.
- **Staffing.** CTF employs three full-time employees and one part-time employee, all located in Austin (Travis County).
- **Prevention Grants.** CTF awards grants to organizations seeking to provide direct services programs to the community at large or to specific populations at risk for child abuse and neglect. In fiscal year 2000, CTF awarded 64 grants with an average grant award of \$25,052.
- **Family PRIDE Councils/Community Coalitions.** CTF currently uses 51 Family PRIDE Councils (FPCs) to review local grant applications, make recommendations to CTF regarding funding decisions, and promote the awareness of child abuse and neglect in their communities. Family PRIDE Councils are groups of local leaders from different backgrounds that have a common interest in child abuse prevention. In the past, CTF required FPCs to be stand-alone entities, but the agency now allows existing organizations, called "Community Coalitions," to perform the role of FPCs. Throughout

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CTF provides grants to community organizations for child abuse and neglect prevention programs.

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**Family PRIDE Council  
Mandatory Members**

Three parents (one with a child age birth to four and one with a child with special needs); two business representatives; and one member of each of the following sectors – health (preferably a pediatrician), education, faith community, law enforcement, media, and city or county official.

the report, references to Family PRIDE Councils include Community Coalitions. The textbox, *Family PRIDE Council Mandatory Members*, outlines the basic composition of Family PRIDE Councils.

- **Grant Monitoring.** CTF staff reviews each program's quarterly performance reports to monitor progress, and develop Service Improvement Plans for programs that are in chronic non-compliance. In fiscal year 2000, CTF staff conducted four program monitoring visits.
- **Public Awareness.** CTF funds public awareness initiatives on issues such as Shaken Baby Syndrome and prevention of child abuse and neglect in youth sports. The agency also publishes a wide variety of materials on child abuse and neglect prevention issues, and coordinates conferences to educate the public on these issues. In addition, CTF participates in the State Child Fatality Review Team Committee to educate the public regarding incidences and causes of child deaths, and to identify specific steps to prevent child deaths.

## Approach

- During the interim before the 76th Legislature in 1999, Sunset reviewed the Children's Trust Fund of Texas Council (CTF). Sunset staff recommended abolishing CTF as an independent agency and transferring its functions to the Community Initiatives Division at the Department of Protective and Regulatory Services (PRS). While this recommendation was not adopted, Legislators raised concerns about the agency's management and spending during the legislative appropriations process. As a result, the Legislature required the Sunset Commission to conduct a special purpose review of CTF and prepare a report to the 77th Legislature. The text of this provision is shown in the textbox, *Instructional Provision for the Sunset Review of CTF*.

### Instructional Provision for the Sunset Review of CTF

The Children's Trust Fund of Texas Council is subject to a special-purpose review. In the review, the Sunset Advisory Commission shall:

- 1) determine whether the Council has improved its management efforts, reduced administrative costs, and improved its working relationship with other state agencies;
- 2) monitor the Council's efforts to comply with directives or requirements imposed on the council by the 76th Legislature, Regular Session, 1999; and
- 3) perform any other analyses that the Commission determines are appropriate.

- To meet this charge, Sunset staff reviewed agency activities in light of major organizational changes at CTF. In FY 2000, the Governor transferred CTF's federal funds to PRS, and its staff size was cut by half. CTF's Council (the Council) also hired a new Executive Director in December 1999. Sunset staff conducted interviews with CTF staff, and reviewed agency documents and reports to determine if the agency had improved its management efforts and reduced administrative costs.

In addition to the above-mentioned activities, Sunset staff interviewed officials from several state agencies, surveyed CTF grantees, Family PRIDE Council and Child Welfare Board members, and worked with the State Auditor's Office, Legislative Budget Board, and legislators' staff to assess working relationships and compliance with legislative requirements. The following analysis outlines the findings of this special purpose review.

## Analysis

**While management at CTF has improved, the agency faces continuing challenges.**

- CTF has taken steps to improve its management of child abuse prevention grants. The agency relocated to Austin and currently shares office space with PRS. The Council also hired a new Executive Director in December 1999. Since that time, CTF has been pro-

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Few local agencies responded to CTF's recent offer of grant funding.

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active in meeting several legislative mandates, has reduced administrative expenditures, and has worked to improve relationships with community organizations and other state agencies.

- Despite these efforts, CTF has had problems effectively distributing new grant funds, partially because the agency does not have field staff or consistent assistance from other agencies. CTF staff state that this is also due to the fact that a change in administration occurred in December 1999, and this delayed the identification of new counties for funding. As a result, CTF had a low response rate to its FY 2001 request for proposal (RFP). The agency recently proposed to release \$838,350 in new grants to 18 counties, however, only five out of 30 agencies responded. A subsequent request for additional proposals yielded three completed proposals from the 35 that CTF sent to community organizations. As of November 2000, only four of the 18 counties were receiving grants. Some community organizations have stated that they did not respond to the agency's RFP because CTF program requirements do not provide enough flexibility for communities. These results may impact CTF's ability to meet its goal of serving all Texas counties by 2010.

In addition to the low response rate for FY 2001 funding, Sunset staff's assessment is that CTF may not have the necessary resources to fully manage and monitor the number of grants it administers. While PRS has one staff for every 18 contracts, in FY 2000, CTF had one staff for 64 contracts.<sup>1</sup> CTF indicates that it plans to spend more time in the field to monitor the effectiveness of grant funds.

- While CTF monitors its grantees' expenditures, the agency does not currently evaluate the effectiveness of its programs. CTF no longer has funds to contract with the University of Texas for evaluation services after the agency's federally-funded programs were moved to PRS. Although the agency is collaborating with other human service agencies on developing uniform evaluation methods, there is currently no tool to evaluate effectiveness.
- A March 2000 internal audit report stated that overall, CTF is in compliance with all state laws and appropriation riders, and has adequate internal controls over most administrative functions. The report made 10 significant recommendations that primarily addressed CTF administration.<sup>2</sup> The auditor recommended, among other things, strengthening internal controls over agency information resources and capital assets; and designing written procedures for on-site monitoring of grantees.

Although CTF has complied with many of the audit's recommendations, some have yet to be implemented. For example, CTF has not designed written procedures for on-site monitoring of grantees. Further, in CTF's audit response, the agency states that some of the changes will probably not be implemented until August 2001.

**CTF has reduced administrative costs as required by the agency's appropriation rider.**

- A 1999 appropriation rider requires CTF to limit its indirect administrative costs to 10 percent of the agency's total budget. Indirect administrative costs include capital expenditures, operating costs, salaries and wages, and other personnel costs. Unlike most agencies, CTF's indirect administrative costs also include salaries of staff managing the grant program.
- CTF has reduced its budgeted indirect administrative costs from 15 percent in FY 1999 to about 10 percent of its FY 2000 appropriation. The agency reduced its costs by lowering its operating expenses and reducing staff from seven to four employees, as mandated by the 76<sup>th</sup> Legislature.

**CTF has significantly improved its working relationships with other state agencies.**

- Sunset staff interviewed officials from PRS, the Health and Human Services Commission (HHSC), Texas Department of Health, Texas Commission on Alcohol and Drug Abuse, Texas Agricultural Extension Service, and the University of Texas, to determine if CTF has improved its working relationship with other state agencies. Several agency representatives indicated that, overall, CTF has a much greater level of collaboration with state agencies. For example, CTF is working closely with HHSC since being placed under this umbrella agency, and is active in its prevention workgroup. CTF continues to be a member of PRS' Child Abuse Program Evaluation Committee, and has built a positive relationship with this group.

**CTF has partially complied with the Sunset Commission's management recommendations.**

- The State Auditor's Office (SAO) recently performed an analysis of CTF's implementation of Sunset recommendations. The chart, *State Auditor's Office Report on the Children's Trust Fund*, shows that CTF has partially implemented one recommendation, but has not implemented the other.<sup>3</sup>

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CTF meets the requirement to limit indirect costs to 10 percent of its appropriation.

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<b>State Auditor's Office Report on the Children's Trust Fund</b>	
<b>Issue 2: Allow Communities Greater Flexibility to Improve Local Services</b>	
<b>Management Action</b>	<b>Implementation Status</b>
<p>A. CTF should allow CTF-funded communities the option of combining the Family PRIDE Councils (FPC) with the local Child Welfare Boards (CWB), or another entity that functions as a community leader on child abuse and neglect prevention.</p>	<p style="text-align: center;"><b>PARTIALLY IMPLEMENTED</b></p> <p>CTF-funded communities now have the option of creating a Community Child Abuse and Neglect Prevention Coalition (Coalition), instead of a FPC. The Coalitions may include members of local Child Welfare Boards (or similar organizations) plus additional members to meet CTF's membership requirements. However, those membership requirements continue to prevent communities from using existing child abuse and neglect prevention organizations, rather than a FPC or Coalition, to serve as the coordinating body for the Family PRIDE initiative.</p> <p><b>Fiscal Impact:</b> Creating separate FPCs, or Coalitions, in CTF-funded communities instead of allowing Child Welfare Boards, or similar organizations, to serve the purpose of an FPC may lead to less efficient use of local resources, both in dollars and in volunteer hours.</p>
<p>B. CTF should develop performance measures for the organization selected to carry out CTF's community role, to determine the impact of its activities.</p>	<p style="text-align: center;"><b>NOT IMPLEMENTED</b></p> <p>CTF has not begun to develop performance measures for FPCs. While CTF continues to collect data from FPCs, the data collected still does not measure the impact FPCs have on child abuse prevention in their communities.</p> <p><b>Fiscal Impact:</b> If implemented, this recommendation should lead to a better use of local resources, both in dollars and in volunteer hours, although an amount cannot be estimated.</p>

- Consistent with the Sunset recommendation, local organizations may now have the option of performing the role of Family PRIDE Councils. In FY 2000, one of the three new FPCs created was an existing organization. However, contrary to the intent of the recommendation, the SAO report notes that CTF still requires these organizations to meet FPC membership requirements.
- Interviews with Family PRIDE Council members and grant recipients indicate that some FPCs are inefficient and at times duplicative of local efforts. The similarities between Family PRIDE Councils and Child Welfare Boards are outlined in the textbox, *Responsibilities and Composition of Family PRIDE Councils and Child Welfare Boards*. CTF has not tried to consolidate existing FPCs with local organizations, or allowed existing CWBs to perform the role of FPCs without changing their composition to match Family PRIDE Councils. However, CTF staff indicated that the agency is now seeking to recommend, but not require FPC mandatory membership. In

addition, CTF intends to approach all local Child Welfare Boards during the selection of new Family PRIDE communities eligible for funding.

<b>Responsibilities and Composition of Family Pride Councils and Child Welfare Boards</b>	
<b>Family Pride Council (FPC)</b>	<b>Child Welfare Board (CWB)</b>
<p><i>Duties</i></p> <ul style="list-style-type: none"> <li>• Publicize the availability of funds, review local grant applications and make recommendations to CTF regarding funding decisions.</li> <li>• Promote the awareness of child abuse and neglect prevention in their communities.</li> </ul> <p><i>Members</i></p> <ul style="list-style-type: none"> <li>• Three parents (one with a child age birth to four and one with a child with special needs); two business representatives; and one member of each of the following sectors – health (preferably a pediatrician), law enforcement, media, and city or county official; and up to four optional members.</li> </ul>	<p><i>Duties</i></p> <ul style="list-style-type: none"> <li>• Provide coordinated state and local social services for children and their families.</li> <li>• Coordinate the use of federal, state, and local funds for these services.</li> </ul> <p><i>Members</i></p> <ul style="list-style-type: none"> <li>• The County Commissioners Court appoints between seven and 15 members whom the Court feels can advocate for children. Many of the professions represented in Family Pride Councils are on Child Welfare Boards.</li> </ul>

- As noted previously, CTF has not implemented the Sunset recommendation to develop performance measures for FPCs. Several communities reported that FPCs are characterized by absenteeism at meetings and members who lack an understanding of their responsibilities. Although CTF has worked to improve the operations of some FPCs, the agency still lacks a reliable assessment tool to identify problems and successes of each FPC. CTF indicated that it will continue to collaborate with TDPRS and its contracting agency to develop a tool that can effectively measure the impact Family PRIDE Councils have on child abuse prevention in their communities.

## Conclusion

CTF has taken several positive steps to improve its operations. The agency relocated to Austin in the same building as the Texas Department of Protective and Regulatory Services, greatly increased collaboration with other state agencies, and significantly reduced its indirect



administrative costs. Many of these improvements coincided with the hiring of a new Executive Director in December 1999.

However, as discussed in the analysis above, CTF continues to have significant challenges, partially due to the agency's limited resources. To address these issues, CTF should consider outsourcing some of its administrative functions. CTF could contract with several state agencies, including the Texas Rehabilitation Commission, HHSC and PRS, for evaluation of programs, payroll, human resources, purchasing, and information systems assistance. Alternatively, the Legislature may wish to consider whether to administratively attach CTF to another state agency, such as PRS or HHSC. This option would allow CTF to maintain an independent board, but receive administrative services and increase coordination with the host agency.

Given its limited resources, CTF should prioritize its duties and focus on the effective disbursement of grant funds, monitoring and assistance to grantees, and evaluation of programs. CTF, or another agency by contract, could assess programs by compiling existing evaluation data submitted by grantees. This approach would ensure accountability and effectiveness of grant funds, and allow CTF to better fulfill its mission.

CTF should also take steps to fully implement the Sunset recommendation to allow existing organizations with a child abuse prevention focus to perform FPC functions, even if the membership is not identical. In addition, CTF should provide inefficient FPCs the option to merge with existing local organizations that have a child welfare focus. The agency should also implement the Sunset recommendation to develop performance measures for FPCs to ensure that they are efficient and effective.

Finally, Sunset staff found that the structural conditions that led to the 1998 staff recommendation to transfer CTF to PRS' Division of Prevention and Early Intervention remain. While coordination is improving under the HHSC umbrella, duplication and fragmentation of child abuse and neglect prevention services still exist. In addition, CTF continues to have difficulties expanding its grants statewide. The Legislature may wish to review the organizational structure of child abuse and neglect prevention programs in the future.

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<sup>1</sup> Interview with the Department of Protective and Regulatory Services, Division of Prevention and Early Intervention staff, (Austin, Texas, October 19, 2000).

<sup>2</sup> Jansen & Gregorczyk, *Internal Audit of Children's Trust Fund of Texas*, (Austin, Texas, March 17, 2000).

<sup>3</sup> State Auditor's Office Report #01-312, *A Review of Sunset Advisory Commission Management Recommendations at the Children's Trust Fund of Texas*, (October 27, 2000).

**SPECIAL PURPOSE SUNSET REVIEW  
OF THE  
CHILDREN'S TRUST FUND OF TEXAS COUNCIL**

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# **APPENDIX**

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LAWRENCE F. ALWIN, CPA  
State Auditor

September 19, 2000

Mr. Joey Longley, Director  
Sunset Advisory Commission  
1501 North Congress Avenue, Sixth Floor  
Austin, TX 78701

Subject: Detailed Status of Selected Sunset Advisory  
Commission Recommendations for the Office of the  
Attorney General (As of September 2000)

Dear Mr. Longley:

The Office of the Attorney General Child Support Division (Division) has implemented or partially implemented eight of the Sunset Advisory Commission management recommendations reviewed to date. The four fully implemented recommendations address: (1) improving information technology systems, (2) restructuring central office administration and monitoring functions, (3) paternity hearing requirements, and (4) registering complaints through the telephone inquiry system. Attached is a summary of the results for the eight recommendations. We plan to complete a review of additional Sunset Advisory Commission management recommendations for the Division this fall.

The State Auditor's Office is conducting a follow-up review of management recommendations made by the Sunset Advisory Commission in the *1999 Sunset Report to the 76th Legislature*. Section 325.012 (b) of the Sunset Act provides that the State Auditor's Office examine all non-statutory management recommendations of the Sunset Advisory Commission. The report contains a total of 16 management recommendations for the Division.

The methodology we used for this audit consisted of collecting information through interviews with management and staff, reviews of documentary evidence, testing evidence, and analyzing and evaluating the status of the Sunset Advisory Commission's recommendations.

The State Auditor's Office appreciates the Division's cooperation. If you have questions regarding this review, please contact the Project Manager, Ryan Simpson, or the Audit Manager, Valerie Hill, at (512) 936-9500.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Simpson".

Ryan Simpson  
Project Manager

ggh/Attachment

cc: The Honorable John Cornyn, Attorney General of Texas  
Mr. Howard Baldwin, Deputy Attorney General for Child Support,  
Office of the Attorney General

SAO No. 01-304



**Management Actions Needed Over the Next Two Years**

<b>15. Improve central office operations.</b>	
<b>Management Action</b>	<b>Implementation Status</b>
	<b>IMPLEMENTED</b>
	<b>Status as of 09/01/2000:</b>
<p>A. Examine decentralizing appropriate Division functions and downsizing the central office by developing an outsourcing plan, a decentralization plan, and analyzing central office staff reduction possibilities.</p> <p>B. Strengthen administrative monitoring of the child support program by enhancing the Program Monitoring Unit's capabilities and implementing a self-assessment process that will satisfy federal requirements.</p> <p>C. Redesign the internal agency reporting system to shift the current administrative monitoring focus from outputs to effectiveness, efficiency and customer service.</p>	<p>A. The Child Support Division (Division) has downsized the central office and decentralized its operations:</p> <ul style="list-style-type: none"> <li>• Over the last two years, the Division increased the percentage of personnel in field offices from 74 percent to 80 percent of total Child Support staff.</li> <li>• The Division added 269 full-time equivalent employees (FTEs) in the field offices and decreased central office staff by 107 FTEs.</li> </ul> <p>The Division examined outsourcing several functions:</p> <ul style="list-style-type: none"> <li>• The Division contracted on March 31, 2000, to outsource the payment processing function, now known as the State Disbursement Unit.</li> <li>• The Division contracted on August 18, 2000, to outsource the central file maintenance function (which includes employer file maintenance and an employer call center).</li> <li>• The Division is considering using a private collections contract to pursue difficult cases.</li> </ul> <p>B. The Division has implemented a self-assessment process. Staff members of the federal Office of Child Support Enforcement have asked for copies of Texas' self-assessment report to use as a model for other states and requested that Division staff members present their methodology at federally sponsored conferences. Furthermore, the Program Monitoring Unit enhanced its capabilities by:</p> <ul style="list-style-type: none"> <li>• Developing a monitoring plan.</li> <li>• Assigning two analysts to each region and providing on-call service.</li> <li>• Conducting regional office reviews and soliciting local input.</li> </ul> <p>C. The Division has made significant progress in redesigning the internal agency reporting system. The Division's redesign added:</p> <ul style="list-style-type: none"> <li>• Five new incentive performance measures—two outcome measures and three efficiency measures.</li> <li>• Four new customer service performance measures.</li> <li>• Evaluations that hold Regional Administrators accountable for meeting performance goals, meeting objectives, and for developing and implementing a plan to provide exemplary customer service.</li> <li>• A revised internal agency reporting system that produces information down to the regional office level.</li> <li>• An enhancement (not yet complete) to the internal agency reporting system so that detailed information will be available at the field office level.</li> </ul>

ATTACHMENT

**Management Actions Needed Over the Next Two Years**

**21. Adjust the TXCSES computer system to better meet the needs of child support workers.**

<p>A. Review the functionality of the TXCSES computer system to automate many of the tasks currently being performed manually by a Child Support Officer.</p> <p>B. Program TXCSES to re-automate the license suspension process, including the ability to:</p> <ul style="list-style-type: none"> <li>• Identify when payments are not received and cases become delinquent,</li> <li>• Automatically send quarterly license suspension notices to delinquent obligors, and</li> <li>• Match drivers' license and professional license databases with delinquent obligors.</li> </ul>	<p style="text-align: right;"><b>Status as of 09/01/2000:</b></p> <p style="text-align: right;"><b>PARTIALLY IMPLEMENTED</b></p> <p><b>What is complete:</b></p> <p>A. <u>Partially Implemented</u> - The Division has automated the following tasks:</p> <ul style="list-style-type: none"> <li>• Data matching with databases to locate absent non-custodial parents</li> <li>• Issuing collection letters</li> <li>• Issuing wage withholding notices to employers</li> <li>• Issuing employment verification letters</li> <li>• Issuing location verification letters</li> <li>• License suspension process</li> </ul> <p>B. <u>Implemented</u> - The Division has programmed TXCSES to automate the license suspension process, including the ability to:</p> <ul style="list-style-type: none"> <li>• Identify when payments are not received and cases become delinquent.</li> <li>• Automatically send quarterly license suspension notices to delinquent obligors.</li> <li>• Match drivers' license and professional license databases with delinquent obligors.</li> </ul> <p><b>What is left to do:</b></p> <p>A. The Division is in the process of automating the attachment of financial institution accounts. It is also altering the format in which delinquent accounts are reported to credit bureaus.</p>
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**Management Actions Needed Over the Next Two Years**

<p><b>22. Improve the Child Support Division's capabilities to locate absent parents for collection of child support.</b></p>	
	<p><b>Status as of 09/01/2000: PARTIALLY IMPLEMENTED</b></p>
<p>A. Request formal clarification on federal requirements for unproductive checks on data sources during the automated locate process.</p> <p>B. Identify counties where the automation of county records to allow online access for computerized locate searches would be most cost-effective, and when feasible, seek federal funding to defray the costs of establishing such access.</p> <p>C. Integrate utility and phone company records into the data sources accessible through the automated locate process, and more aggressively pursue such records at the local level by exercising existing statutory authority.</p> <p>D. Use existing authority to gain online access to Department of Public Safety (DPS) drivers' license records.</p>	<p><b>What is complete:</b></p> <p>A. <u>Implemented</u> - The Division submitted a formal Policy Interpretation Question to the Regional Hub Director, Administration for Children and Families, on June 13, 2000. It requested clarification of federal requirements for unproductive checks on data sources during the automated locate process.</p> <p>B. <u>Partially Implemented</u> - The Division identified counties with automated systems that would be candidates for online access for computerized locate searches. However, the Division did not identify the types of records available on these systems. Although the Division has not performed a cost-effectiveness study, Division management asserts that these projects are usually inexpensive. Management indicates that federal funding has been obtained at a rate of 66 percent. Furthermore, the Division has obtained additional access to records in Dallas and Cameron counties over the past two years.</p> <p>C. <u>Partially Implemented</u> - The Division is obtaining an online locate tool (LASSO) that will provide information on the location of individuals based on a variety of sources supplied by the vendor. The vendor must supply telephone numbers for locate queries. However, utility records, unlisted telephone numbers, and cellular telephone numbers are not included in the list of required data elements (they are in the list of desired data elements). The Request for Offer was released in August 2000.</p> <p>D. <u>Implemented</u> - Department of Public Safety drivers' license data is now available online through TXCSES.</p> <p><b>What is left to do:</b></p> <p>B. The Division needs to determine which of the identified counties have automated records that would assist in computerized locate searches. Additionally, the Division should determine if it would be cost-effective to gain access to these records and should continue to establish such access as appropriate.</p> <p>C. The Division needs to select a LASSO vendor, negotiate the contract, and train employees to use the tool. The Division should work with the vendor to aggressively pursue utility and telephone company records at the local level for inclusion in LASSO.</p>



Phase Two:

### Management Actions Needed Over the Next Two Years

#### 23. Enhance training of child support workers in the following areas:

<p>A. Locating absent parents by using improved online and phone inquiry techniques.</p> <p>B. Effectively using the established administrative and judicial procedures to encourage and reach stipulated agreement between the parties, and</p> <p>C. Effectively using each enforcement tool available to the Division.</p>	<p><b>Status as of 09/01/2000:</b> <b>PARTIALLY IMPLEMENTED</b></p> <p><b>What is complete:</b></p> <p>A. <u>Partially Implemented</u> – The Division enhanced the training for locating absent parents as follows:</p> <ul style="list-style-type: none"><li>• Revised training material on locating absent parents to include online and telephone inquiry techniques.</li><li>• Designed an Intranet web page entitled "Locate Links" to augment instructor-led TXCSES training classes.</li><li>• Conducted locate training classes (TXCSES, Desktop, Netscape Navigator/Intranet, and Internet) between August 31, 1998, and November 18, 1999. However, training was suspended due to the anticipated procurement of an online locate tool.</li></ul> <p>B. <u>Implemented</u> – The Division developed and implemented "The Child Support Review Process" and "Child Support Review Officer" courses that teach employees to be more effective by taking advantage of established administrative and judicial processes. This training emphasizes reaching an agreement between parties. Training was completed by August 31, 2000.</p> <p>C. <u>Implemented</u> – The Division developed and implemented "The Advanced Enforcement" course designed to teach child support workers to use available enforcement tools more effectively. The emphasis of the course was on the lesser-used remedies. Training was completed by August 31, 2000.</p> <p><b>What is left to do:</b></p> <p>A. The Division needs to resume training classes for locate techniques. Locate training was suspended due to the anticipated procurement of the LASSO service contract. LASSO is an online tool that will provide information on the location of individuals based on a variety of sources supplied by the vendor. Training material will need to be revised to include information on this new tool.</p>
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Phase Two:

**Management Actions Needed Over the Next Two Years**

**25. Provide alleged fathers served with a notice for a paternity establishment hearing the option of voluntarily submitting to paternity testing at the State's expense and avoiding attendance at a hearing.**

**Status as of 09/01/2000:**

**IMPLEMENTED**

Texas has an exemption from the federal law that requires a hearing to order a paternity test. In Texas, alleged fathers who are served a notice are ordered to submit to paternity testing upon appearance at the court if paternity is contested. The Division examined the recommendation and determined that no changes to the notice were necessary.

The State pays for paternity testing and seeks to recoup the expense from those determined to be the biological fathers.

Furthermore, the Division has promoted the use of the administrative Child Support Review Process (see Recommendation 23), which allows the alleged father to submit to paternity testing voluntarily.

Note:

The Child Support Division has applied to extend the exemption from the federal law that requires a hearing to order a paternity test. The exemption expired June 30, 2000. If the extension is denied, the State has until September 1, 2001, to change state law to conform to federal law. The Child Support Division should reconsider implementing Recommendation 25 at that time.

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Phase Two:

**Management Actions Needed Over the Next Two Years**

**26. Improve the Child Support Division's customer service efforts by:**

<p>A. Allowing the voice-response telephone system to forecast when a child support check will be sent to a custodial parent once received by the system;</p> <p>B. Programming the computer system to notify parents of payment delays, and to send non-custodial parents a late payment notice;</p> <p>C. Assessing the total demand on the customer service center and making staffing plans based on the results; and</p> <p>D. Analyzing individual office call handling processes and staffing and making adjustments based on the practices of successful offices.</p>	<p><b>Status as of 09/01/2000:</b> <b>PARTIALLY IMPLEMENTED</b></p> <p><b>What is complete:</b></p> <p>The Division has improved its customer service in the following ways:</p> <p>A. <u>Implemented</u> - Work on the voice-response telephone system was completed on October 14, 1999, and the system now forecasts when payments will be mailed.</p> <p>B. <u>Partially Implemented</u> - Notification of late payments was partially implemented in September 1998. Parents can find out about payment delays by telephoning the voice interactive response telephone system, or they can check the status of their payments via the Child Support website. TXCSES generates monthly notices for non-custodial parents.</p> <p>C. <u>Implemented</u> - The Division uses free software called the "Erlang C Methodology" to assess the total demand on the customer service centers and to make staffing plans based on the results.</p> <p>D. <u>Implemented</u> - The Division uses the "Erlang C Methodology" to assess the total demand on individual offices, to analyze staffing and call handling processes, and to make adjustments accordingly.</p> <p><b>What is left to do:</b></p> <p>B. Notification of payment delays is expected to be fully implemented in November 2000.</p>
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Phase Two:

**Management Actions Needed Over the Next Two Years**

**27. The Child Support Division should assess the capacity of the customer service phone inquiry system to register complaints, or forward complaints, to a centralized complaint handling division.**

**Status as of 09/01/2000:**

**IMPLEMENTED**

The Division included an option to register complaints on its customer service telephone inquiry system on March 21, 2000. The Division has also established an ombudsman program to receive, resolve, and track complaints against the Division throughout the State. All regional offices and local offices have an Ombudsman on staff to resolve complaints.

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OCT 25 2000



**STATE AUDITOR'S OFFICE**

ROBERT E. JOHNSON BUILDING  
1501 NORTH CONGRESS AVENUE, SUITE 4.224  
AUSTIN, TEXAS 78701

LAWRENCE F. ALWIN, CPA  
State Auditor

October 24, 2000

Mr. Joey Longley, Director  
Sunset Advisory Commission  
1501 North Congress Avenue, Sixth Floor  
Austin, TX 78701

Subject: Detailed Status of Selected Sunset Advisory  
Commission Recommendations for the Office of the  
Attorney General (As of September 2000)

Dear Mr. Longley:

The Office of the Attorney General Child Support Division (Division) has implemented or partially implemented the six Sunset Advisory Commission management recommendations included in the second phase of our review. The three recommendations that were fully implemented address: (1) developing a plan to improve receipt and distribution of child support payments, (2) establishing a Contracts Management Group, and (3) improving the statewide management of legal resources. Attached is a summary of the results for the six recommendations.

The State Auditor's Office conducted a follow-up review of management recommendations made by the Sunset Advisory Commission in the *1999 Sunset Report to the 76th Legislature*. Section 325.012 (b) of the Sunset Act requires that the State Auditor's Office examine all non-statutory management recommendations of the Sunset Advisory Commission. The report contains a total of 16 management recommendations for the Division. We reviewed eight recommendations in our letter of September 19, 2000, and an additional six in this letter. Based on direction from Sunset staff, we did not review two recommendations regarding the establishment of a work group and participation in the Judicial Committee on Information Technology. This letter completes our review of the recommendations.

The methodology we used for this review consisted of collecting information through interviews with management and staff, reviewing documentary evidence, and analyzing and evaluating the status of the Sunset Advisory Commission's recommendations.

The State Auditor's Office appreciates the Division's cooperation. If you have questions regarding this review, please contact the Project Manager, Ryan Simpson, or the Audit Manager, Valerie Hill, at (512) 936-9500.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Simpson".

Ryan Simpson  
Project Manager

tgc/Attachment

cc: The Honorable John Cornyn, Attorney General of Texas  
Mr. Howard Baldwin, Deputy Attorney General for Child Support,  
Office of the Attorney General

SAO No. 01-309

# Detailed Status of Selected Sunset Advisory Commission Recommendations for the Office of the Attorney General (As of September 2000)

Phase One:

## Management Actions to Be Pursued Immediately to Provide Effective Payment of Child Support

<b>14. Develop an action plan to improve the Division's process for receipt and distribution of child support payments.</b>					
	<table style="width: 100%; border: none;"> <tr> <td style="border: none;"><b>Status as of 09/29/2000:</b></td> <td style="border: none; text-align: right;"><b>IMPLEMENTED</b></td> </tr> <tr> <td colspan="2" style="border: none;"> <p>The Child Support Division (Division) developed an action plan to improve its process for receipt and distribution of child support payments. In addition, the Division met the February 15, 1999, deadline to present a budget and schedule for implementing processing improvements to the House Committee on Appropriations and the Senate Committee on Finance.</p> </td> </tr> </table>	<b>Status as of 09/29/2000:</b>	<b>IMPLEMENTED</b>	<p>The Child Support Division (Division) developed an action plan to improve its process for receipt and distribution of child support payments. In addition, the Division met the February 15, 1999, deadline to present a budget and schedule for implementing processing improvements to the House Committee on Appropriations and the Senate Committee on Finance.</p>	
<b>Status as of 09/29/2000:</b>	<b>IMPLEMENTED</b>				
<p>The Child Support Division (Division) developed an action plan to improve its process for receipt and distribution of child support payments. In addition, the Division met the February 15, 1999, deadline to present a budget and schedule for implementing processing improvements to the House Committee on Appropriations and the Senate Committee on Finance.</p>					

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**Management Actions Needed Over the Next Two Years**

<b>16. Examine privatization opportunities including:</b>	
	<b>Status as of 09/29/2000: PARTIALLY IMPLEMENTED</b>
<p>A. Awarding a contract to a private vendor to operate one or more local offices.</p> <p>B. Contracting with a private vendor to perform collections on delinquent accounts to increase efficiency and capacity.</p> <p>C. Outsourcing payment processing to a qualified vendor that can provide the resources and automation needed to process large volumes of payments.</p> <p>D. Using a payment processing contractor to generate child support payment checks.</p>	<p>A. <u>Not Implemented</u> - Management states that it will consider awarding a contract to a private vendor to operate one or more local offices in 2002, when the Financial Redesign and Model Office projects are completed (see Recommendations 14 and 20).</p> <p>B. <u>Partially Implemented</u> - The Division is in the process of determining the best course of action for private collections. It is currently analyzing information from two internal task forces regarding collections and the financial redesign project. It is also analyzing information from:</p> <ul style="list-style-type: none"> <li>• Vendors' responses to a request for information on private collections.</li> <li>• Privatization initiatives of other states.</li> <li>• Historical information on the Division's prior contract with Lockheed Martin IMS for this function.</li> </ul> <p>C. <u>Implemented</u> - The Division outsourced payment processing via the State Disbursement Unit contract with Lockheed Martin IMS.</p> <p>D. <u>Implemented</u> - The Division explored the possibility of using a payment processing contractor to generate child support checks. However, the Comptroller of Public Accounts (Comptroller) declined to delegate this authority to the Office of the Attorney General or its vendor. The Comptroller continues to generate child support checks under a memorandum of understanding with the Office of the Attorney General.</p> <p><b>What is left to do:</b></p> <p>A. The Division needs to examine the possibility of awarding a contract to a private vendor to operate one or more local offices.</p> <p>B. The Division needs to complete its analysis of information related to using a private vendor to perform collections on delinquent accounts. If it determines that a private vendor is likely to increase efficiency and capacity, the Division should issue a Request for Proposals and establish a contract with a qualified vendor.</p>

Phase Two:

**Management Actions Needed Over the Next Two Years**

**17. The Child Support Division should expand the Bexar County cooperative partnership model to at least one other county during the 2000-2001 biennium.**

	<p><b>Status as of 09/29/2000:</b> <span style="float: right;"><b>PARTIALLY IMPLEMENTED</b></span></p> <p>The Division is in the process of expanding the Bexar County cooperative partnership model to Tarrant County. The Division has:</p> <ul style="list-style-type: none"><li>• Signed a cooperative agreement between Tarrant County and the Office of the Attorney General.</li><li>• Hired and trained staff for the local rule office.</li><li>• Received the approval of the Texas Supreme Court.</li></ul> <p><b><i>What is left to do:</i></b></p> <p>The Division must complete a cost allocation plan and tests to ensure that the Division's computer system and Tarrant County's computer system will interface appropriately. These activities are in progress. The Division expects to complete the implementation by October 16, 2000.</p>
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Phase Two:

**Management Actions Needed Over the Next Two Years**

**18. Establish a Contracts Management Group within the Child Support Division to develop contract monitoring standards and to monitor compliance with existing and future contracts.**

	<p><b>Status as of 09/29/2000:</b> <span style="float: right;"><b>IMPLEMENTED</b></span></p> <p>The Division has established a Contract Monitoring Section (Section). The Section has developed:</p> <ul style="list-style-type: none"><li>• Policies and procedures for both the Section and all contract managers.</li><li>• Policies and procedures specifically for selected contracts.</li><li>• A tracking system that maintains an inventory of contracts and the results of monitoring activities.</li></ul> <p>In addition, the Section performs an annual risk assessment to determine the priority of oversight for contracts.</p>
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Phase Two:

**Management Actions Needed Over the Next Two Years**

**19. Improve the statewide management of legal resources.**

**Status as of 09/29/2000:**

**IMPLEMENTED**

The Division has improved the statewide management of legal resources by:

- Appointing a Field Operations Counsel to oversee the statewide delivery of legal services and evaluate the Senior Regional Attorneys.
- Restructuring the Senior Regional Attorney positions to oversee and evaluate Special Litigators and support staff (in addition to Managing Attorneys).
- Clarifying the management and legal roles of the Senior Regional Attorney positions by adding performance factors such as participating in the hiring of new attorneys in their regions, maintaining contact with various county officials, and supervising Special Litigators.
- Restructuring the Management Attorney positions to define more clearly their management and legal duties and responsibilities through the addition of new performance standards.

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Phase Two:

**Management Actions Needed Over the Next Two Years**

<b>20. Reengineer field office business processes, develop a model field office program, and restructure field office jobs consistent with the model field office program.</b>	
	<p><b>Status as of 09/29/2000:</b> <b>PARTIALLY IMPLEMENTED</b></p> <p>The Division is re-engineering field office business processes and developing a model field office program to restructure field office jobs. The Division has established a planning team, a project plan, and schedule. It has begun analyzing field office processes.</p> <p><b>What is left to do:</b></p> <p>The Division needs to continue to analyze field office business processes, identify the best practices, establish a pilot model office, and then implement the changes statewide. The Division anticipates establishing the initial model office in July 2001, with statewide implementation in January 2002.</p>

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