

Colorado Model Office Project

ASSESSMENT OF AN IN-HOUSE  
SERVICE OF PROCESS PROGRAM  
DENVER COUNTY DIVISION  
OF CHILD SUPPORT ENFORCEMENT

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# ASSESSMENT OF AN IN-HOUSE SERVICE OF PROCESS PROGRAM DENVER COUNTY DIVISION OF CHILD SUPPORT ENFORCEMENT

## INTRODUCTION

This report is an assessment of the use of an in-house process server by the Denver County Child Support Division ("Division"). The program is part of the Division's continuing effort to increase child support collections through improved service of legal documents for establishing and enforcing child support orders.

Prior to October 1995, the Division contracted with private vendors for service of process work and, in some instances, enlisted the services of county Sheriffs' Departments or attempted service by certified mail. Private vendors were reimbursed with a flat fee for proper service outlined in a contract with the Child Support Division. A vendor typically hired several individuals to serve papers. The Division occasionally enlisted the Sheriff's Departments to help serve individuals who reside out of the county or state or when a private vendor is unsuccessful. Using these two approaches, successful delivery of documents was achieved approximately 55% of the time.

In October 1995, the Division established an in-house service of process program as one of the Model Office Program initiatives and created a position for an investigative technician. In-house service of process was a full-time salaried staff position and included benefits available to Division employees including reimbursement for job-related mileage. County administrators hoped that the stability associated with a salaried staff employee and his closer proximity to Division supervisors and technicians would result in increased productivity and a significantly improved service rate.

This assessment is based on a number of data elements. One is a comparison of the number of documents issued for service and documents successfully served by private

vendors and by an in-house staff technician. Service statistics were supplied by four Division enforcement units for the period November 1995 through September 1996. In addition, we conducted in-person and telephone interviews with Division staff and the in-house service of process technician. Division child support staff were asked about the impact of service quality on workload; areas of concern with both in-house and private service resources; differences in the cooperation, availability, and reliability of the two different types of process servers; confidence in services received; consistency of good service; level of communication; and suggestions for improved service.

The in-house staff server was asked to describe the methods he utilized for successful service; level of contact with and cooperation of Division staff; issues pertaining to case volume; concerns with Division staff and procedures; and suggestions for improved service rates. Attempts to interview the private vendor were unsuccessful.

## **COMPARISON OF GOOD SERVICE RATES**

Legal documents issued by the Division for service of process work include summonses and petitions, subpoenas, contempt citations, and notices of financial responsibility (NFR). Documents submitted for service require a return of service document ("trip sheet") to be attached. Division technicians are instructed to provide servers with all available information about the recipient including last known verified address, verified employer's name and address, social security number, verified driver's license, a physical description of the individual, including a photograph if available, and any pertinent instructions for service. Previous addresses or employers may also be included. Most documents may be served on either the individual identified in the legal document, specified family members, or a housemate. Others, such as summonses and petitions and contempt citations, must be served on the individual specified on the trip sheet.

The trip sheets also give established court dates or conferences scheduled at Division offices that the served individual must attend, the last date the document can be served on the recipient or designated family member, and the date the trip sheet must be returned to

the Division with requested service information. Strict adherence by process servers to service and return dates is essential.

Four child support establishment units at the Division kept track of the number of legal documents to be served that were issued to a private vendor and one in-house staff employee for the period November 1995 through September 1996. The units also logged the number of documents successfully served, the number of documents returned to the Division for failure to serve, and the reasons for unsuccessful service.

For the first six months of the project, cases were randomly assigned to the private vendor and the in-house technician based on odd and even household numbers. During April through September 1996, cases were assigned on the basis of zip codes in order to keep travel time to a minimum.

The data maintained by the four establishment units reveal that there was little difference in the success rate achieved by the private vendor and the in-house process server. During the study period, 56% of the documents issued to contract workers were successfully served while the in-house technician achieved a 53% rate of success. These percentages include documents that were returned to the Division for bad addresses (See Table 1). While there were slight differences in rates of successful service by team for the private vendor and the in-house representative, they were not significant.

Table 1 Service Success Rates: November 1995 - September 1996 (Includes Notices Issued with Bad Addresses)		
Team 99	In-House	Private
Notices Issued		
Notices Served		
Percent Served		
Team III	In-House (data missing for 8/96 and 9/96)	Private (data missing for 1/96, 3/96 and 8/96)
Notices Issued	257	1,198
Notices Served	146	646
Percent Served	57	54
Team IV	In-House (data missing for 12/95)	Private (data missing for 9/96)
Notices Issued	244	1,030
Notices Served	133	592
Percent Served	55	57
Team V	In-House	Private (data missing for 8/96 and 9/96)
Notices Issued	482	1,123
Notices Served	240	633
Percent Served	54	56
Total	In-House	Private
Notices Issued	983	3,351
Notices Served	519	1,871
Percent Served	53	56

Table 2 compares successful service rates for the private and in-house process servers excluding those documents returned for bad addresses. Success rates for service of process varied slightly by team for the private vendor and the in-house employee; however, the average rates of success for both service sources over the 11-month study period were nearly identical and stood at 58% for the private vendor and 57% for the in-house employee. While there were significant monthly performance variations by team and by service agents, neither service agent performed consistently better for all teams across the study period.

One unit (99) consistently had a lower rate of successful service regardless of service source. This unit is responsible for non-public assistance cases, the bulk of which involve custodial parents who live outside of Colorado. Since the initial locate information about the person to be served for this unit comes from another state and is generally not reliable, the rate of service is significantly lower regardless of the type of service agent used.

Table 2 Service Success Rates: November 1995 - September 1996 (Excludes Notices Issued with Bad Addresses)		
Team 99	In-House (data missing for 11/95, 12/95, 1/96 and 9/96)	Private (data missing for 11/95, 12/95 and 1/96)
Notices Issued	99	466
Notices Served	43	220
Percent Served	43	47
Team III	In-House (data missing for 8/96 and 9/96)	Private (data missing for 1/96, 3/96 and 8/96)
Notices Issued	223	1,045
Notices Served	146	646
Percent Served	65	62
Team IV	In-House (data includes 5/96-9/96)	Private (data includes 5/96-8/96)
Notices Issued	137	375
Notices Served	83	218
Percent Served	61	58
Team V	In-House	Private (data missing for 8/96 and 9/96)
Notices Issued	444	1,055
Notices Served	240	633
Percent Served	54	60
Total	In-House	Private
Notices Issued	903	2,941
Notices Served	512	1,717
Percent Served	57	58

## COMPARISON OF COST

Administrators initiated the in-house service of process program in an effort to improve the Division's rate of service, which has consistently hovered around 50 percent regardless of the vendor contracted to perform the job. It was hoped that a salaried employee would achieve a substantially higher rate of good service and that this would justify the expense. A review of expenditure by the Division for both service sources for the study period indicates that this expectation was not met. The cost for each successful service for the private vendor was approximately \$10. In contrast, the per service cost for the in-house employee was \$54. The private vendor and the employee achieved similar rates of successful service. Higher employee costs reflect salary, fringe benefits and mileage reimbursements not accorded to the vendor.

## REACTIONS OF CHILD SUPPORT DIVISION TECHNICIAN

In-person and telephone interviews with Division staff indicate that all technicians have worked with both private vendors and the in-house process server. They unanimously agree that the successful establishment of paternity and court-ordered child support is dependent upon improved service of process activity. As one technician stated:

We depend on good service. If we don't have service, we don't get orders. If the County doesn't get orders, the state doesn't collect money. We are back to square one.

Overall, technicians feel that the in-house process server was more accessible and cooperative, more accountable for his service, and had good rapport with Division staff. They pointed out that his declining performance quality was most likely due to case overload. A majority believe that an expanded in-house effort might ultimately be more productive.

Maintaining high quality service, however, appears to be difficult with both private vendors and employees. A majority of technicians reported that while both private vendors and the

in-house employee were initially aggressive and motivated, they gradually became less productive and cooperative over time.

County enforcement staff identified a number of concerns about the work efforts expended by both the private vendor and the in-house process server. The following describes each of these issues in greater detail.

## **RELIABILITY OF SERVICE**

Establishment technicians unanimously agree that contracted workers are unreliable and frequently serve documents on inappropriate persons or use unacceptable service procedures. Another complaint is that they falsify affidavits documenting their service activities. Clients frequently maintain that they were served improperly or not at all, and were unaware that they had been served until they received a Notice of Failure to Comply. A technician explained:

I have a concern with the reliability of actual service for the private servers. We have a lot of problems with clients protesting their service. We try to deal directly with clients who contest the service....If this happens, a lot of preparation work has already been done for nothing. Clients are irate. This creates a lot of bad feelings for the Division. We are seeing this more often.

One technician said that at least one-fourth of her services are made incorrectly or not at all. Absent parents who appear at court complain that they find the served documents in inappropriate places like on doorsteps or in mailboxes. When these situations occur, Division staff attempt to locate the responsible process server to testify in court that proper service was made. A few technicians indicated that the private vendor frequently refuses to cooperate when questionable service is alleged. Since he hires several workers, the vendor may state that the person responsible for a contested service was fired and the vendor doesn't know how to contact him.

Technicians agree that services provided by the in-house investigator were considerably more reliable and were rarely contested. Working more closely with Division staff, the in-



house process server was more accountable and tended not to attempt to "pass poor service onto someone else."

### **TIMELY SERVICE OF PROCESS**

Technicians complained that both contract workers and the Division staff investigator frequently failed to meet delivery deadlines indicated on the "trip sheet," although a few expressed more satisfaction with the in-house representative. Recipients must receive notices 10 days before an established court date or a conference is scheduled at Division offices. If a notice is served to a client after the appropriate date, the process begins over with a new conference date unless the client agrees to sign a "waiver of service." Clients may refuse to sign the waiver.

Several Division staff noted that over time, both service of process sources neglected to collect documents from units on a daily basis, or failed to return to the unit notices for recipients that were not within their delivery area. A few technicians noted that servers would "just sit on notices" or lose them and offer no explanations for the problem. Several staff suggested that process servers, particularly the in-house representative, were overwhelmed by the volume of documents to be worked and avoided contact with Division staff.

Additionally, process servers frequently failed to return notifications of service to technicians on time for additional processing prior to the established conference date. One technician summed up the problem this way:

Servers seem to think they can fluctuate scheduled due dates. Techs can't fluctuate schedules. We have strict deadlines. We talk to them about this problem...but our concerns go on deaf ears.

Division staff suggest that better training about the child support program and legal procedures for contract workers and in-house staff investigators could help correct this problem.

## **LACK OF GOOD INFORMATION ABOUT SERVICE**

Technicians agree that process servers need to increase the amount of information they give technicians about documents that are not served. The problem is particularly acute with private vendors because they lack direct contact with Division staff. All concerns, questions and additional information are relayed to specific process servers through their employer. Without a detailed explanation of why documents are returned with a "no service" notation, technicians are unable to determine if they should close the case or make further attempts to locate the recipient.

In the following two passages, technicians explain why they need to know as much information as possible about why a document isn't served.

A simple notation that a client "moved" is unacceptable information. Servers need to explain how they determined that the client moved, who gave them the information and what was the source's relationship to the client.

Our jobs are very dependent on the information that servers have about their efforts to serve and about the clients. We constantly ask for more information about their service efforts but we are put off. They refuse to cooperate...they say they don't have to provide this information.

Technicians also complain that too many documents are returned for bad addresses and suggest that employees need to know the areas they serve better. Many "bad address" returns are subsequently delivered by certified mail or by the Sheriff's Department. Returned documents require more research by technicians and delay further case actions.

Division staff agree that the in-house process server shared information more effectively with them and was more accessible to technicians. He used a cellular phone and made frequent contact with the Division office while attempting to serve a client. He also passed to the technicians any additional details obtained about the client.

## **PRESENTATION**

Several technicians complained that contract process servers dress inappropriately while on the job. While the in-house representative was reported to have dressed appropriately in casual clothing, contract workers were criticized for frightening people with their sloppy attire. Clients complained about their appearance and hesitated to talk to them.

## **REACTIONS OF THE IN-HOUSE INVESTIGATOR**

In a telephone interview, the in-house process server reported that the position was challenging and rewarding but often dangerous. He noted that it was difficult to serve people "who are trying to hide....steer me away from them" and spoke vividly about some of the drawbacks to the job:

You don't know who will be on the other side of the door when you knock. They could be high on drugs or have a gun. I had a gun pulled on me and was chased down the street by someone in car. I went into some pretty rough neighborhoods. Sometimes there were dogs in the yard. Several times I almost got bit.

Typically, he tried to serve notices of financial responsibility (NFR) and subpoenas to absent parents at their last known verified home address or place of employment. To improve his rate of service, he reported talking to the recipient's neighbors and checking for mail addressed to the recipient's last known address. If this information proved to be insufficient, he contacted Division technicians on his cellular phone and asked them to check the Division's automated computer system (ACSES) for some less conventional information such as social security numbers. Employers insist on getting a recipient's social security number before they help a process server. It was also helpful when technicians checked additional resources such as the Department of Labor (DOL), and Department of Motor Vehicles (DMV), which maintains addresses for vehicle registration.

The cellular phone was also a valuable and effective tool for serving recipients. According to the in-house representative:

I'd call them while I was right outside their house. If they answered the call, I knew they were home.

Still another technique that sometimes worked was leaving his business card with his "pager number." Curious recipients frequently called to find out what was going on and were surprised at his immediate response.

One problem the in-house server encountered was the need to service a huge geographical area on his own. This required a great deal of travel time. Approximately six months into the program, the Division assigned him one fixed geographical area to work and his success rate improved.

Another suggestion for improvement that he offered was to increase the amount of information technicians routinely provide on trip sheets and include data from DOL and DMV along with social security numbers. He stressed that successful service depends on receiving as much information as possible about the recipient from Division staff.

More information was definitely a plus although techs weren't used to responding to requests for more information....Successful service definitely depended on the amount of information I could get from techs....More in-depth information (is needed) especially from the technician who is at the hospital at the time of delivery. They (can) get a lot of information at that time about the absent parent. Clients don't always want to give up this information. A lot of people are unstable, they move a lot...usually they don't have a job.

The in-house representative said that while he did receive some instruction about how the child support system works and the documents to be served, he received no training on field work although it was promised. He feels that his 50% success rate was acceptable, but that it was unfair to compare his rate with the private vendor's rate since the vendor employed four to six people to do child support work.

## CONCLUSIONS

Child Support Division staff overwhelmingly agree that increased child support collections ultimately depend on the timely and successful service of legal documents to absent parents. The Division's rate of successful service of process work has historically run about 55% utilizing a private vendor, with the occasional assistance of county Sheriff's Departments and certified mail. In an attempt to improve the service rate, the Division initiated an in-house service of process program staffed with one salaried investigator. The staff employee worked at the Division and reported to the Model Office Project director. It was hoped that the staff employee would work directly with Division technicians and supervisors, thereby improving communication and upping the rate of successful service.

Data collected from November 1995 through September 1996 on the number of documents issued for service and the number of documents successfully served indicate nearly identical rates of successful service for the private vendor and the in-house staff person. Both types of workers served 53% and 56% of the cases they were randomly assigned. Excluding cases with bad addresses, the rate for both rose to 57% and 58%

A review of expenditures by the Division for both service sources during the study period indicate that the private vendor was paid about \$10 for each good service. With salary, benefits and mileage reimbursement, the in-house process server received an estimated \$54 for each good service. Although a majority of Division staff interviewed reported a preference for an expanded in-house service of process program, it may be difficult for Division administrators to justify the additional expense.

Child support workers complain about both types of personnel, although contract workers are singled out for serving inappropriate recipients or using unacceptable service procedures and even falsifying affidavits of service. They perceive that their complaints "fall on deaf ears" and that the low quality of service provided by vendors reflects the fact that the Division contracts with the lowest bidder who tends to employ highly mobile,

underqualified personnel. Commenting that "you get what you pay for," some staff feel that the Department is going to have to invest more money at the outset to see better service.

Although division staff report that the in-house process server was more accessible, cooperative, accountable and generated fewer complaints from clients, his work also deteriorated to unacceptable levels as time passed.

Child support workers have mixed views on how to handle service of process. One technician with an extensive background of successful establishment work feels that contractual arrangements where the Division pays only for good service are more effective than retaining a salaried worker. She points out that:

Then people are motivated to do good service. I don't like to push a private method, but I have to here. I don't even like to say the word "private." Good service really depends on the workers...finding people who are willing to do their best is a big problem.

Other technicians worry that contract workers who only receive minimum reimbursement for good service are motivated to make dishonest reports of successful service. They feel that the in-house investigator was a victim of case overload and that a successful in-house program would require at least six more staff members. Still others contend that the situation is not likely to improve given the type of absent parents in Denver County. With their low incomes and high mobility rates, many absent parents will be difficult to serve successfully under any service arrangement. These technicians feel that low rates of successful service may be "the nature of the beast."

The in-house process server takes a slightly different view of the situation and feels that service rates could be improved by implementing a number of techniques he developed while on the job. This includes contacting Division technicians by cellular phone for additional information available on the ACSES, particularly social security numbers, and asking technicians to check records at the Department of Labor and Department of Motor Vehicles for new information.

Although he described Division staff as very accessible and cooperative, he feels that improvements in the rate of successful service depend upon the preparatory effort expended by technicians, with increases coming as technicians more aggressively search location resources and provide as much information about recipients as possible on the initial trip sheets.