



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT  
CHILD SUPPORT DIVISION

Bill

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May 24, 2010

The Honorable Judge Keith Self  
Collin County  
210 S. McDonald St., Suite 626  
McKinney, TX 75069

**Subject: OAG Contract 09-C0019**  
*Cooperative Agreement between the Office of the Attorney General and Collin County*

Dear Judge Self:

The Office of the Attorney General (OAG) performed a site visit for the State Case Registry/Local Customer Service contract for Collin County on March 31 – April 1, 2010. This cooperative OAG/county contract is particularly important to our business operation, as it provides for timely and accurate submission of case information which is essential for collection and disbursement of child support. The contract also seeks to provide a high level of customer service throughout the child support network, by reimbursing counties responding to case inquiries from appropriate parties.

Because the State Case Registry provisions emphasize both accurate direction of payments to the State Disbursement Unit and timely provision of essential case information needed by the SDU to process child support payments, the attached report includes the following findings:

- On 60% of the orders reviewed, Collin County provided order information via TXCSES web within 5 days of the Judge's signature on the final order.
- On 2% of the orders reviewed, Collin County provided order information via TXCSES web more than 24 days after the Judge's signature on the final order.
- On 100% of the orders reviewed, Collin County properly directed payments to the State Disbursement Unit.

Delays in entering case information can occur for a variety of reasons, many of which are not specifically within the control of the District Clerk's staff, who provide the information via TXCSES web. Thus, the foregoing findings are reported primarily for informational purposes, as the OAG and the County work cooperatively to ensure timely and accurate processing of child support payments to families.

The review also revealed that Collin County does an excellent job of researching case information, even when those data elements are not available in the case file. Data elements affect accurate or efficient processing of child support payments by the State Disbursement Unit. Additionally, Collin County researches TXCSES web, looking for existing members prior to creating a new case. Doing this advance research eliminates creation of duplicate members or cases.

A draft copy of the report findings was forwarded to the Collin County District Clerk's office, with a request for response. Collin County District Clerk Hannah Kunkel responded with comments, which have been incorporated into the final report.

Page 2  
Keith Self  
May 17, 2010

We wish to thank Collin County for welcoming us into their offices to perform the review. We look forward to our continuing partnership to ensure families receive child support payments without delay. If you have questions about the final report, please contact Allen Broussard at 512-460-6373 or [allen.broussard@cs.oag.state.tx.us](mailto:allen.broussard@cs.oag.state.tx.us).

Sincerely,



Alicia G. Key  
Deputy Attorney General for Child Support

Enclosure

cc: Hannah Kunkel, District Clerk, Collin County  
Kathy Shafer, OAG/CSD, Deputy Director of Legal Counsel  
Hershel Becker, OAG/CSD, Deputy Director of Contract Operations  
Dalia Perez, OAG/CSD, Assistant Deputy Director of Field Operations  
Priscilla Rendon-Rodriguez, OAG/CSD, Regional Administrator



OFFICE *of the* ATTORNEY GENERAL  

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GREG ABBOTT

**Contract Operations Division  
Government Contracts Management Section**

***State Case Registry and Local Customer Service Contract***

***Self-Assessment and On-Site Review***

***Collin County***

**State Case Registry/Local Customer Service Contract between  
the Office of the Attorney General and Collin  
County Site Visit Findings**

**INTRODUCTION:**

The OAG and Collin County entered into a State Case Registry and Local Customer Service (SCR/LCS) contract to meet statutory requirements to direct the payment of child support to the State Disbursement Unit (SDU) and ensure data flow to the state and federal case registries. This contract also facilitates the timely and accurate disbursement of child support payments to families we both serve.

**REVIEW METHODOLOGY & REPORT ORGANIZATION**

This review was conducted using OAG requirements established in the referenced contract and state and federal laws. The methodology is detailed in specific contract sections and statutory citations. The attached text and tables support the review recommendations, and are organized in the following sections:

- Executive Overview
- (A) Directing Child Support Payments to the SDU
- (B) Updating and Maintaining Case Records on TXCSES Web
- Self-Assessment Questionnaire Response Summary
- Collin County Site Visit Case Profile Detail as Reviewed by OAG

## Executive Overview

Prior to the on-site review, the OAG generated a random sample of thirty Collin County court orders, and the Collin County District Clerk's office was asked to provide an additional twenty court orders that:

- involve a child and order child support, and
- are registry only cases

On March 31 – April 1, 2010, the following staff visited the District Clerk's office to analyze its compliance with the terms and conditions of the State Case Registry and Local Customer Service contract, as well as state and federal laws, and provided a question/answer session for the Collin County staff:

- Robert Canales
- Debbie Mullen
- Debbie Fecteau

The sample of court orders which were finalized between August 2009 and March 2010, revealed compliance with contract requirements in the following areas:

- Orders consistently directed payments through the State Disbursement Unit (SDU).
- Collin County does an excellent job of researching Custodial Parent (CP) and Non-custodial Parent (NCP) data even when those elements are not available in the case file.
- Collin County does a good job of identifying members already existing in the OAG Case Management System (TXCSES Web), which helps to eliminate the creation of duplicate members.

The following areas revealed some weakness:

- Collin County is not consistently entering cases on TXCSES Web within the contractually-required five (5) days.
- Not all available data elements provided in the court order were entered when setting up the case.

*\*For more information, see sections A and B below, and the Case Profile Detail attachment.*

## (A) Directing Child Support Payments to the SDU

### REQUIREMENT

Section 154.004 of the Texas Family Code states:

#### § 154.004. PLACE OF PAYMENT.

- (a) The court shall order the payment of child support to the state disbursement unit as provided by Chapter 234.
- (b) In a Title IV-D case, the court or the Title IV-D agency shall order that income withheld for child support be paid to the state disbursement unit of this state or, if appropriate, to the state disbursement unit of another state.
- (c) This section does not apply to a child support order that:
  - (1) was initially rendered by a court before January 1, 1994; and
  - (2) is not being enforced by the Title IV-D agency.

and

Sec. 454B [42 U.S.C. 654b] (a) State Disbursement Unit.

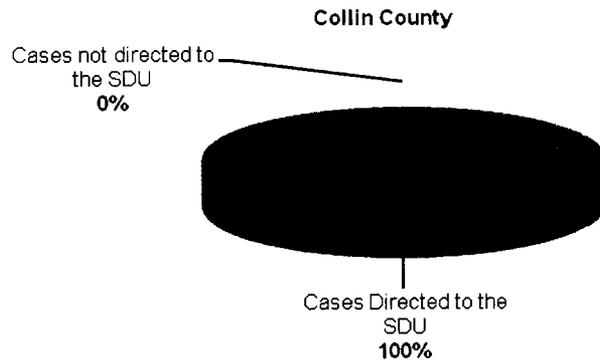
(1) In general--In order for a State to meet the requirements of this section, the State agency must establish and operate a unit (which shall be known as the "state disbursement unit") for the collection and disbursement of payments under support orders--

(A) in all cases being enforced by the State pursuant to section 454(4); and

(B) in all cases not being enforced by the State under this part in which the support order is initially issued in the State on or after January 1, 1994, and in which the income of the non-custodial parent is subject to withholding pursuant to section 466(a)(8)(B) of this title.

### FINDINGS

The following chart illustrates Collin County results:



### OBSERVATIONS

- All 50 cases reviewed were directed to the SDU

*\*For more information see Case Profile Detail attachment, "Child Support Directed to the SDU" column.*

### RECOMMENDATION

- None noted

## (B) Updating and Maintaining Case Records on TXCSES Web

### REQUIREMENT

Section 3.1.1.2 of the SCR/LCS contract states that the county must provide, if available, the following data elements:

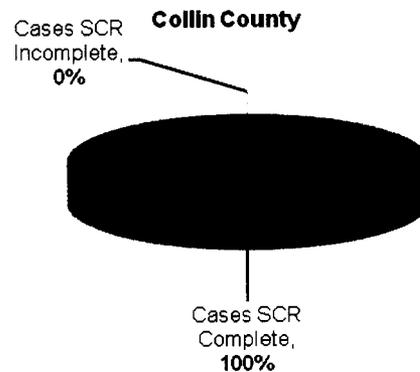
- participant type
- family violence indicator
- name of each participant (last and first)
- sex code for each participant
- social security number for each custodial parent and non-custodial parent
- date of birth for each participant
- cause number
- cause county code
- start date of cause
- order modification date
- address lines 1, 2, and 3, City, State, Zip (custodial parent only)

Additionally, Section 3.1.1.1 of the contract states:

County shall use the original court ordered documents to obtain the relevant information for entry to the OAG Systems or may use the "Record of Support" published in the Texas Family Law Manual, or a similar form completed by the Domestic Relations or Local Registry's office that summarizes the relevant court ordered child support information.

### FINDINGS

The following chart illustrates Collin County results:



### OBSERVATIONS

- All 50 cases reviewed were State Case Registry complete
- 74% of the orders reviewed did not have enough information to make the case State Case Registry complete but Collin County showed due diligence in obtaining the information needed to make the cases 100% SCR complete.

\* For more information, see Case Profile Detail attachment, "SCR Complete Case on TXCSES" and "Comments" columns.

### RECOMMENDATION

- None noted

**REQUIREMENT**

Section 3.1.1.5 of the contract states that the county must update new order information within either five (5) working days from the judge’s signature or five (5) working days from the date that the County is notified by the SDU that a payment has been received at the SDU--whichever is earlier.

**FINDINGS**

The following table illustrates Collin County results:

<b>Timely Order Updates</b>	<b>Collin County</b>
Cases opened within 5 working days	<b>60.00%</b>
Cases opened between 6 and 10 working days	<b>24.00%</b>
Cases opened between 11 and 24 working days	<b>14.00%</b>
Cases opened more than 24 working days	<b>2.00%</b>

**OBSERVATIONS**

- Of the 50 cases reviewed, 30 were opened within five working days of the judge’s signature.
- Of the 50 cases reviewed, 12 were opened between 6 and 10 working days.
- Of the 50 cases reviewed, seven were opened between 11 and 24 working days.
- Of the 50 cases reviewed, one was opened in more than 24 working days.
- State Case Registry contract provisions emphasize timely communication of essential case information needed by the SDU to process child support payments. Collin County's timeliness performance is adequate to meet that need.

*\* For more information, see Case Profile Detail attachment, “# Days from Sign Date” and “Comments” columns.*

**RECOMMENDATION**

- The OAG recommends that Collin County maintain current processes to ensure that, barring mitigating circumstances, cases are opened as soon as possible after the Judge signs the final order.

**COUNTY RESPONSE**

With regard to the Executive overview regarding the Self-Assessment and On-Site Review of the Collin County Attorney General Contract, I offer the following.

The 5 day time frame is not always met because there is lack of information given at time of setup. The child support forms are required to create and setup the case but in many instances the forms are not being provided on the day of hearing. The attorneys are given a copy of the setup form when the case is filed. The accessibility for the form is unlimited in Collin County, our office front counter, court coordinators offices, online, law library, attorney lounge, Auxiliary Courts, on table in hallway, but the attorneys are still remiss in providing this information. I have just drafted a letter which has been approved by Collin County Administrative District Judge Mark Rusch and we will be sending it to all attorneys that do not comply. As a clerk it frustrates me that there is no consequence for attorneys that do not take care of seeing to their client’s needs.

Those cases that are not set up in the 5 day time frame are placed in a holding drawer and many attempts using phone, email, fax, etc. are made to obtain the information needed to setup a child support case. The child support clerks have informed me that there are at least 50 files in holding at all times due to lack of information or no information at all. Since the required fields in the SDU are not available on the partially submitted forms, we have no recourse other than to place these cases in suspense or holding. There is absolutely no reason for us to attempt submitting information if the attorney has omitted the required data and further our county will not get paid until all is complete. All parties involved shall have name, address, date of birth, and social security number and this is not being submitted.

I believe that legislation is going to be necessary to enforce attorneys to provide this information. It seems absurd that an attorney has been paid by his/her client and he/she can walk away from the entire scenario after proving up a divorce, leaving the client unable to receive child support. This also places us in a very vulnerable situation which we have no control over. If a provision could be placed within the rules that enforces an attorney's responsibility to tender the completed information prior to the Judge signing all temporary orders, memorandums ordering child support, modifications and final orders the clerk would be protected from the findings of your audit assessment. When sending your findings to Collin County Judge, Keith Self, I hope that your report reflects my remarks regarding the Collin County District Clerk's diligent attempts to secure the information from the attorneys who are responsible for providing same.

Thank you,

Hannah Kunkle, District Clerk, Collin County, Texas

## Self-Assessment Questionnaire Response Summary

The self-assessment questionnaire requires the county to evaluate its compliance with the terms and conditions of the State Case Registry and Local Customer Service contract. It is organized into the following ten categories:

- Section 1: State Case Registry Activities
- Section 2: Local Customer Service
- Section 3: Customer Service Unit Documentation
- Section 4: Data Transmission, Entry, Retrieval and Retention
- Section 5: Reimbursement for Inquiries Handled by County Personnel & State Case Registry Activities
- Section 6: Compliance with Law, Policy and Procedures
- Section 7: Audits and Training
- Section 8: Security and Confidentiality – General
- Section 9: Security and Confidentiality – OAG Data Usage and Storage
- Section 10: Security and Confidentiality – Security Incidents

The following table summarizes the responses received from Collin County on the self-assessment questionnaire:

Questionnaire Category	Self-Assessment Response	OAG Comment
<b>Section 1: State Case Registry Activities</b>	Collin County Child Support Office indicated overall compliance with the State Case Registry Activity requirements	None
<b>Section 2: Local Customer Service Activities</b>	Collin County Child Support Office indicated overall compliance with the Local Customer Service Activities	None
<b>Section 3: Customer Service Unit Documentation</b>	Collin County Child Support Office indicated overall compliance with the Customer Service Unit Documentation requirements	None
<b>Section 4: Data Transmission, Entry, Retrieval and Retention</b>	Collin County Child Support Office does not transmit or receive files	None
<b>Section 5: Reimbursement for Inquiries Handled by County Personnel &amp; State Case Registry Activities</b>	Collin County Child Support Office indicated overall compliance with the invoicing requirements	None
<b>Section 6: Compliance with Law, Policy and Procedures</b>	Collin County Child Support Office indicated overall compliance with law, policies and procedures	None
<b>Section 7: Audits and Training</b>	Collin County Child Support Office indicated overall compliance with the Audits and Training requirements	None
<b>Section 8 Security and Confidentiality - General</b>	Collin County Child Support Office indicated overall compliance with the Security and Confidentiality requirements	None
<b>Section 9: Security and Confidentiality – OAG Data Usage and Storage</b>	Collin County Child Support Office indicated overall compliance with the Security and Confidentiality requirements	None
<b>Section 10: Security and Confidentiality – Security Incidents</b>	Collin County Child Support Office indicated overall compliance with the Security and Confidentiality requirements	None