



**Texas Office of Court Administration**

# **Case Management and Space Needs Review: Harris County IV-D Courts**

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## Acknowledgments

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We extend a special note of thanks to the following individuals for their valuable input and assistance:

### **Title IV-D Associate Judges**

#### *Harris County*

Judge David Longoria

Judge Frank Pierce

Judge Veronica Torrez

Judge Gregory R. Wettman

#### *Tarrant County*

Judge Clifford Bronson

Judge Steve Owen

#### *Travis County*

Judge Dulce Madrigal

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# Executive Summary

## Background

Harris County has been informed that, in 2014, it must evacuate all courts and offices from the Family Law Center building, which is located at 1115 Congress Avenue, Houston. That building is currently occupied by the four Title IV-D courts<sup>1</sup> (hereinafter “IV-D courts”) and was occupied by the family law district courts, which have recently been relocated to the Civil Courthouse, 201 Caroline, Houston. The Civil Courthouse does not have sufficient space to house the four IV-D Courts and the offices that support and serve those courts. Harris County is currently considering where to relocate the IV-D courts, which handle child support establishment and enforcement cases. Harris County sees the relocation of the courts as an opportune time to review how its IV-D cases are currently processed and to develop a model IV-D court.

On October 8, 2013, Caprice Cosper, the director of the Harris County Office of Criminal Justice Coordination, and Bill Jackson, Harris County Chief Budget Officer, requested technical assistance from the Office of Court Administration (OCA) to conduct a study of the county’s IV-D courts. The study’s primary goals were to assist Harris County with developing a model IV-D court, which would then aid the County in determining the best relocation site(s) for the four IV-D courts. OCA was asked to identify: 1) best practices in handling IV-D cases; and 2) what court facility design would best meet the needs of the model IV-D court. In conducting the study, OCA considered all four IV-D courts and the key players involved in the IV-D case management process in Harris County, including the IV-D associate judges and their court coordinators, Office of the Attorney General (OAG), District Clerk, Sheriff, and Texas Workforce Solutions. OCA also considered the persons who had interactions with the IV-D courts, such as parties and their family members and witnesses.

The study consisted of OCA:

- 1) Gaining an understanding of the current manner in which IV-D cases are processed in Harris County. OCA performed site visits to observe court

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<sup>1</sup> The Title IV-D program is authorized under Title IV-D of the Social Security Act. [42 U.S.C. 651 et seq.] It is a federal/state/local/tribal partnership to promote parental responsibility so that children receive support from both parents even when they live in separate households. The federal Office of Child Support Enforcement (OCSE) provides oversight and guidance to state and tribal child support agencies. <<http://www.acf.hhs.gov/programs/css>> (accessed January 15, 2014). The Office of the Attorney General is the Title IV-D child support enforcement agency for the state of Texas.

proceedings and to interview participants involved in processing cases, and gathered information to determine current operating conditions;

- 2) Obtaining information on IV-D court best practices by:
  - a) Performing a site visit to Tarrant County, which has the reputation of having the best IV-D case management process in the State, and to Travis County, to observe IV-D court proceedings and interview participants involved in processing cases; and,
  - b) Conducting phone conferences and e-mail exchange with staff from the National Center for State Courts (NCSC) to determine if there are recognized national court best practices in handling IV-D cases and obtaining additional information on IV-D cases case management.<sup>2</sup>

OCA evaluated the information collected to identify what best practices should be developed and implemented by the IV-D courts in Harris County to make them model IV-D courts and what court facility design would best meet the needs of a model IV-D court.

This study focused on the caseflow management practices and procedures, physical location and space, technology, and court security measures needed for a model IV-D court.

The report details the rationale behind this study's recommendations. The recommendations are intended to provide Harris County with a better understanding of what is required to develop a model IV-D court and what physical location and space are needed for a model court. Key recommendations have been extracted from the report and are listed below.

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<sup>2</sup> In various studies and pilot projects across the country, best practices relating to IV-D courts focus on the administrative process, not the judicial process.

## **Key Recommendations**

### **Case Management Practices and Procedures**

- **A case screening process, which would allow for immediate identification of the status of a case and determine the need for the parties to remain or leave, should be implemented.**
- **The IV-D courts should strive to reduce confusion in parties and witnesses, from electronic signage in the entrance of the building that instructs them on how to identify and locate which court is handling their case to providing them with literature on the child support process.**
- **The OAG should assign one or more attorneys to immediately bring matters before the court, such as reset orders, defaults, or cases involving incarcerated parties.**
- **The IV-D courts should consider staggered times for their dockets, which would reduce waiting time for the parties, as well as overcrowding and resulting security risks.**
- **The IV-D courts should consider implementing a Differentiated Case Management process, which allows a court to identify and manage cases by type, within the court’s schedule.**
- **The IV-D courts should study the percentage of resets and how resets impact the parties (e.g. missing work to appear in court).**
- **The IV-D associate judges should request that licensed interpreters be provided to the IV-D courts. Each IV-D court should identify dates on its calendar when interpreters are available.**

### **Physical Location and Space**

- **The county should house the four IV-D courts and court-related offices in the same building centrally located in downtown Houston, within walking distance of other court buildings.**

- **The building should have at least four courtrooms, but the county should consider whether to provide for future expansion by having space for a fifth courtroom.**
- **Each judge should have his or her own individual chambers or office with a private restroom.**
- **Each court coordinator should have his or her individual office, preferably near the judge’s chambers or office.**
- **A separate waiting room for non-OAG attorneys should be provided.**
- **A waiting room for each court should be provided to the parties and public. The waiting room should be able to seat 100 individuals. In the alternative, a centralized waiting room for all four IV-D courts, which can seat 350 individuals, should be provided. The waiting room(s) should include a designated area for parents with children, with age appropriate furniture.**
- **A separate waiting area should be provided to parties who have experienced or have been threatened with domestic violence.**
- **In the public waiting room areas, multi-lingual instructional videos on child support court procedures should be shown.**
- **District clerk staff should be located in a separate office area in the IV-D court building, near the IV-D courtrooms.**
- **OAG staff should have a separate workroom area, with secure cabinets or drawers for their possessions.**
- **OAG attorneys and staff should have a total of 32 individual negotiation small conference rooms (8 for each IV-D court), which allows them to meet privately with the parties.**
- **Organizations providing services related to the IV-D courts, such as Texas Workforce Solutions, should each have a separate office area.**



- **The Family Services Department, (i.e. child support payments, probation) should have a separate office area.**
- **A DNA testing room, which allows for privacy and compliance with HIPAA standards, should be located in the IV-D courts building.**
- **A secure prisoner holding area, which complies with jail standards, for individuals transported to court for hearings should be located in the building that houses the IV-D courts. The holding area should be accessible through non-public corridors or elevators.**
- **The building should have a separate conference room that can be used by the courts, district clerk staff, OAG staff or others for meetings and training for groups of 20 or more.**
- **The building should have a lobby kiosk and/or signage to: 1) direct traffic to the appropriate courtroom, office or waiting area; 2) provide phone numbers and website addresses to obtain information on cases; and, 3) list how and where to make child support payments; etc.**

### **Technology Needs**

- **Each courtroom, judge's chambers, and court coordinator's office should have a telephone system with conference call, speaker phone, and paging capability.**
- **A telephone paging system should be available in each courtroom, judge's chambers, court coordinator's office, bailiff's office, attorney waiting area, individual negotiation conference room, and the OAG service desk in the public waiting room.**
- **Each courtroom should have videoconferencing equipment to allow for hearings to be conducted via videoconferencing.**
- **Each courtroom should have digital audio recording equipment to record court proceedings.**
- **Internet/Wi Fi access should be provided in all courtrooms, waiting rooms, negotiation conference rooms, and offices.**

- **Links on the county’s website should be enhanced by providing the public with access to additional information regarding child support cases, answers to frequently asked questions, and self-help tools.**

### **Court Security**

- **The IV-D courts and court-related offices should be located on the first floor of the building, if the building houses other offices not associated with child support.**
- **The building should have a single point of public entry, which has a walk-through magnetometer, wands, an x-ray machine, and security staff screening those entering the building.**
- **The courtrooms, hallways, waiting room areas, conference room areas and office areas should have a surveillance closed-circuit television camera (CCTV) system, monitored by Sheriff’s office or security staff.**
- **Each judge’s bench, judge’s chambers, court coordinator’s office, conference room area and DNA testing room should have a duress alarm (also known as a panic button).**
- **Each judge should have a bulletproof bench.**
- **Each court should have a bailiff. In addition, each court should have a ‘roving’ officer to patrol conference and public waiting areas and assist with the transport of incarcerated individuals.**
- **The associate judges and court employees should have secure parking. The associate judges should be able to proceed directly from their vehicle to their chambers without crossing any public areas or main court building entrance.**
- **Parking lot security should be provided for parking lots used by the public and attorneys.**
- **The associate judges should be able to move from their chambers to the courtrooms and other spaces through restricted corridors.**

- **The associate judges, court coordinators, and other court-related staff should have private restroom facilities, which are not accessible to the public.**

## **1.0 Introduction**

On October 8, 2013, Caprice Coper, the director of the Harris County Office of Criminal Justice Coordination, and Bill Jackson, Harris County Chief Budget Officer, requested technical assistance from the Office of Court Administration (OCA,) to conduct a study of the county's IV-D courts. This report is the result of that request. The study's primary goals were to assist Harris County with developing a model IV-D court, which would then aid the County in determining the best relocation site(s) for the four IV-D courts. OCA was asked to identify: 1) best practices in handling IV-D cases; and 2) what court facility design would best meet the needs of the model IV-D court.

### **1.1 Scope of Study**

In conducting the study, OCA's court services consultant considered all four IV-D courts and the key players involved in the IV-D case management process in Harris County, including the IV-D associate judges and their court coordinators, OAG, District Clerk, Sheriff, and Texas Workforce Solutions. OCA also considered the persons who had interaction with the IV-D courts, such as parties and their family members and witnesses. The consultant further considered the IV-D case management process in Tarrant County, which has the reputation of having the best IV-D case management process in the State, and the IV-D case management process in Travis County.<sup>3</sup>

### **1.2 Methodology of Study**

The study of the IV-D courts in Harris County consisted of:

- 1) Gaining an understanding of the current manner in which IV-D cases are processed in Harris County. OCA performed site visits to observe court proceedings and to interview participants involved in processing cases, and gathered additional information to determine current operating conditions.
- 2) Obtaining information on IV-D court best practices by:

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<sup>3</sup> Harris, Tarrant and Travis are among the five most populous counties in Texas (Harris – 4,092,459; Tarrant – 1,809,034; Travis – 1,024,266). Source: U.S. Census Bureau, 2010 Census.

- a) Performing a site visit to Tarrant County, which has the reputation of having the best IV-D case management process in the State, and to Travis County, to observe IV-D court proceedings and interview participants involved in processing cases; and,
- b) Conducting phone conferences and e-mail exchange with staff from the National Center for State Courts (NCSC) to determine if there are recognized national court best practices in handling IV-D cases and obtaining additional information on IV-D cases case management.<sup>4</sup>

**Information Collected:**

Documentation which included:

- National and state caseflow procedures and court management practices in family law cases recommended by the NCSC;
- OAG case filing procedures;
- Statistical reports published by OCA in the Texas Judicial System Annual Statistical Report;
- Statistical reports prepared by the OAG;
- U.S. Census Bureau’s 2010 statistical information on custodial and non-custodial parents;
- White papers and magazine articles recommended by the NCSC regarding child support; and
- Federal Office of Child Support Enforcement Administration (OCSE) functions and procedures.

Anecdotal information from interviews with:

- IV-D associate judges (Harris, Tarrant and Travis counties);
- Court coordinators (Harris, Tarrant and Travis counties);
- OAG regional and managing attorneys (Harris, Tarrant and Travis counties);
- Budget Analyst, Budget Management Department (Harris County);
- Deputy district clerks (Harris and Tarrant counties);
- District clerk and court services coordinator (Travis County);
- Court bailiffs (Harris, Tarrant and Travis counties);
- Texas Workforce Solutions consultants (Harris and Tarrant counties);
- Local Bar members (Harris and Tarrant counties);

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<sup>4</sup> In various studies and pilot projects across the country, best practices relating to IV-D courts focus on the administrative process, not the judicial process.

- Private contract language interpreters ( Harris and Tarrant counties);
- Community Supervision and Corrections Department representative (Tarrant County);
- Director, Office of Criminal Justice Coordination (Harris County); and,
- NCSC staff.

Please see Appendix A for a complete list of the persons listed above who were interviewed for this study. All of them indicated a desire to contribute to providing the parties and the public with the ideal environment in dealing with child support matters. However, most recognized that the court facility, work areas, technology, equipment, and security provided to the IV-D courts and court-related offices are all dependent on the availability of funding.

In addition to those listed above, persons who had interaction with the IV-D courts, such as parties and their family members and witnesses, were interviewed.

**Procedures Conducted:**

- Reviewed and analyzed documentary evidence, especially statistical information obtained from the OAG, NCSC and OCA;
- Documented and summarized anecdotal evidence;
- Described current case management procedures and recommended process improvements via this report;
- Toured courthouse facilities, including holding areas for prisoners; and
- Toured the courthouse area in downtown Houston to study public traffic during the evening hours.

**Criteria Used for Study:**

- Guidelines offered by external subject matter experts and reports (e.g. NCSC studies, OAG studies); and,
- Texas statutory requirements.

**1.3 Background Information**

**Case Activity of Title IV-D Courts**

The Texas IV-D courts, including the four IV-D courts in Harris County, were created in response to the federal requirement that states create expedited administrative or judicial processes to resolve child support cases. The IV-D courts hear and dispose of

child support establishment, enforcement and paternity cases within the expedited time frames established by Chapter 201.110 of the Texas Family Code.

As of August 31, 2013, the total number of pending IV-D cases in Harris County was 11,788. The table below shows the IV-D case activity in Harris County for state Fiscal Years 2011, 2012 and 2013, as reported by the district clerk in the Judicial Council District Court Monthly Reports that are submitted to OCA. (*Note: the pending case totals do not include “inactive” pending cases and they include the activity of the three district courts that have retained a small percentage of their IV-D enforcement cases*).<sup>5</sup>

**Table 1  
Harris County  
IV-D Court Case Activity**

	Paternity	Support Order	UIFSA	Post Judgment	Total
<b>FY 2011</b>					
<b>New Cases Filed</b>	2,840	1,985	535	11,335	16,695
<b>Disposed</b>	2,889	1,957	571	10,524	15,941
<b>Pending 8/31/2011</b>	1,824	1,555	297	9,582	13,258
<b>FY 2012</b>					
<b>New Cases Filed</b>	3,485	2,465	480	9,397	15,827
<b>Disposed</b>	3,173	2,316	509	9,902	15,900
<b>Pending 8/31/2012</b>	2,163	1,886	282	9,088	13,419
<b>FY 2013</b>					
<b>New Cases Filed</b>	3,029	2,387	372	6,898	12,686
<b>Disposed</b>	3,431	2,679	430	9,135	15,675
<b>Pending 8/31/2013</b>	1,777	1,837	229	7,945	11,788

<sup>5</sup> An inactive pending case is one in which further court proceedings and activities cannot be resumed until an event restores the case to the court’s active pending caseload. Examples include cases in which a notice or suggestion of bankruptcy is filed or cases delayed due to the Soldiers’ and Sailors’ Civil Relief Act.

**Table 2**  
**Harris County**  
**Expedited Process Report for September 2010 – December 2012\***

<b>Harris County</b>	<b>Number Served</b>	<b>Disposed Within 6 Months</b>	<b>Percent of Served</b>	<b>Disposed Within 12 Months</b>	<b>Percent of Served</b>	<b>Disp Undisp 12 Months</b>
Dec-12	1,313	1,192	90.80%	1,296	98.70%	17
Nov-12	1,825	1,676	91.80%	1,796	98.40%	29
Oct-12	2,203	2,017	91.60%	2,170	98.50%	33
Sep-12	1,789	1,619	90.50%	1,757	98.20%	32
Aug-12	2,229	2,055	92.20%	2,200	98.70%	29
Jul-12	1,919	1,734	90.40%	1,887	98.30%	32
Jun-12	1,903	1,748	91.90%	1,873	98.40%	30
May-12	2,166	1,975	91.20%	2,137	98.70%	29
Apr-12	2,003	1,851	92.40%	1,972	98.50%	31
Mar-12	2,446	2,237	91.50%	2,416	98.80%	30
Feb-12	2,304	2,087	90.60%	2,266	98.40%	38
Jan-12	2,084	1,895	90.90%	2,051	98.40%	33
Dec-11	1,895	1,711	90.30%	1,864	98.40%	31
Nov-11	2,171	1,945	89.60%	2,142	98.70%	29
Oct-11	2,123	1,944	91.60%	2,088	98.40%	35
Sep-11	2,205	2,020	91.60%	2,171	98.50%	34
Aug-11	2,343	2,174	92.80%	2,326	99.30%	17
Jul-11	1,991	1,811	91.00%	1,961	98.50%	30
Jun-11	2,427	2,245	92.50%	2,400	98.90%	27
May-11	2,104	1,957	93.00%	2,082	99.00%	22
Apr-11	2,013	1,867	92.70%	1,990	98.90%	23
Mar-11	2,736	2,527	92.40%	2,704	98.80%	32
Feb-11	2,014	1,854	92.10%	1,981	98.40%	33
Jan-11	2,041	1,904	93.30%	2,017	98.80%	24
Dec-10	2,391	2,225	93.10%	2,369	99.10%	22
Nov-10	1,925	1,753	91.10%	1,885	97.90%	40
Oct-10	2,414	2,228	92.30%	2,389	99.00%	25
Sep-10	2,377	2,201	92.60%	2,352	98.90%	25

Source: Office of the Attorney General

\*The Expedited Process Report is a monthly report that shows the percentage of cases with service on all necessary parties (date of service) that have been disposed in the 12 month period following the date of service. The report shows the number of cases in which all necessary parties have been served (Number Served) and the number and percentage of served cases disposed within 6 and 12 months from the date of service. The last column labelled "Disp Undisp > 12 Mos" consists of cases that took more than 12 months to dispose and cases that are still undisposed after 12 months.

*Note:* Ninety percent of all Title IV-D cases must be disposed within 12 months from the date that the last necessary party in a case has been served. A case cannot be reviewed for compliance with the statutory timeframe until 12 months from the date of service on the last necessary party has elapsed. Therefore, the report to determine whether cases that were disposed of during calendar year 2013 (January 1, 2013 through December 31, 2013) met the statutory timeframe will show data from cases in which the last necessary party was served during the period December 1, 2012 through December 31, 2013.

### **Funding of the Title IV-D Courts**

Funding for the IV-D courts comes from federal and state funds, excluding the items that must be provided by a county designated as the "host county" of the IV-D courts who serve the host county and, in some instances, additional surrounding counties. Approximately 66% of the funding comes from federal funds and the remainder comes from state general revenue funds.

The presiding judge of the Second Administrative Judicial Region has designated Harris County as the "host county" of the IV-D courts serving the county. A county designated as a host county must "provide an adequate courtroom and quarters, including furniture, necessary utilities, and telephone equipment for the associate judge and other personnel assisting the associate judge."<sup>6</sup>

### **Responsibilities of the Office of the Attorney General in Title IV-D Cases**

The Office of the Attorney General is the state's Title IV-D agency. As the state's IV-D agency, the OAG provides the following services: parent locator services; paternity determination; child support and medical support establishment; review; adjustment and enforcement of child support orders and medical orders; and collection and distribution of child support payments.<sup>7</sup>

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<sup>6</sup> Texas Family Code §201.103.

<sup>7</sup> "About the Child Support Program," no date, < [www.texasattorneygeneral.gov/cs/about/index.shtml](http://www.texasattorneygeneral.gov/cs/about/index.shtml) > (accessed January 15, 2014).



According to a press release dated September 25, 2013 issued by the Texas Attorney General, Texas collected over \$3.6 billion, benefitting 900,000 families, in FY 2013. This represents a new record for Texas in its rank of first in the nation for child support collected. In FY 2013, the OAG disbursed over \$637 million in support payments on Harris County full-service child support cases and over \$79 million on registry only cases for a total of over \$715 million.<sup>8</sup>

Any Harris County resident who receives child support may request assistance from the OAG in collecting that child support. The OAG defines their caseload as *Full Service (IV-D)*: persons who have received or are presently receiving public assistance, such as Medicaid or TANF; and, *Registry Only (Non-IV-D)*: persons who have never received public assistance. A person who has never received public assistance may terminate services at any time. Those currently receiving public assistance cannot terminate services and must cooperate with the OAG or risk losing benefits (unless a good cause determination is made by the Texas Health and Human Services Commission). Those who have previously received public assistance cannot typically terminate services until these benefits have been recouped.

**Table 3**  
**FY 2012 and FY 2013**  
**Payments for Child Support**  
**Processed by the OAG for Both IV-D Cases and Non-IV-D Cases in Harris County**

Case Type	FY2012	FY2013
Full Service (IV-D)	\$601,684,592	\$636,561,040
Registry Only (Non IV-D)	\$94,796,112	\$79,017,855
<b>TOTAL</b>	<b>\$696,480,704</b>	<b>\$715,578,894</b>

Source: Office of the Attorney General

The Harris County IV-D courts preside over cases filed by eight field offices of the OAG. The OAG Child Support Field Offices are located throughout the county. It should be noted that three of the twelve family district courts have retained jurisdiction over a small percentage of their IV-D enforcement cases and do not refer these cases to the IV-D associate judges.

<sup>8</sup> Source: Office of the Attorney General. (This data was generated from the OAG Information Delivery Analysis System (IDEAS) which produces reports that enable assistant attorneys general to: monitor performance, identify constraints, organize and prioritize work, and proactively identify cases needing action.)

The OAG must pay the county for the court costs and fees associated with the filing and service of all cases filed by the agency,<sup>9</sup> as well as pay the county for services which have been provided through contract with the OAG.<sup>10</sup> Below is a table showing payments received by Harris County in FY 2012 and FY 2013, as the result of OAG IV-D cases or service contracts entered into with the OAG.

**Table 4**  
**Payments Related to IV-D Cases Made to Harris County – FY 2012 and FY 2013**

Type	FY2012	FY2013
Court Cost/Service Fee	\$2,314,226	\$1,448,120
Integrated Child Support System (ICSS)	\$1,918,618	\$2,130,325
Community Supervision	\$535,667	\$567,371
Local Customer Service	\$122,096	\$71,127
State Case Registry	\$19,284	\$9,120
Redirect/Data Gathering	\$195	\$120
Access and Visitation	\$54,999	\$73,883
<b>TOTAL</b>	<b>\$4,965,085</b>	<b>\$4,300,066</b>

Source: Office of the Attorney General

This report's next four sections, Sections 2 through 5, will highlight the current operating practices and procedures for processing and resolving IV-D cases and report opportunities for improvement. Implementing some of the recommendations may not be attained immediately, as they may require additional funding. The recommendations are intended to assist Harris County in its discussions regarding the appropriate location and space needs of the IV-D courts, as well as the implementation of case management practices and procedures that will improve the efficiency of the courts.

Section 6 concludes the report and various appendices follow.

<sup>9</sup>Texas Family Code §§ 110.001-110.005.

<sup>10</sup> Texas Family Code § 231.002(c).

## 2.0 Case Management Practices and Procedures

A major challenge with IV-D cases is the enormous volume of cases. Due to limited judicial resources and docket space to handle the large volume of IV-D cases, the legislature enacted the Child Support Review Process (CSRP) in 1995. The CSRP is a *quasi-administrative* process in which the parents can establish an agreed paternity and child support order by participating in a CSRP negotiation conference with the OAG, which are held at local OAG offices. The majority of establishment cases are handled under CSRP.

The OAG also uses the courts (i.e., *judicial process*) to obtain resolution of paternity establishment, child support, parental visitation and child custody issues. The OAG will often use the *judicial process*, rather than CSRP, for cases that involve a minor parent, presumed fathers, family violence or interstate cases. A large number of child support cases are filed in and handled by the courts. In state FY 2013, 12,686 new child support cases were filed in Harris County.

Even when the courts (or *judicial process*) are used by the OAG to resolve child support cases, OAG staff will typically conduct a negotiation conference at court, on the day the case is set for hearing, to attempt to reach a settlement. If an agreement is reached, the court will sign an agreed order. When no agreement is reached, the court will conduct a hearing. The ability to address the large volume of IV-D cases filed in the courts necessitates the use of a negotiation conference. Thus, it is the facilitation of the negotiation conference process that will allow the best opportunity to streamline and improve the efficiency of the IV-D courts in Harris County.

Although the IV-D courts in Harris County dispose of cases within the required federal timeframes, the current negotiation process and physical layout of the courts and court-related offices prevent the courts from being as efficient as possible. These barriers to efficiency result in needless waiting time for the parties, witnesses, family members and others, which results in lost wages and increased costs of parking. It also results in needless overcrowding of the courthouse, which contributes to court security issues.

The following is a discussion of case management practices in Harris, Tarrant and Travis counties, three of the largest counties in the State:

### Harris County

In Harris County, it varies from court to court how the IV-D associate judges handle their individual docket. Below are some of the case management procedures currently in place in Harris County that OCA's court services consultant observed:

- The eight OAG offices in Harris County alternate filing in the four IV-D courts. The four courts hear regular settings on Monday through Thursday. Friday dockets consist of some regular settings but are primarily devoted to preferential settings, domestic violence and CSRP cases.
- Parties summoned to a IV-D court in Harris County are greeted by security officers staffing the metal detector. Minimal and obscure signage is available to direct parties to the appropriate negotiation conference rooms or inform them of expectations and procedures. (*See Appendix B for photo of signage.*)
- The average number of cases set on a regular court day is 60-75 for each court, plus any additional cases involving parties who have been incarcerated since the docket list was produced and distributed.
- After the associate judges take the bench, the court docket (roll call) is called. Parties who are in attendance will announce 'present' in open court. At that time, a case may be reset if any of factors listed below necessitate it:
  - If one or both parties are not in attendance;
  - Wage or employment information has been requested but not received;
  - One or both parties have or intend to hire private counsel and have requested a reset; or
  - The non-custodial parent (NCP) is subject to incarceration and declares that he/she is indigent and requests counsel.
- Although the OAG has individual case notes pertaining to service, paternity testing or income verification that indicate which cases are ready for resolution, the parties must wait until their case is called. Also, it should be noted that the need for a continuance or reset is not always identified during the docket call; rather they stagger in throughout the day, in the form of a Reset Order, agreed to by the party or parties present.
- After the docket call, the judge directs parties to confer with the OAG and to remain close by until the OAG calls them to confer. The priority order the OAG follows for conferring with the parties is the following: 1) parties with private or appointed counsel; 2) parties who previously agreed to a specific payment amount and are subject to immediate incarceration; 3) parties who are incarcerated; and 4) all other cases.
- After the referral of cases to the OAG for negotiation conferences, the court will usually begin conducting hearings. Since the judge instructed the parties to remain close by and there is not a waiting area for the public, newcomers to the IV-D court process will remain in the courtroom while hearings are being

conducted. Seasoned IV-D court users will wait in the narrow hallways and elevator foyers near the courtroom.

- During the negotiation conference phase, the parties will meet with an OAG attorney or a staff member.
- Each IV-D court has conference rooms that are available for negotiation conferences for their court. The number of conference rooms that a court has ranges from three to five. Some conference rooms are set up to hold a total of 16 individuals, plus four or more OAG staff members, involved in four separate cases. This arrangement does not allow for private and confidential conferences.
  - The average conference room is a 14'x 16' space with four tables and numerous chairs surrounding those tables.
  - Parties involved in a case where there is a domestic violence situation confer separately from each other, with OAG staff, but may be in the same conference room with other parties.
  - Some conference rooms are former courtrooms, now used as storage rooms.
  - Some conference rooms are storage rooms with broken furniture, including discarded glass, within proximity of those parties involved in cases where domestic violence may be an issue.
- Some parties wander the hallway and end up conferring with the OAG there. Some parties remain in the courtroom until they are discovered, not knowing what to expect or where to go.
- Immediately after the negotiation conference, parties may be directed to the DNA testing room, Workforce Solutions consultant's office<sup>11</sup> or Family Services Department. Workforce Solutions consultants share space in the same room in which the OAG staff conduct negotiation conferences. During those conferences, parties will often disclose confidential and private information, such as social security and driver license numbers and banking information.
- OAG negotiation conferences are held all day long until all cases on the docket are addressed and parties are allowed to leave.
- The OAG approaches the court throughout the day regarding individual cases that require a judicial ruling; arrest warrants for failure to appear; default orders;

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<sup>11</sup> Workforce Solutions contracts with the OAG to provide assistance to NCPs in finding a job through the NCP Choices Program, which is a model employment program for unemployed or low-income NCPs whose child was either currently receiving or had ever previously received public assistance. The program links IV-D courts, OAG's child support enforcement efforts, and Texas Workforce Commission's local workforce boards. See Daniel Schroeder and Nicholas Doughty, "Texas Non-Custodial Parent Choices: Program Impact Analysis," (Austin: Ray Marshall Center for the Study of Human Resources, LBJ School of Public Affairs, UT-Austin, August, 2009), 2.

findings on domestic violence; non-agreed orders; commitments; or signature of agreed orders. At times it is the attorney involved in a negotiation conference who, after the conference, approaches the bench. This results in interruptions for that attorney and delay in conferring with parties who are waiting to be called.

- The judge remains available until the end of the day, pending announcements, requests for hearings on contested matters and signature of orders. The OAG is delegated the responsibility of producing any order associated with a case. Agreed orders must always be signed by the parties who are present. Consequently, those parties with agreed orders must remain until their case has been addressed and an order is signed.

### Tarrant County

In contrast, the IV-D courts in Tarrant County have developed what is considered by others in the State as a “best practices” case management process for handling IV-D cases. They have identified areas within the negotiation conference phase of the judicial process, which help:

- Minimize the confusion and element of fear of the unknown by the parties caused by a lack of information on IV-D court processes; and
- Allow for the early release of parties and witnesses. Not only does this reduce the waiting time to have their cases handled, it also lessens court overcrowding and the security risks associated with that.

Reducing the amount of time that parties and witnesses must wait at the courthouse, and providing better information to them (e.g., where they are supposed to report and the process for handling their case) while they are there, significantly improves customer service and the public’s perception of the courts.

- In Tarrant County, parties summoned to the IV-D court are greeted by signage in the hallways adjacent to the IV-D courtrooms, which displays instructions on how to identify and locate which court is handling their case and what to expect when their case is addressed. (*See Appendix C for photo of signage.*)

The main attraction of these IV-D courts is the two waiting areas for the parties and public. Each of the two IV-D courtrooms has a waiting room adjacent to it. The waiting rooms are the first rooms the parties encounter as they arrive at the courthouse, after going through security. The OAG staffs a service desk in each of the two waiting rooms.

The following process is used to screen and direct parties summoned to court:

- The parties summoned to court have received notice to appear at staggered times of the day (i.e. 8:30; 9:00; 9:30; 10:00; 10:30). This lessens parking congestion, minimizes security risks, allows private attorneys to appear before other courts without having their client who is a party in a IV-D court case wait for them, and results in overall improved customer service.
- The IV-D courts are located on the first floor of the building. While going through security, the security staff are able to direct the parties to instructional signage in the hallway. The signage helps them identify the court they are to appear in and instructs them to proceed to the waiting area for that particular court.
- The appearing party announces their arrival at the OAG service desk and produces identification, a notice or letter, and/or a case number.
- The appearing party is asked to manually fill out a contact information form, which will later be routed to OAG support staff to update electronic information on that person. This form doubles as a 'notice of appearance' when the party signs it. (*See Appendix D for the Tarrant County appearance form.*) By requesting the parties to update their information beforehand, the OAG reduces the actual conference time by the amount of time that is required for the OAG attorney or staff to verbally ask for and document this updated information.
- A different form is used for cases involving domestic violence so that the cover page does not disclose personal information. Cases involving domestic violence are flagged in the OAG integrated information system.
- The OAG staff in the waiting area can instantly identify the status of the case by reviewing agency notes on a printed docket list.
- Resets pending service of the opposing party are immediately recognized and the appearing party signs a Reset Order agreeing to appear on a future date and is permitted to leave.
- Defaults are identified early on and addressed before the court.
- Cases involving an incarcerated party are immediately addressed.
- Parties requesting DNA testing are immediately identified and routed to the appropriate area.
- Any other parties who are ready to confer with the OAG are seated and an OAG attorney or staff member, depending on the level of negotiations, will call on them to confer. The OAG staff in the waiting area utilizes an Excel spreadsheet, saved on the agency's shared drive, titled 'docket summary.' This spreadsheet is updated as parties arrive. The OAG attorneys and staff monitor this docket

summary and can instantly identify those parties who are present and what action is needed.

- The early identification of a case and what it will require allows the OAG to assign the appropriate person to negotiate with the parties. OAG case files are color coded by action required – establishments, enforcements, cases involving private attorneys, cases with incarcerated parties. This instant recognition of ‘action pending’ in a case allows the OAG to better manage their time. Enforcements, cases involving attorneys and cases with incarcerated parties require conference with an OAG attorney, while establishments, visitation and custody can be dealt with by OAG staff. Preparing the caseload by ‘action pending’ is a form of Differentiated Case Management and it prevents the OAG from overloading the docket on a particular court day.
- In addition to the OAG attorneys and staff who confer with the parties, the OAG also has an extra attorney who is available to immediately handle matters requiring action by the courts, such as defaults, requests for capiases, brief hearings, and requests for appointed counsel or matters involving incarcerated parties. The OAG attorneys or staff who conduct the negotiation conferences turn over matters requiring court action to the extra attorney, which enables them to continue conferring. The availability of an attorney who is not busy conferring allows immediate signing by the judge of agreed orders, reset orders and orders resulting from other matters addressed before the court. Because of this extra attorney, the parties affected are released as soon as possible and crowding and the associated security risks are minimized.
- Parties who are placed on probation, ordered to consult with Workforce Solutions or request DNA testing are escorted by OAG staff to those departments to assure compliance.
- Future court dates are prominently displayed throughout the conference areas and in the courtrooms. This allows the OAG to schedule realistic reset dates and the parties and attorneys to better commit to a future date.
- Although the Tarrant County IV-D courts recognize the benefits of videoconferencing, they currently do not have the equipment available to do videoconferencing. However, the judges often utilize telephone conferences for handling cases with out-of-state parties or the conditional release of incarcerated NCP parties in other counties.



## Travis County

The IV-D courts in Travis County manage their dockets similar to Harris County and other IV-D courts in the State (excluding those in Tarrant County). In brief, the associate judges call their court docket (or roll call) at 9:00 a.m., determine which cases are ready to be referred for a negotiation conference, direct the parties who are ready to confer to do so and remain in their office or at their bench, pending announcement from the OAG that they are ready to approach the bench to have an agreed order signed or a hearing handled.

As in Tarrant County, the IV-D court building also includes a waiting area for the parties, witnesses and public, except the parties are directed to the courtroom upon arrival and then are re-directed to the waiting area after the docket call (or roll call), while the judge conducts any hearings.

The IV-D courts in Travis County are located in a building, which is located three miles from the main courthouse. This topic is addressed in greater detail later in the report, under 3.0 Physical Location and Space.

### **2.1 Language Access Needs**

#### Harris County

Currently, in Harris County, when a Spanish interpreter is needed in a IV-D court hearing, a non-licensed Spanish court interpreter will typically serve as an interpreter. If an interpreter is needed in a language other than Spanish, family members or friends are currently used as interpreters. Harris County does not provide contract or staff interpreters for the IV-D courts. The OAG utilizes a Spanish only indicator to identify those cases in which an interpreter is needed. However, due to staffing and no interpreters provided by the court, cases involving individuals with limited English proficiency are handled last or late in the afternoon. The OAG child support officer reviewing a case should continue utilizing the Spanish only indicator to determine whether an interpreter is needed for the custodial and/or non-custodial parent or any witness.

While section 233.004 of the Texas Family Code requires that an interpreter be provided for individuals with limited English proficiency (LEP) for OAG negotiation conferences at no charge to the party, there is not a similar requirement for civil IV-D court proceedings.

For court proceedings, the court shall upon request of a party or witness or on its own motion in a civil or criminal proceeding appoint a certified or licensed interpreter. The

court may choose the interpreter and set reasonable compensation for the service. (Tex. Gov't Code §57.002; Tex. R. Civ. P. 183). Unlike the OAG negotiation conferences in which the interpreter services are provided free of charge to the party, costs for interpretation in a civil court proceeding may normally be taxed against a party. (Tex. R. Civ. P. 183).

In criminal cases, an interpreter must be appointed for a defendant or witness who does not speak English. (Tex. Code Crim. Proc. art. 38.30). In criminal cases, the court can use "any person" to interpret under the "same rules and penalties as are provided for witnesses," as long as the interpretation skills are "adequate." An interpreter should be qualified as an expert in interpretation under Tex. R. Evid. 702. The cost of interpretation is borne by the county and is not to exceed \$100 a day. (Tex Code Crim. Proc. art. 38.30)

In counties with a population of 50,000 or more, a court interpreter must be licensed except when the foreign language is not Spanish and the court finds there is no licensed interpreter available in that language within 75 miles of the proceeding. (Tex. Gov't Code § 57.002).

- The following scenarios require IV-D courts to provide the services of licensed interpreters, simply because they may result in the incarceration of an NCP.<sup>12</sup> Therefore, he/she must understand the agreement being entered into or the non-compliance alleged against them:
  - The failure to appear by an NCP on a motion for enforcement, resulting in the issuance of a *capias* or arrest warrant;
  - An agreement to a deferred commitment order, which if not complied with would result in immediate arrest; and,
  - A motion for contempt granted by the court and resulting in immediate arrest of the NCP.

The IV-D courts should consider using licensed court interpreters in court hearings, rather than unlicensed interpreters. Use of a licensed court interpreter can improve the quality of the: 1) LEP's ability to communicate; 2) evidence available to the judge; and 3) resolution of due process issues in the case. OCA's new remote interpretation program, the Texas Court Remote Interpreter Service (TCRIS), provides free Spanish interpretation

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<sup>12</sup> Texas Family Code §157.102, requires that law enforcement "treat a *capias* or arrest warrant ordered under this chapter in the same manner as an arrest warrant for a criminal offense." Texas Code of Criminal Procedure, article 38.30, requires: "When a motion for appointment of an interpreter is filed by any party or on motion of the court, in any criminal proceeding, it is determined that a person charged or a witness does not understand and speak the English language, an interpreter must be sworn to interpret for the person charged or the witness."

services to courts by licensed court interpreters. The interpretation services are provided by telephone or videoconferencing in short hearings involving no or limited evidence. The IV-D courts are encouraged to take advantage of these interpretation services in limited circumstances, as it is a small program and not meant to replace the services provided by counties. The IV-D courts should explore additional opportunities to take advantage of remote interpreting to cover short hearings.

Currently, the IV-D courts do not schedule all cases requiring an interpreter together on the docket (e.g., Monday and Wednesday mornings). If cases requiring an interpreter are scheduled together, this will result in greater efficiencies by having an interpreter available to handle all those hearings during one block of time.

#### Tarrant County

Tarrant County pays for private contract interpreters in IV-D cases. The interpreter is paid on a case-by-case basis for that day at a flat rate. Since the IV-D courts are in close proximity to other courts, the interpreters are in the vicinity and can commit to an assignment almost immediately.

#### Travis County

Similar to Tarrant County, the Travis County IV-D courts contract with private interpreters to provide interpretation services to LEP parties. The interpreters are compensated on a flat rate per day, regardless of the number of cases with which they assist the court.

#### **Recommendations**

- **The OAG and IV-D courts should implement a case screening process similar to that used in Tarrant County, which would allow for immediate identification of the status of a case and determine the need for the parties to remain or leave.**
- **In the alternative of a case screening process, the IV-D courts should consider a ‘recall or status docket,’ to identify those parties whose case has not yet been addressed and what action is pending on the case. A recall or status docket propels the OAG to review the docket at a given time and release those parties associated with cases on which they are not ready to confer.**
- **In addition to the attorneys handling the negotiation conferences, the OAG should assign one or more attorneys to immediately bring matters to the court, such as reset orders, default orders or cases involving incarcerated parties.**

- **The IV-D courts should consider staggered times for their dockets, which would reduce the waiting time for the parties, as well as overcrowding and resulting security risks.**
  
- **The IV-D courts should consider implementing a Differentiated Case Management process that allows the court to identify and manage cases by type, within the court’s schedule. This identification and management of cases by type can be done according to statutory requirements, complexity of case or availability of counsel/parties. The success of this process is most evident when it is implemented early in the life of a case.**

**The following are examples of cases that could be managed and scheduled according to case type:**

- **Enforcement cases, which require preferential hearing;<sup>13</sup>**
  - **Cases involving a party in state or federal custody for an extended time;**
  - **Cases involving private counsel;**
  - **Paternity establishment cases, with parties in a distant area of the state;**
  - **IV-D cases with parties in the military and HEROES is involved;<sup>14</sup>**
  - **Cases involving minor parties;**
  - **Cases identified as domestic violence-related cases; or**
  - **High security risk cases.**
- 
- **The IV-D courts should study the percentage of resets granted on a given court day and the impact these resets have on the parties (i.e. repeated time off work, increased day care expense, bus and parking expense). In particular, the IV-D courts should consider if resets are the result of: 1) lack of service; 2) incorrect personal identifier information; 3) bad addresses; 4) non-request for service by the OAG; or 5) a request by a party who has appeared as a result of a letter, but has not been served. Efforts should be made to minimize resets for these reasons.**

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<sup>13</sup> Texas Family Code §157.061 (c).

<sup>14</sup> Help Establishing Responsive Orders Ensuring Support (HEROES) for children in military families is a federal office of Child Support Enforcement demonstration project developed and implemented by the Texas OAG. See <http://www.texvet.com/resources/heroes-help-establishing-responsive-orders-and-ensuring-support-children-military-families>.

- **The IV-D courts should strive to reduce confusion and fear of the unknown in the parties and witnesses by:**
  - **displaying signage in the entrance to the court building, which provides instructions on how to locate which court is handling their case and what to expect when their case is addressed;**
  - **providing literature on the child support process, including the appeals process of a case;**
  - **providing signage in courtrooms and conference rooms that shows future court dates; and,**
  - **providing information on options available, such as the NCP Choices Program offered through Workforce Solutions.**
  
- **Videoconferencing should be implemented for use in cases in which a party is incarcerated in Harris or another county in the state or a party living out of state. Allowing incarcerated parties to appear remotely from jail by videoconferencing eliminates the costs to the county for transporting incarcerated parties to and from court. For parties living out of state, it would eliminate travel time and expenses.**
  
- **The OAG child support officer reviewing a case should continue to utilize the Spanish only indicator to determine whether an interpreter is needed for the custodial and/or non-custodial parent or any witness.**
  
- **The IV-D associate judges should request that licensed interpreters be provided for the IV-D courts.**
  
- **Each IV-D court should identify dates on its calendar when interpreters are available.**
  
- **The Caseload Management and Best Practices Workgroup established pursuant to the current Cooperative Agreement between OCA and the OAG should meet with the Harris County IV-D associate judges and designated local OAG staff to: 1) review the recommendations provided in this report and the practices employed in Tarrant County; and 2) discuss implementation of the report recommendations and other best practices identified by the Workgroup, Harris County IV-D associate judges, and OAG.**

## 3.0 Physical Location and Space

### Harris County

#### **3.1 Relocation of IV-D Courts**

At the meeting on October 8, 2013, the Harris County representatives mentioned the possibility of moving the respective IV-D courts to different locations within the County (possibly to locations where OAG regional offices are currently located). However, the OAG has advised OCA's court services consultant that the OAG is centralizing their offices to downtown Houston. The targeted date for that relocation process has been extended from the original date of September 2014 to a currently unknown date in the future. The existing regional offices may become 'storefront' offices only.

Given the above information, Harris County representatives should discuss with the OAG its plans to centralize its functions. If the OAG should centralize its functions in downtown Houston, it would be counterproductive for the County to move the IV-D courts outside of the downtown area.

In addition to the OAG, there are numerous departments and offices who support these IV-D courts: the District Clerk's Office, Community Supervision and Corrections Department, Family Services Department (child support payment, domestic relations office), Workforce Solutions, and the Sheriff's Department. Those departments and offices would also be impacted if the IV-D courts are moved to a location(s) outside the downtown area. Each department should be consulted about how a relocation outside the downtown area would impact them.

Moreover, it is likely that a number of the private attorneys who represent clients in the IV-D courts also do business in the other Harris County courts located downtown. It would be inconvenient for them to have to travel during the same day from a court in downtown Houston to handle a IV-D matter in a location outside downtown Houston.

OCA's court services consultant met with the four IV-D associate judges on October 31, 2013 and again on November 21, 2013. During these meetings, the consultant discussed the idea of relocating each IV-D court to a separate location within the County. The associate judges would like a location in downtown Houston within walking distance of other court buildings. They would like to be relocated to:

- A building which houses all four IV-D courts.
  - Cases filed in the four IV-D courts often involve parties who have cases in one or more of the other courts. The ability for the judges to easily and immediately confer allows them to address these cases appropriately and increases compliance by the parties.
- A building with prominent signage on the front of the building designating it as a “Child Support Enforcement Court.” The signage helps individuals to easily locate the court building.

### 3.2 Space Needs of IV-D Courts

The court building where the IV-D courts will be relocated must accommodate the large amount of public traffic and court-related staff involved in the processing of child support cases. The following table shows the number of associate judges and court-related staff involved in processing IV-D cases in Harris, Tarrant and Travis counties:

**Table 5**

**Number of Associate Judges, Court Coordinators, OAG Staff, and Other Court-related Staff Typically Involved in IV-D Court Matters at the Courthouse**

	Judge + (Coord)	Bailiff	Clerk	Licensed Interpreter	OAG Offices	OAG Attynys <sup>15</sup>	OAG Staff	DNA	Work-Force	Total Staff
Harris	4 + (4)	4	16*	0	8	16	12-16	Staff	2	58
Tarrant	2 + (2)	2-4	10	2-3	5	5	6-10	Staff	2	31-38
Travis	2 + (2)	1	4	1	2	5	2-3	Lab	2	19-20

\*Not all clerk staff may be located in the courtroom.

\*The eight OAG field offices in Harris County alternate filing in the four IV-D courts.

The number of cases handled by the IV-D courts in Harris County is very large. The following table shows the number of cases filed and disposed, as well as the number of IV-D cases that are on the docket in the IV-D courts in Harris, Tarrant and Travis counties:

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<sup>15</sup> According to the OAG, a total of four attorneys are currently assigned to each IV-D court in Harris County. This total includes the Managing Assistant Attorney General (MAAG). However, starting in September 2014, that number will increase to five attorneys per IV-D court. The number of attorneys vs support staff varies daily, depending on the type of case (establishment or enforcement) on the court’s docket. Enforcement cases require more time for negotiations and result in a hearing before the judge.

**Table 6**  
**Estimated Weekly Case Activity of IV-D Courts**

	Total IV-D Judges	Estimated Total Cases Set/Week	Designated Days for Filing	Average Cases Filed/Week	Filed FY13	Disposed FY13
Harris	4	960	Tues, Wed, Thurs	300-350	12,686	15,675
Tarrant	2	480	Mon - Friday	180 -225	13,121	11,088
Travis	2	300 -350	Mon - Friday	280 - 300	5444	5715

The IV-D courts in Harris County hear approximately 960 cases per week, primarily Monday through Thursday (which is an average of 60 cases per day per court).<sup>16</sup> In addition to the associate judges and the court-related staff listed in Table 1 above, the custodial parent and non-custodial parent (960 cases x 2 persons = 1,920 persons), plus private attorneys, witnesses, children and other family members and friends, may also come to the courthouse. Using the above tables, the traffic of the four IV-D courts in Harris County, on **one day**, can potentially total **525+** individuals. Again, that number would fluctuate depending on whether: 1) both parties have been served; 2) any witnesses are present; 2) either party brings family members or friends to lend support; 3) either party brings children; and, 4) either party is represented by private counsel.

The space currently used by the IV-D courts in Harris County was previously used by non-IV-D courts. Thus, the space was not designed nor furnished to accommodate the large number of negotiation conferences that are held in IV-D court cases. These conferences are held between individuals trying to resolve conflicts that are often emotionally-charged conflicts, increasing security risks. Additionally, the number of parties who must confer with the OAG is greater than the space available. This results in several conferences being held in the same room – a room that is often less than 200 square feet in size. (See Appendix E for photos of negotiation conference rooms.)

Some of the rooms used as negotiation conference rooms also double as a DNA testing area where the parties and their children are screened for DNA, which adds a noise factor to an already congested environment. Also, some of the rooms used as negotiation

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<sup>16</sup> Each IV-D court in Harris County hears approximately an average of 60 - 75 cases per day (or, an average of 960 cases to 1,200 cases per week for all four IV-D courts). Thus, the average of 60 cases per day per court (or, an average of 960 cases for all four IV-D courts) is a conservative number of cases.



conference rooms have both Workforce Solutions consultants and OAG staff in them. (See Appendix F for photo of Workforce Solutions office.) The Harris County IV-D courts do not have a waiting area in the proximity of the courtrooms. Parties either remain in the courtroom or in the hallway. This results in congested hallways, where negotiation conferences are often conducted due to the overall lack of conference space.

The Harris County IV-D courts are located on the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floors of the Family Law Center. Because every IV-D courtroom area has a different floor space layout, a sketch of that layout is not included in this report. However, the following should be seriously considered in identifying a future site for the IV-D courts:

Departments and agencies that serve the IV-D courts require office space that is adequate in size, sound proof, and equipped with Internet/Wi Fi capability.

- Workforce Solutions consultants presently share space with OAG staff. One of the rooms that they share is a 120 square foot room. The information that both of these groups obtain from the parties is confidential and sensitive, such as social security and driver license numbers. Many individuals share banking and credit card information. Some disclose health information.
  - It is critical that the parties be provided with privacy and feel secure knowing that when they disclose confidential and sensitive information, it will not be stolen or compromised by someone listening.
- Each IV-D court should have a Workforce Solutions consultant, and each consultant needs an individual office within immediate proximity of the court they serve. The services the consultants provide through the NCP Choices Program requires that they work closely with the OAG. It is believed that the effectiveness of the program is directly affected by their proximity and immediate access to both the OAG and the court. Workforce Solutions consultants have observed that: 1) the noncustodial parent is in a 'serious state of mind' about becoming gainfully employed, after leaving court and immediately arriving in their office; and 2) if the noncustodial parent is unclear about the court's order, clarification can be obtained immediately while the noncustodial parent is still in a 'serious state of mind.'
- DNA testing is presently supervised by a member of the OAG staff in the small rooms where negotiation conferences are held. The test involves swabbing of the mouth and is administered to all parties associated with a case, including all children. The test is done in the presence of an OAG staff member. However, it is administered by the parties on each other, so that the question of chain of custody of the sample and liability by the OAG is not raised. The swab is then

packaged and sealed by the parties. This multitude of parties in a small room, along with crying children frightened by the DNA testing process, adds to the congestion and noise in the negotiation area.

- A testing area with the appropriate furniture and seating would enable the OAG to contract with an independent lab technician or company to properly administer the DNA testing.
- To ensure compliance with court orders, the associate judge may order the NCP to complete a term of community supervision. Parties placed on community supervision are either set before the court for compliance hearings or supervised by the Domestic Relations Office.
  - Because the office is not within proximity of the court that ordered a person to be placed on community supervision, the person may not report for community supervision intake within the timeframe ordered by the court.
- The IV-D courts will often order an NCP to make a lump sum payment and return with confirmation that the payment was made, before the court will consider any further arrangements. The section that processes this immediate payment is the Child Support Payment Section. That section is part of the Family Services Department. Until recently, the Family Services Department was located on the bottom floor of the Family Law Center. The department has now been relocated to the Civil Courts Building, across the street.
  - As in the case of reporting for community supervision intake discussed above, a person ordered to make an immediate payment is more likely to leave and not return when the office taking the payment is not located within the same building.
- Inmate holding areas within the IV-D courts in Harris County are inadequate in size and location. The holding cell's doors open into public hallways. One officer has responsibility for the transport and the detention of an incarcerated individual. The officer is also responsible, when transporting the individual to and from the courtroom, for monitoring hall traffic and preventing direct contact with the incarcerated individual. *(See pages 45 and 46 for further details regarding the transport of incarcerated individuals.)*
  - Holding rooms in the proximity of each IV-D courtroom, which are accessed through secure sally ports, hallways and stairwells, are essential. Allowing incarcerated individuals to come within contact distance of the public increases security risks and allows for the possible exchange of contraband.

- The district clerk's office, which serves the Harris County IV-D courts, currently has a centralized office in the IV-D courts building. During the OCA court services consultant's site visit in November 2013, she had a roundtable discussion regarding the relocation of the IV-D courts with the district clerk staff who oversee the daily clerk operations in support of those courts. Currently, the district clerk has 16 staff members assigned to assist the IV-D courts.
  - The possibility of managing a second office away from the proximity of the non-IV-D courts was not enthusiastically received. Although the district clerk's office maintains what is considered an off-site office in the IV-D court building, the proximity of the IV-D court building to the other court buildings currently allows the chief deputy and other management staff to be available to all the other courts. The expense and time managing an office, which is not within walking distance to other courts, would create a hardship for the district clerk.
  - As a side note, the participants of this roundtable, were also not enthusiastic about the prospect of having their office open after 5:00 p.m., as would be required for night court. The district clerk's office has previous experience with the operation of a night court. When the Harris County Divorce Night Court was operational, the clerk's office experienced additional overhead, extended employee hours and the security risks associated with operating a court at night. The Divorce Night Court was discontinued and, in their opinion, had not been effective.
- The OAG plays a major role in the processing of the cases that are handled by the IV-D courts. Thus, it is essential that they have the space necessary to perform their case processing responsibilities. In addition, the extensive use of negotiation conferences to resolve the child support cases filed in the courts necessitates that an adequate number of negotiation conference rooms be available to the OAG to conduct them. The individual negotiation conference rooms allow the OAG to meet privately with the parties to discuss confidential matters.

To plan for the increasing workload of the IV-D courts, Harris County should consider whether to provide for future expansion by having space for a fifth courtroom. The overall IV-D caseload of the OAG offices in Harris County grew by 3.8% during the period February 2013 through February 2014. Table 7 on the next page includes both cases that are filed in court and those that are not.

**Table 7**  
**Harris County**  
**OAG IV-D Caseload**  
**February 2013 – February 2014**

	Office 602	Office 604	Office 606	Office 607	Office 608	Office 609	Office 610	Office 613	Totals
Month	Total	Total	Total	Total	Total	Total	Total	Total	
14-Feb	19,252	27,567	23,406	28,330	32,971	20,169	22,798	32,252	206,745
14-Jan	19,360	27,501	23,415	28,370	32,896	20,220	22,739	32,016	206,517
13-Dec	19,307	27,603	23,460	28,379	32,861	20,260	22,806	31,873	206,549
13-Nov	19,275	27,673	23,455	28,423	32,826	20,456	22,843	31,940	206,891
13-Oct	19,297	27,586	23,436	28,219	32,700	20,414	22,824	31,988	206,464
13-Sep	19,301	27,437	23,464	28,194	33,199	20,279	22,747	31,560	206,181
13-Aug	19,345	27,497	23,544	28,035	33,018	20,462	23,001	31,430	206,332
13-Jul	19,690	27,355	23,550	27,995	32,762	20,386	23,101	31,100	205,939
13-Jun	19,914	27,296	23,308	27,922	32,597	20,228	23,123	30,690	205,078
13-May	19,887	27,202	23,195	27,709	32,338	20,135	23,072	30,429	203,967
13-Apr	19,834	27,120	23,015	27,501	32,112	20,000	22,906	30,083	202,571
13-Mar	19,717	26,955	22,967	27,304	31,968	19,819	22,752	29,846	201,328
13-Feb	19,592	26,664	22,774	26,937	31,629	19,625	22,595	29,447	199,263
<b>12- Month Growth</b>	<b>-1.7%</b>	<b>3.4%</b>	<b>2.8%</b>	<b>5.2%</b>	<b>4.2%</b>	<b>2.8%</b>	<b>0.9%</b>	<b>9.5%</b>	<b>3.8%</b>

Source: Office of the Attorney General.

According to the OAG, they are funneling more and more ‘uncontested’ type cases through the Child Support Review Process (CSRP) which effectively removes most judicial filings from the need to have a court hearing. [Note: A CSRP filing is a *quasi-administrative process* and becomes a judicial action when the agreed or non-agreed order is filed with the court. Non-agreed orders routinely result in court dates and hearings in the IV-D Courts]. However, the trend in CSRP filings also means an increase in non-agreed CSRP order filings. The result is the OAG is now going to court on more contested enforcement cases and non-agreed CSRP order filings. The litigation of these type of matters is much more involved and take up much more of the court’s time and resources (court space, docket settings and district clerk staff). While the size of the average daily IV-D docket (minimum of 45 cases to maximum of 90+ cases) in Harris County is not increasing, the scheduled docket dates are being extended further into the future. Currently, the OAG is setting IV-D cases for June 2014, which indicates a large number of cases needing hearings and court dates.

Table 8 below shows the number of CSRP, agreed orders, non-agreed orders, and other matters filed during the period county Fiscal Years 2009 – 2013.

**Table 8**  
**Harris County**  
**Child Support Review Process (CSRP) Filings**  
**County Fiscal Years 2009 - 2013**

CSRP Filings	Agreed	Non-Agreed*	Other	Total Filings
<b>FY 2009</b>	8,144	348	258	8,750
<b>FY 2010</b>	10,986	2,304	477	13,767
<b>FY 2011</b>	12,344	3,321	590	16,255
<b>FY 2012</b>	10,296	3,456	778	14,530
<b>FY 2013</b>	9,338	3,188	850	13,376

Source: Office of the Attorney General

If the workload of the IV-D courts continues to grow, an additional court would allow IV-D cases to be handled and resolved by the courts sooner.

### Tarrant County

The OCA court services consultant was advised by the IV-D associate judges in Harris County and others that Tarrant County has the best system in the State for processing IV-D cases. The consultant made a site visit to Tarrant County on November 19, 2013, to tour the two IV-D courts and offices and departments that provide support services for those courts. Among those offices and departments are the: OAG, Community Supervision and Corrections, Texas Workforce Solutions, Child Support Payment, child protection prosecutors, and District Clerk.

Tarrant County built a new Family Law Center in 2005. Along with other courts, the building houses the family district courts, as well as the two IV-D courts and offices and departments that provide support services for the IV-D courts.

After visiting the Family Law Center, the OCA court services consultant is of the opinion that Tarrant County has an overall excellent layout for IV-D courts. Below is a rough diagram of the layout of one of the IV-D courts in that building (*Note: the diagram is not to scale*).

## Tarrant County IV-D Court Layout

Coordinator		Court Reporter		M	W	OAG Work Area	# 1 Conf.	# 2 Conf.	#3 Conf.
		Secure Hallway				Hallway			
Judge	Secure Hallway	Courtroom				OAG Processing	Tx Wrk Force	Hallway	# 4 Conf.
Bailiff						Public Waiting Area with Window for Announcing Arrival & Checking Status of Case			# 5 Conf.
Breakroom									#6 Conf.
Staff Bathrooms									DNA

The IV-D associate judges have dedicated elevators which are also used to transport inmates to and from the courtroom to the holding cells located in the basement area. The use of a common elevator was not a concern for the judges, since they are on the bench at the times that inmates are being transported to and from the courtrooms.

Tarrant County has several important features in their building design that increase work productivity, enhance public access, and increase security:

- They have provided individual negotiation conference rooms (labeled # 1 to 6 Conf. in the diagram above) for the parties to negotiate and disclose confidential or sensitive information;
- They have provided the OAG and the Workforce Solutions work space and resources required to effectively do their job in a professional manner and in a secure environment; (*See Appendix G for photo of OAG workroom and Appendix H for photo of Workforce Solutions office.*)
- By providing a waiting room area outside the courtroom, they have eliminated the "noise" factor commonly found in IV-D courts in which a waiting room for the public is not provided and the public gathers in the hallway. Also, by providing a waiting room, they have streamlined the process of "roll call" to allow the parties to leave as soon as possible (see page 19 for a discussion of the roll call conducted by the OAG in Tarrant County). This reduces the waiting time, cost of parking, loss of wages and cost of day care for the parties, witnesses, family members, and friends; and,

- Access to the judge's chambers and court staff area are limited to authorized personnel.

The Tarrant County Family Law Center is within 2-3 city blocks of the Criminal Justice Center and the main courthouse. The proximity of these buildings is beneficial to the IV-D courts, as follows:

- The courts have access to private counsel available for immediate appointment;
- The courts have access to interpreters who are already in the area. Therefore, the county is not obligated to reimburse the interpreter for travel; and,
- Private counsel is able to appear for matters in other courts that are close by and still be available within a short period of time to negotiate with the OAG.

### Travis County

OCA's court services consultant also made a site visit to the IV-D courts in Travis County to observe their system for processing IV-D cases and the layout of their court building. Travis County has relocated their IV-D courts four times. The IV-D courts are currently located approximately three miles from the main courthouse. They are housed in a converted office building that is now half vacant. The building has a secure, dedicated vehicle drop-off area for inmates transported to court from the county jail. The holding cells for inmates are located in the basement of the building. Inmates are transported to and from their cells to the courtroom through secure hallways.

The two IV-D judges also serve rural counties located near Travis County. The building housing the two IV-D courts has only one courtroom. Therefore, the judges sit on alternating days of the week and travel to other counties on the days they are not in Travis County. Both judges had input in the layout and design of the IV-D courts. The next page shows a rough diagram of the layout of the IV-D court building. (*Note: the diagram is not to scale*):

### Travis County IV-D Court Layout

Staff Bathroom	Break-Room	Judge	Court Coordinator	Court Coordinator	Judge
Inmate Holding	Secure Hallway				
Bailiff	DNA	Hallway	Courtroom Shared by Two IV-D Judges		
OAG Workroom					
Room with 5 cubicles for Negotiations and Texas Workforce		Public Waiting Area with Window between Courtroom and Waiting Area			Walk Thru Metal Detector

Travis County has several important features in their building design that increase work productivity and enhance public access.

- The building is a one-story building, which makes it easily accessible by physically disabled individuals. This one-story design allows parties with children to go outdoors to distract their children.
- They designed the parking area to allow for the secure transportation of inmates in and out of the court building.
- They remodeled the basement into temporary holding cells. The inmates are transported to and from the courtroom, which is upstairs, through walkways and elevators dedicated for this purpose.
- They have provided the OAG with individual negotiation rooms, as well as the work space and resources, such as Internet and counter space with sufficient electrical access, required to effectively perform their job in a secure environment.
- By providing a waiting area outside the courtroom, they have eliminated the “noise” factor commonly found in IV-D courts in which a waiting room for the public is not provided and the public gathers in the hallway.



- Access to the judge's chambers and court staff area is limited to authorized personnel.
- A free public parking area is provided, eliminating the cost of parking.

### **Recommendations**

- **Harris County should meet with the OAG to discuss the OAG's plans to centralize functions that are currently performed in their regional offices to downtown Houston. It should also meet with the other offices and departments that support the IV-D courts, such as the District Clerk and Texas Workforce Solutions, to determine what impact a relocation of the courts to areas outside downtown Houston would have on them.**

**Given that the OAG may centralize many of its regional office functions in downtown Houston, the county should consider housing the four IV-D courts in the same building, in downtown Houston, within walking distance to other court buildings. Also, by locating all IV-D courts in downtown Houston, the IV-D courts will be near other courts which utilize similar offices and departments (e.g., District Clerk and Family Services Department), as well as private attorneys and licensed interpreters who work in the other courts.**

**Offices and departments that support the IV-D courts should be located in the same building or very near the building that houses the IV-D courts. In particular, the payment section of the Family Services Department, Harris County Domestic Relations Office, and Texas Workforce Solutions should be located in the same building as the IV-D courts to assure compliance with court orders and provide convenience to the parties.**

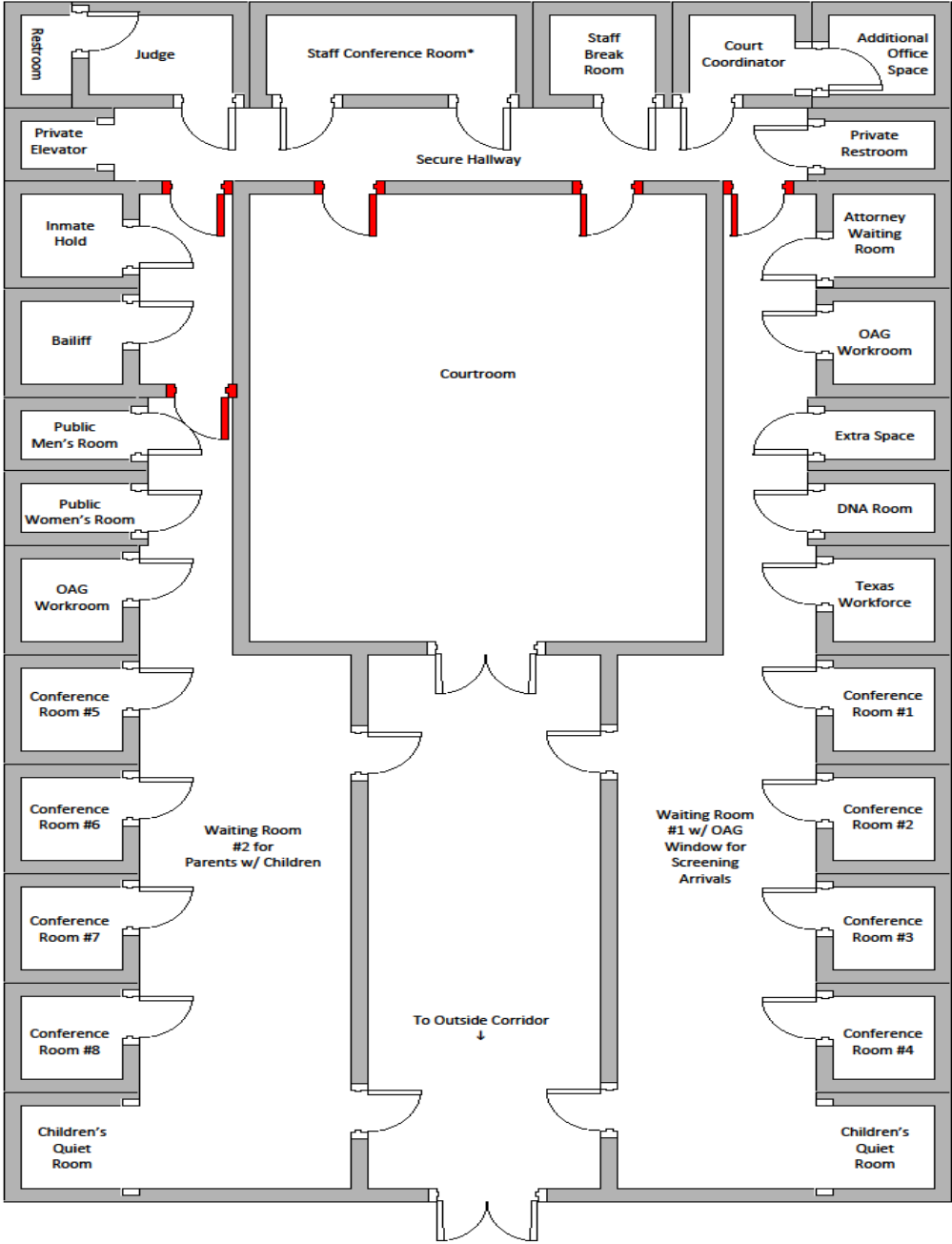
- **The building should have at least four courtrooms, but the county should consider whether to provide for future expansion by having space for a fifth courtroom.**
- **Each judge should have his or her own individual chambers or office with a private restroom.**
- **Each court coordinator should have his or her individual office, preferably near the judge's chambers or office.**

- **A separate waiting room for private attorneys should be provided.**
- **A waiting room for each court should be provided to the parties and public that is roomy and comfortable. The waiting room should be able to seat 100 individuals. In the alternative, a centralized waiting room for all four IV-D courts, which can seat 350 individuals, should be provided. The waiting room(s) should include a designated area for parents with children, with age appropriate furniture.**
- **A separate waiting area should be provided to parties who have experienced or been threatened with domestic violence.**
- **District clerk staff should be located in a separate office area in the IV-D court building, near the IV-D courtrooms.**
- **OAG staff should have a separate workroom area, with secure cabinets or drawers for their possessions.**
- **OAG attorneys and staff should have a total of 32 individual negotiation conference rooms (8 for each court), which allows them to meet privately with their clients.**
- **Organizations providing services related to the IV-D courts, such as Texas Workforce Solutions, should each have a separate office area.**
- **The Family Services Department, (i.e. child support payments, probation) should have a separate office area.**
- **A DNA testing room, which allows for privacy and compliance with HIPAA standards, should be located in the IV-D courts building.**
- **A secure prisoner holding area, which complies with jail standards, for individuals transported to court for hearings should be located in the building that houses the IV-D courts. The holding area should be accessible through non-public corridors or elevators.**

- **The building should have a separate conference room that can be used by the courts, district clerk staff, OAG staff or others for meetings and training for groups of 20 or more.**
  
- **The building should have a lobby kiosk and/or signage to: 1) direct traffic to the appropriate courtroom, office or waiting area; 2) provide phone numbers and website addresses to obtain information on cases; and, 3) list how and where to make child support payments; etc.**

On the next page is the layout of a model IV-D court, which contains the features recommended for Harris County. (*Note: The diagram is not to scale.*)

**MODEL IV-D COURT LAYOUT, HARRIS COUNTY<sup>17</sup>**



\*There would only be one large staff conference room in the IV-D Courts building, which is used by all the IV-D courts.

<sup>17</sup> The floor plan should be considered for each of the four IV-D courts.

## 4.0 Technology Needs

In relocating the IV-D courts, Harris County should consider whether additional technology would assist in the processing of IV-D cases. Currently, the IV-D courts have the following technology:

- Each judge's chamber and court coordinator's office has a telephone system with speaker phone and conference call capability;
- Each courtroom has digital audio recording equipment for recording hearings;
- Each courtroom, judge's chambers, and court coordinator's office has Internet connectivity, which is provided by Harris County; and,
- The conference rooms and OAG areas have Internet connectivity, which was installed and is maintained by the OAG.

### Telephones

In the new location, each courtroom and judge's chambers/office should continue to have a telephone system with conference call and speaker phone capability. That telephone system should be enhanced to include: 1) the OAG negotiation conference rooms, so they are able to negotiate with out-of-state parties; and 2) a telephone paging system.

The telephone paging system should be installed and connected to each courtroom, judge's chambers, court coordinator's office, bailiff's office, attorney waiting area, negotiation conference room, and the OAG service desk in the public waiting room(s). A telephone paging system would:

- Enhance courthouse security when there is a need to provide immediate instructions simultaneously to everyone within the IV-D courts' area;
- Minimize the time currently required to physically track down parties and attorneys in order to notify them to report to the negotiation conference rooms, DNA testing room or Workforce Solutions office. The OAG attorneys and staff would have the ability, if desired, to page a party or attorney without the distraction associated with leaving what they are presently working on to search for them; and,
- Allow specific areas to hear selected announcements, if the telephone paging system includes zone paging. The associate judge or court coordinator could summon an OAG attorney, private attorney or bailiff to the courtroom or the judge's chambers.

### Digital Audio Recording

The IV-D courts in Harris County currently have digital audio recording equipment in all four courtrooms. Chapter 201 of the Family Code gives an associate judge the latitude to prescribe the manner for the court's record to be preserved, absent a court reporter.

### Videoconferencing Capability

The IV-D courts in Harris County currently do not have videoconferencing equipment. The ability to utilize videoconferencing would allow the IV-D courts to more easily comply with various time-sensitive matters, such as the following:

- When a respondent (NCP) is taken into custody and not released on bond, "the respondent shall be brought before the court that issued the arrest warrant on or before the third day after the arrest."<sup>18</sup> If that respondent is incarcerated locally or in another county, the court can have the respondent appear remotely from jail by videoconferencing. When the court does not have to bring the respondent to the courthouse, security is improved and the costs to the county for transporting the respondent to and from court are eliminated.
- In a case where the NCP is subject to incarceration and he/she is a Spanish speaker who has limited English proficiency, the court is required to provide that individual with a licensed court interpreter. Harris County presently does not provide contract or staff interpreters for the IV-D courts. The court can now request interpretation services, via videoconferencing, by a licensed Spanish court interpreter through OCA's Texas Court Remote Interpreter Service (TCRIS). (*Note: TCRIS is a very small program and not intended to replace existing interpreter services currently provided by a County*).
- For cases involving a party who resides out of state, the court may consider preliminary matters, such as obtaining wage information or directing the party to a DNA testing facility in their area, by videoconference or telephone conference. This will save the party travel time and expense and allow the discovery in a case to continue in a timely manner.

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<sup>18</sup> Texas Family Code §157.105 (a) provides, "If the respondent is taken into custody and not released on bond the respondent shall be brought before the court that issued the *capias on or before the third working day after the arrest.*"

## Internet Access/Case Management Software

Currently, Harris County provides Internet access for the IV-D associate judges, court coordinators, district clerk staff, and bailiffs. The OAG provides Internet service for its staff and the consultants with Workforce Solutions. Providing secure Internet/Wi Fi access in the new building for all the IV-D associate judges, court coordinators, OAG staff, district clerk staff, Workforce Solutions staff, and private attorneys will allow:

- Each IV-D associate judge and court coordinator to have continued access to the Harris County district clerk's Judicial Information Management System (JIMS), which contains all the case information and events related to a child support court case, as well as all documents related to a case, including arrest warrants and service verification.<sup>19</sup>
- The OAG to continue to use the agency's integrated information system and continue to have public profile access to the district clerk's JIMS. The OAG currently toggles between both systems to access information on any case they are processing. (*Note: The district clerk only utilizes the Harris County JIMS and does not have access to the OAG case management software system.*)
- The OAG and Workforce Solutions to personally acquaint parties with on-line tools relating to child support. Some of these online tools are: 1) tracking a child support payment through the disbursement unit; 2) making a payment on-line via Western Union, ExpertPay or bank draft; and, 3) self-help materials regarding the child support process, custody and visitation, and employment opportunities.

Lastly, the County should consider providing Internet/Wi Fi access in the public waiting areas. This would enable parties, witnesses, and others to do work, check emails, surf the Internet, play games, etc. while waiting for their case to be called.

## Enhanced Website

Currently, information available on the County's website regarding child support is limited. It allows a party to search for their case on the district clerk's website and obtain information on: 1) court costs and fees; 2) how to make child support payments, in person or from home; 3) how to apply for child support debit cards; and, 4) how to access the OAG website to track a pending child support payment.

If the following links were added to the County's child support webpage, this would provide the public with access to additional information regarding child support cases, answers to frequently asked questions, and self-help tools:

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<sup>19</sup> The IV-D courts do not use the software specifically created by OCA for the IV-D courts.

1. HEROES Project, (Help Establish Responsive Orders Ensuring Support for Children in Military Families);
2. How to make payments via Western Union or at locations such as Wal-Mart;
3. What next, what to expect when your case is filed/disposed;
4. Where to park when attending court and what to do if you receive a parking citation;
5. Access to court calendars;
6. How to obtain a work excuse;
7. What to expect if you appeal a case (e.g., the district court of original jurisdiction will address your appeal and you will not return to the IV-D court unless the district court orders you to do so); and
8. Complaint procedures.

**Recommendations:**

- **Each courtroom, judge’s chambers, and court coordinator’s office should have a telephone system with conference call, speaker phone, and paging capability.**
- **A telephone paging system should be connected with each courtroom, judge’s chambers, court coordinator’s office, bailiff’s office, attorney waiting area, negotiation conference room, and the OAG service desk in the public waiting room(s).**
- **Each courtroom should have videoconferencing equipment to allow for a hearing to be conducted via videoconferencing and access to language interpreters in hearings with limited evidence.**
- **Each courtroom should have digital audio recording equipment to record court proceedings.**
- **Internet/Wi Fi access should be provided in all courtrooms, judges’ chambers, court-related offices, OAG workrooms, negotiation conference areas, attorney waiting area, and public waiting areas.**
- **Links on the County’s child support webpage should be added to provide parties and the public access to additional information regarding child support cases, answers to frequently asked questions, and self-help tools.**



## 5.0 Court Security

Harris County should provide safe and secure access to its IV-D courts and court-related offices. The County should implement strategies and procedures to protect the parties, judges, court personnel, and the general public in the building that houses the IV-D courts and the offices and departments that support those courts.

In FY 2013, the second most commonly reported security incidents reported by district courts, and the third most commonly reported by county-level courts, in Texas were related to family law cases.<sup>20</sup>

Many resources are available on developing and implementing court security measures, which Harris County staff may want to review when designing the new space for the IV-D courts and court-related offices. Three of the documents specifically recommended by the National Center for State Courts are:<sup>21</sup>

1. *CCJ/COSCA Court Security Handbook: Ten Essential Elements for Court Security and Emergency Preparedness* (2010);
2. "Steps to Best Practices for Building Court Security" developed by the National Center for State Courts (Fautsko, et al, 2013); and
3. "Guidelines for Implementing Best Practices in Court Security," a report produced by the National Center for State Courts and funded by the State Justice Institute (2010).

Currently, in Harris County, the following security is provided in the court building and courtrooms:

- Each IV-D court has one court bailiff to provide security in the courtroom. In addition, the bailiff has the responsibility for transporting any incarcerated individuals from the Criminal Justice Building, across the street, to the IV-D courts building. This transport is through public streets, public walkways, and public stairwells and elevators. If the inmate is being transported for DNA testing, the officer must remain by their side until the testing is completed and immediately return the inmate back across the street. Thus, there is no security in the

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<sup>20</sup> "FY 2013 Texas Court Security Incident Reports" (Austin, TX: Texas Office of Court Administration, 2013), 2-3.

<sup>21</sup> Timm Fautsko, Steve Berson and Steve Swenson, "Courthouse Security Incidents Trending Upward: The Challenge Facing State Courts Today." *Future Trends in State Courts 2012* (Williamsburg VA: National Center for State Courts, 2012), 105

courtroom when the bailiff is transporting inmates or waiting while DNA testing is being conducted.

- The holding cell for incarcerated individuals, pending their case being called, is a temporary cell area. The IV-D associate judges try to address the cases for these individuals as soon as possible.
- The holding cell is located within proximity of the courtroom on each floor, but not adjacent to the courtroom. The cell door opens onto public hallways, which are overcrowded with parties waiting to be called to the negotiation conference area.
- During the OCA site visit, the consultant observed that a court bailiff or security officer was not exclusively assigned to patrol the negotiation conference room areas and hallway areas. However, since the site visit, the IV-D courts have been provided with one additional officer who is assigned to serve all four courts. This practice should continue and be enhanced to provide for one additional officer per court. The assignment of one “roving” officer for each court to patrol conference room areas and public waiting areas would increase security in the court building and that ‘roving’ officer could assist in the transport of incarcerated individuals.
- The IV-D courts in Harris County are presently located on three different floors. Besides the confusion for the parties in locating the appropriate court, the traffic associated with cases that are oftentimes emotionally charged (including cases that involve domestic violence issues) is now spread out over a greater building space area. Should the future site of the IV-D courts be in a multi-level building, locating these courts on the first floor of the building helps to limit security risks to that one floor and not subject the public to security risks in other areas of the building.
- Although the IV-D associate judges in Harris County have keys to all entries and can access any room within their courtroom area, they do not have private entry access to the building, secure parking, or surveillance cameras.

One of the suggestions offered, during the October 8, 2013 meeting with Harris County representatives, was to have a “night court.” The thought was to have court at a time convenient for the parties so they would not have to lose time from work as the result of a court hearing. The OCA court services consultant discussed this recommendation with the Harris County IV-D associate judges who were worried about the safety of court participants.

The OCA consultant personally toured the downtown area of Houston during the evening hours, specifically the 1115 Congress Avenue facility. The current IV-D court building did not have adequate lighting around and near it. Also, at the time the consultant toured the facility, there was no visible presence of law enforcement or court security personnel around or near the building at night.

**Recommendations:**

- **The IV-D courts and court-related offices should be located on the first floor of the building, if the building houses other courts or offices not associated with child support.**
- **The building should have a single point of public entry, which has a ‘walk through’ magnetometer, wands, an x-ray machine, and security staff screening those entering the building.**
- **The courtrooms, hallways, waiting room areas, conference room areas and office areas should have a surveillance closed-circuit television camera (CCTV) system, monitored by Sheriff’s office or security staff.**
- **Each judge’s bench, judge’s chambers, court coordinator’s office, conference room area and testing room should have a duress alarm (also known as a panic button).**
- **Each judge should have a bulletproof bench.**
- **Each court should have a bailiff. In addition, each court should have a ‘roving’ officer to patrol conference and public waiting areas and assist with the transport of incarcerated individuals.**
- **The associate judges and court employees should have secure parking. The associate judges should be able to proceed directly from their vehicle to their chambers without crossing any public areas or main court building entrance.**
- **Parking lot security should be provided for parking lots used by the public and attorneys.**

- **The associate judges should be able to move from their chambers to the courtrooms and other spaces through restricted corridors. The associate judges, court coordinators and other court-related staff should have private restroom facilities, which are not accessible to the public.**
- **Secure circulation of incarcerated parties should be provided, from the transport vehicle sally port to the holding cell and the courtroom, to avoid crossing the path of judges, court staff, or the public.**

## **6.0 Conclusion**

In summary, the OAG and IV-D courts in Harris County should implement a case screening process similar to that used in Tarrant County, which would allow for immediate identification of the status of a case and determine the need for the parties to remain or leave. To reduce confusion, more information on the child support process should be provided to parties and witnesses. Waiting rooms should be provided to the public, which would reduce the crowds and noise in the courtrooms and hallways. Sufficient negotiation conference room space should be provided to the OAG to enable them to more efficiently and effectively conduct private conferences with parties. Enhanced security measures to protect the parties, judges, court personnel and the general public should be provided in the IV-D court building, courtrooms, and parking areas.

Harris County is to be applauded for striving to develop a model IV-D court and a court facility design that best meet the needs of a model IV-D court.

# Appendices

## Appendix A: List of Interviewees

### Harris County

#### **2<sup>nd</sup> Administrative Region**

Hon. Olen Underwood, Presiding Judge, Second Administrative Judicial Region

#### **Title IV-D Courts**

David Longoria, Associate Judge

Frank Pierce, Associate Judge

Veronica Torrez, Associate Judge

Gregory R. Wettman, Associate Judge

Jeanandria Beard, Court Coordinator

Ruth G. Halsey, Court Coordinator

Maria Laureano, Court Coordinator

Sandra McPherson, Court Coordinator

Pamela Hunt, Court Coordinator, 247<sup>th</sup> District Court

Jeff Kubicek, Bailiff

Keith Brown, Bailiff

Alton Williams, Bailiff

Scott Turner, Bailiff

#### **District Clerk's Office**

Debbie Bucko, Director, Civil Bureau

Annie Garcia, Manager, Family, IV-D & Juvenile Courts

Keven Mauzy, Chief Deputy Clerk

Dwayne O'Quinn, Supervisor, Family, IV-D Courts & Intake

Roy Broussard, District Clerk's Office

#### **Office of the Attorney General, Child Support Division**

Anthony Shorter, Regional Attorney

Anna Casillas, Managing Attorney

Montina Carter, Managing Attorney

Louie Rivera, OAG District Clerk Liaison

#### **Workforce Solutions Office (NCP Choices Program)**

Maris Addison-Griffith, Supervisor

Jonathon Davis, Consultant

### **Harris County Representatives**

Caprice Cospers, Director, Office of Criminal Justice Coordination  
Carmen Cooper, Budget Analyst, Budget Management Department

### **Tarrant County**

#### **IV-D Courts**

Clifford Bronson, Associate Judge  
Steve Owen, Associate Judge

Veronica Rivera, Court Coordinator  
Carmen Sims, Court Coordinator

Steven Salas, Bailiff

#### **District Clerk's Office**

Tara Raby, Assistant Manager, Family Division  
Almy Bryan, IV-D Section Supervisor  
Marilyn A. Sheppard, Document Production Lead Clerk

#### **County Domestic Relations Office**

Donna Larson, Director

#### **Office of the Attorney General, Child Support Division**

Robert Blankenship, Managing Attorney

#### **Workforce Solutions Office (NCP Choices Program)**

Paul Cobb, Workforce Programs Manager  
Patricia Roland, Career Consultant

#### **Attorneys**

Felipe O. Calzada  
Oscar G. Settle  
David Freesbie

#### **Licensed Interpreters**

Manuel Murillo  
Josue Carmona

## **Travis County**

### **IV-D Courts**

Dulce Madrigal, Associate Judge

Angelita Mendoza-Waterhouse, Associate Judge

Karen McKnight, Court Coordinator

Brenda Tucker, Court Coordinator

Carl Banks, Bailiff

### **District Clerk's Office**

Hon. Amalia Rodriguez-Mendoza, District Clerk

Rachel G. Castro, Deputy District Clerk, Family Law Division

### **Office of the Attorney General, Child Support Division**

Sara Krahl Sullivan, Assistant Attorney General

Jacqueline Tamayo, Liaison for OAG

### **Licensed Interpreter**

Jose Miguel Leon

## **Others**

### **Office of the Attorney General, Child Support Division**

Joel D. Rogers Assistant Deputy Director, Field Legal Practice

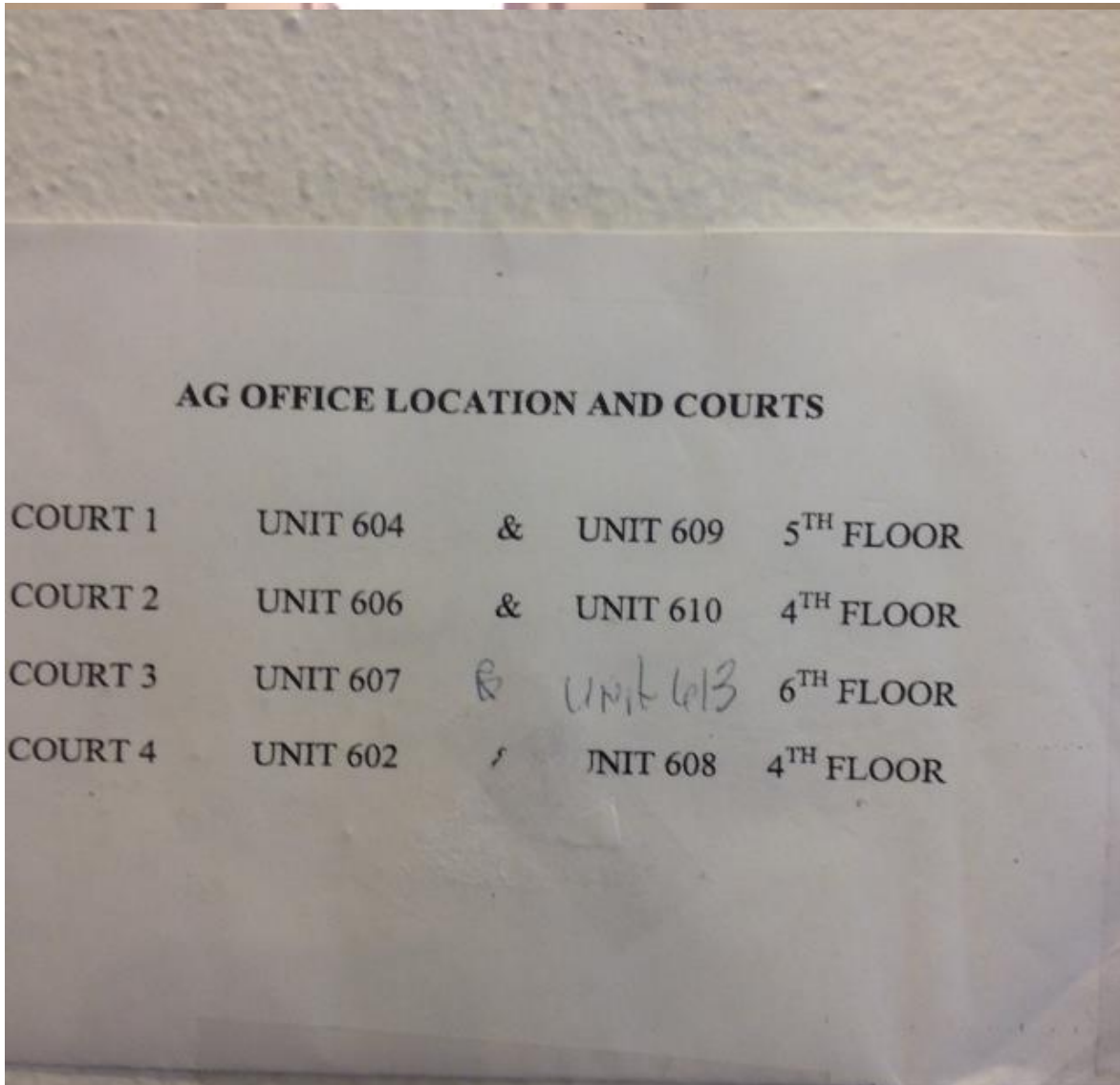
### **National Center for State Courts**

Laura Klaversma, Director, Court Services

Deborah Wood Smith, Senior Analyst, Knowledge and Information Services

## Appendix B: Harris County Signage

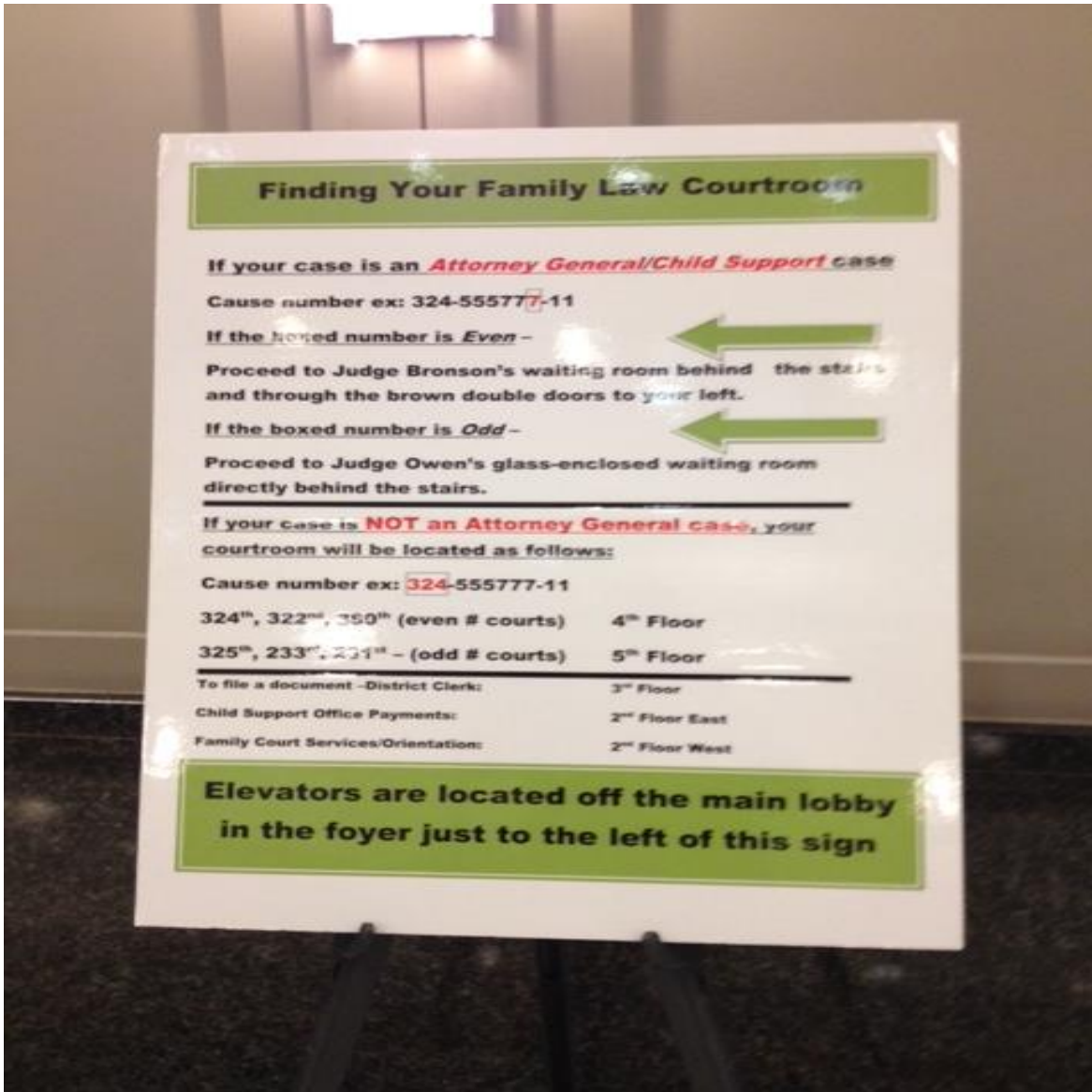
Harris County signage directing parties to courts and OAG office locations.





## Appendix C: Tarrant County Signage

Tarrant County Signage in main hallway with instructions to help parties locate the appropriate courtroom.



**Appendix D: Tarrant County Appearance Form**

**SOUTH**

**NCP Name:**

**APPEARANCE- FAMILY DISTRICT COURT**

**\*\*\*Please do NOT write inside box\*\*\***

**CAUSE NUMBER:**

<b>In the Interest of</b>	<b>§</b>	<b>In the</b>	<b>Judicial</b>
	<b>§</b>	<b>District Court of</b>	
<b>Child(ren)</b>	<b>§</b>	<b>Tarrant County, Texas</b>	

**Name:**

**I have been advised by the court that I have the right to employ an attorney for this matter and that I may do so at a later date.**

**I choose to represent myself at this time.**

**Signature:**

**Date: / /**

Name:

Name: D.O.B. / /

Address:

City: State: ZIP:

DL# S.S.#

Employer:

Employer Address

City: State: ZIP

Phone Home Work Cell Other:

Alternate Phone: Home Work Cell Other:

Email:

Preferred Method of Contact: Phone Email Mail

Would you like to receive text messages from the OAG: Yes No

If you are receiving TANF benefits, please provide DHS CLIENT # CASE#

Please provide the name and phone number that we may contact for you in case of an emergency PHONE:

CHILD(REN) SUBJECT OF THIS SUIT:

NAME: D.O.B. / /

NAME: D.O.B. / /

NAME: D.O.B. / /

Are these children covered by medical insurance? Yes No

Name of Insurance Provider:

Please complete this section if there is already a court ordered child support obligation:

Start Date: Court Cause Number:

Current Child Support Amount: Frequency:

Past Due Amount:

SIGNATURE DATE: / /

Name:

**NOTICE OF IV-D MODE**

You are hereby informed that pursuant to Texas Human Resources Code Section 76.007, The Office of the Attorney General ONLY represents the State of Texas. Such law provides that “an attorney employed by the Attorney General or as otherwise provided by this chapter represents the interest of the state and does not represent the interest of any other party.” The provision of services by an attorney under this chapter does not create an Attorney-Client relationship between the attorney and another party.

**I understand that The Office of the Attorney General does not represent me and neither do any of its attorneys. I understand that The Office of the Attorney General may take a position that is contrary to my interest.**

Signature:

Date:

Printed Name:

Address:

City:

State:

ZIP

## Appendix E: Harris County Negotiation Conference Rooms

One of the Harris County negotiation conference rooms is a former courtroom, which is also used as a storage room.



Another Harris County negotiation conference room that is simultaneously used for conferences in several cases.



## Appendix F: Harris County Workforce Solutions Office (NCP Choices Program)

Harris County Workforce Solutions Office, which is also used as an OAG negotiations conference room and a storage room.



## Appendix G: Tarrant County – OAG Workroom

Tarrant County OAG workroom with designated workspace stations for each field office.





## Appendix H: Tarrant County Workforce Solutions Office (NCP Choices Program)

Tarrant County Workforce Solutions consultants' office.

