

Minnesota's Driver's License Suspension Pilot Descriptive Report

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Executive summary

From October 2021 to June 2022, Minnesota's Department of Human Services (DHS) piloted in 12 counties an alternative approach to child support enforcement. The pilot aimed to improve communication between county child support workers and noncustodial parents at risk of having their driver's license suspended due to non-payment. In doing so, DHS sought to increase compliance with child support orders and reduce license suspensions and associated racial and ethnic disparities.

To understand whether the pilot was having the desired effects, DHS and Minnesota Management and Budget (MMB) partnered to conduct an impact evaluation. The evaluation intends to compare the outcomes of noncustodial parents in pilot counties to similar noncustodial parents in non-pilot counties over time, shedding light on outcomes and informing future policy.

As a first step, this initial report includes an overview of the pilot program, descriptive information about participants, and an analysis of program implementation. This descriptive report finds:

- The pilot was a significant shift from business-as-usual practices. Each pilot case required additional effort from frontline workers, particularly in completing the case assessment forms and outreach to noncustodial parents.
- Noncustodial parents identified for the pilot were demographically similar to the broader population of noncustodial parents across the state, in terms of race, ethnicity, age, and sex.
- In nearly one in three cases, child support workers were able to use the pilot's flexible
 procedures to prevent suspensions administratively, without having to contact the noncustodial
 parent. When outreach was required, workers were able to successfully contact almost half of
 the noncustodial parents.
- Completion of each step in the pilot process was similar for all racial and ethnic groups, up until
 the last step, which required contacting noncustodial parents for an interview. The analysis
 showed racial disparities in successful completion. White parents were most likely to complete
 interviews with county workers, while Asian parents and parents with unknown race/ethnicity
 were least likely.

A later report will analyze the impact of the pilot, to help understand whether it changed outcomes like license suspension rates and child support payment, compared to business-as-usual practices.

Background

Child support program and driver's license suspension in Minnesota

Child support is money that noncustodial parents (NCPs) are court-ordered to pay for the financial support of their child(ren). In 2021, this program involved 314,332 parents and more than 220,345 children living in Minnesota and collected \$550 million (Minnesota Department of Human Services, 2022). However, many NCPs cannot or do not make the full ordered payment, and 76% of cases have debt, with an average debt of \$7,900 (MN DHS, 2022). In cases where NCPs do not comply with their order, child support agencies use a variety of collection and enforcement tools to increase compliance, such as tax intercepts, credit bureau reporting, and driver's license suspensions.

Driver's license suspensions (DLS), in particular, have been identified as a problematic enforcement remedy. An internal analysis in early April 2020 revealed that 1 in 5 parents with an obligation to pay support and a case open in Minnesota's child support program had a license suspended for child support non-payment. American Indian and African American NCPs were much more likely to have at least one active license suspension than White and other racial/ethnic groups, with 42% of American Indian NCPs and 29% of African American NCPs having at least one case with a suspended license, compared to 18% of White NCPs.

License suspension may be effective for some NCPs who are unwilling to pay child support but are financially capable of doing so (Meyer et al., 2020; Selekman & Johnson, 2019). However, in many cases, NCPs may be unable to make payments due to financial constraints, or they may simply not understand that a suspension is occurring or how to prevent it. Rather than motivating NCPs to pay, a license suspension can prevent them from accessing employment, making it even more difficult for them to pay off their debt. Indeed, lack of transportation has been identified as a major barrier for NCPs who are behind on their child support payments (Berger et al., 2021).

Procedural justice and child support practices

As an alternative to punitive enforcement actions like DLS, child support agencies can adopt strategies that incorporate procedural justice. Procedural justice is a set of principles that collectively boost trust, respect, fairness, and understanding around systems and processes. When people believe that a process is fair, they are more likely to comply with the outcome, whether or not it is favorable to them (Swaner et al., 2018).

Recently, these principles have been applied in child support settings with some success. In 2016, the federal Office of Child Support Enforcement (OCSE) awarded grants to five states to incorporate procedural justice principles into their child support business practices, with the goal of reducing the ineffective use of civil contempt proceedings for NCPs who were non-compliant with their child support

orders.¹ In the demonstration, child support workers were encouraged to engage with NCPs using principles from procedural justice to address their underlying issues before resorting to coercive enforcement actions. Although the focus was on contempt proceedings, the researchers found that NCPs who received procedurally-just treatment also had a two-percentage point reduction in driver's license suspensions, compared to communities that did not use procedurally-just practices (Skemer et al., 2022). Moreover, they found a large, 59 percentage point reduction in contempt filings.

In 2020, OCSE invited additional states to apply to become peer learning sites, to build on lessons learned in the earlier demonstration program and spread procedural justice practices to new jurisdictions. Minnesota's Department of Human Services (DHS) was selected for the program and identified the DLS process as needing reform. DHS used procedural justice principles to create a new set of processes for workers to use with NCPs who were selected for potential license suspension. The new pilot processes are the subject of this report.

Minnesota's procedural justice pilot for driver's license suspension

Standard license suspension practices in Minnesota

The business-as-usual approach for cases that meet the criteria for license suspension is highly automated and is applied the same way to all cases, with little consideration of an NCP's unique circumstances or ability to pay. Once a case meets certain criteria two months in a row,² the first step in the process is to notify the NCP by mail of options to prevent the license from suspending. These options include paying off the arrears, entering a payment agreement, or requesting a court hearing. Once the notification is sent, it is usually up to the NCP to take the next step to prevent suspension. If none of these actions occur, the suspension continues even if the NCP begins making payments on the case. NCPs are not always aware that their license will be suspended (for example, the NCP's mailing address is not current and they did not receive the notice of potential suspension) or do not fully understand the options that exist to prevent the suspension.

Under business-as-usual conditions, 51% of cases that are noticed for a potential driver's license suspension actually result in a suspension within six months of being flagged (see Figure 1). In 9% of cases, the suspension process is terminated for one of several possible reasons (e.g., the case is closing, or a lump sum payment comes in that pays off all arrears). In 11% of cases flagged for DLS, the NCP signs a payment agreement with the child support agency within six months that stops the license from suspending. In 10% of cases, workers initiate steps to stop the suspension before it is finalized due to technical reasons that make the case ineligible or a "temporary condition" that makes the suspension inappropriate (this is at the worker's discretion). An additional 15% of cases switch among multiple statuses in the six months after being flagged for a potential license suspension, such as starting off with

¹ https://www.acf.hhs.gov/css/grants/current-grants/pjac

² See Minn. Stat. §§ 518A.65 and 171.186. There are additional programming and technical criteria that are taken into consideration as well, such as the case must be at least \$500 in arrears.

a short suspension and then entering a payment agreement. The remaining 4% of cases that receive a notice for DLS do not enter any of these statuses (for example, sometimes there is a mismatch in NCP information held by the county and NCP information held by the Department of Vehicle Services, resulting in the case being in an undetermined status).

Payment agreement: 11%

Worker stopped suspension: 10%

Unknown: 4%

Suspension terminated: 9%

Figure 1. Driver's license status six months after being noticed for a potential suspension (N = 12,042 cases)³

New pilot practices

The pilot was designed to change the business-as-usual practices and adopt a procedural justice-informed approach. There were four key elements in the new pilot procedures (see Figure 2): staff

³ The analysis described in this paragraph used data from PRISM and focused on cases that were noticed for DLS each month from October 2018 through September 2019, with rolling 6-month follow up periods after a case was noticed. For example, a case noticed in January 2019 would have a 6-month follow up period from February through July 2019. Monthly rates were averaged to arrive at the annual rates presented here.

training and support, flexible guidelines and alternative options, proactive outreach to NCPs, and revised messaging. Each of these is described in more detail below.

Figure 2. Four key elements in the driver's license suspension pilot



Staff training and support

The child support workers who implemented the pilot received additional training and support for the new procedures. At the beginning of the pilot, staff participated in training on procedural justice principles and the concept that people who feel like they are treated fairly and with respect are, in theory, more likely to comply with their child support orders. They also received training on intercultural competence, which was offered because of existing racial disparities in Minnesota's child support system. Finally, the pilot county leads participated in regular meetings throughout the pilot period which focused on peer learning across counties and technical assistance from the state child support agency staff. Pilot workers were also given the opportunity to attend monthly sessions with state child support agency staff where they could get advice on specific case questions and issues.

Flexibility and options to prevent license suspension

The new pilot procedures required workers to complete case assessments for NCPs who received a notice for a potential DLS. In the case assessment form, workers gathered information about the NCP's payment history, arrears, earnings, and public assistance receipt. This assessment often revealed information suggesting that a DLS would not be appropriate, and the pilot defined guidelines for two situations that indicated it was likely the NCP would begin making full payments soon (shown in red in Figure 3) and the DLS should be stopped. In the business-as-usual approach, these circumstances could be described as "temporary conditions" that made a suspension inappropriate, but the pilot gave specific guidance and explicit permission for workers to stop a suspension for these reasons. In addition,

workers were asked to reach out to the NCP at least twice, rather than requiring NCPs to initiate contact.

The pilot also provided more guidance on flexible payment agreements, such as graduated agreements (where NCPs start out paying a small amount and gradually increase to the full payment over time) and agreements that did not require a "good faith" payment for NCPs who did not have financial resources. Although these options were available in the business-as-usual approach, they were rarely used. The pilot codified these options, provided training, and made them more broadly available.

Figure 3. Reasons why a driver's license suspension may be stopped

Pilot Business-as-usual Worker-initiated Worker-initiated All BAU reasons PLUS Case closing or moving out of MN Reaches out to NCP and works with NCP receives public assistance them to create a case plan NCP incarcerated Case assessment reveals: Pending lump sum payment or legal o NCP paid 100% of orders in the action past 3 months through income Court order prohibits DLS withholding, re-employment Temporary condition (worker's insurance, or regular payments discretion) NCP recently made full payment(s) through income withholding **NCP-initiated NCP-initiated** Pays all arrears Pays all arrears Requests court hearing Requests court hearing Enters payment agreement – usually Enters payment agreement – good requires good faith payment faith payment not usually required

Proactive outreach to noncustodial parents

As indicated above, in the business-as-usual approach, NCPs are expected to initiate contact with the child support office if they want to prevent their license from being suspended. In the pilot approach, if a worker could not stop the suspension based on the information they collected in the case assessment, they would proactively reach out to the NCP at least twice through multiple modes of communication.

The goals were to have a conversation about why the NCP was not meeting their child support obligation and to develop a case plan to address the barriers. The plan might involve a request to modify

the order downward to more accurately reflect the NCP's ability to pay, a traditional or graduated payment agreement, arrears management, or other creative solutions.

New messaging

The pilot emphasized using procedural justice principles throughout all forms of communication between workers and NCPs. In situations where workers needed to contact NCPs to develop a case plan, they were provided a procedural justice-informed script that was designed to help NCPs feel as though they had a voice, understood the process and their options, and were treated with respect. Similarly, DHS created a second letter to be sent after the standard letter sent to NCPs notifying them that their license would be suspended. The second letter was easier to read and encouraged the NCP to call their worker. This approach to communication is a change from business-as-usual, in which the child support system is heavily focused on enforcement with less consideration about NCPs' unique circumstances.⁴

Pilot county approaches to implementation

Twelve counties volunteered to pilot the new procedures and there were two general approaches to implementation. Nine counties (Becker, Clay, Le Sueur, Mower, Nobles, Ramsey, Sherburne, Todd, and Washington) treated all cases selected for potential suspension using the new pilot procedures. The remaining three counties (Anoka, Hennepin, and St. Louis) applied the pilot treatment to a subset of cases selected for potential suspension, based on the cases being assigned to specific workers who had been trained in the pilot (see Figure 4).

During the 6-month pilot enrollment period from October 2021 through March 2022, the state child support division sent each county a list of cases that were eligible for the pilot. These lists were sent once per month, with the cases that had newly become eligible for DLS in the past month.⁵ If there was no contact information available for the NCP associated with a case, it was excluded from the pilot list because the pilot processes often required contact with the NCP.

Across all 12 counties and all months, a total of 1,870 unique cases were identified for the pilot. Counties continued to implement pilot procedures through June 30, 2022 for the cases they received during the initial 6-month enrollment period. Neither the state nor counties received additional funding to implement the pilot.

⁴ There were county-level variations in which letter(s) an NCP received. All pilot counties sent both the standard letter notifying NCPs of the suspension and the second, procedural justice-informed letter that encouraged NCPs to call their case worker. Some, but not all, pilot counties also sent additional letters that are part of the typical business-as-usual practices. These letters are steps toward a contempt referral and include more punitive language. This was largely due to multiple workers handling different steps in a case. NCPs' response to the pilot may be different if they received both the procedural justice-informed letter and the more punitive letter, compared to those who only received the procedural justice-informed letter.

⁵ The pilot also targeted a second group of NCPs, those whose licenses had already been suspended due to child support non-payment, to go through a process to help them get their license reinstated. These cases were excluded in this analysis; this report focuses only on cases that were identified for potential future license suspension.

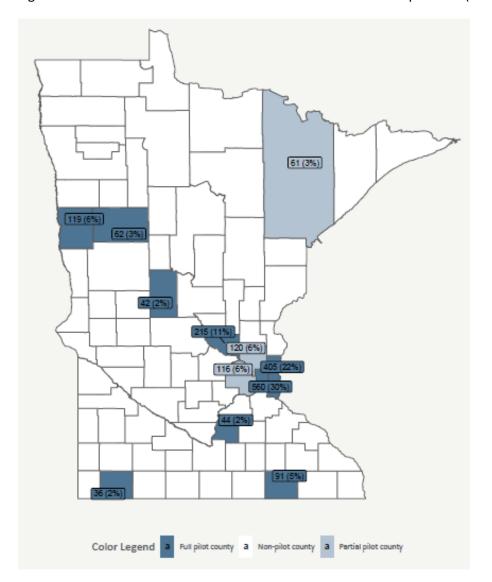


Figure 4. Pilot counties with the number of cases selected for the pilot and (% of total pilot sample).

Descriptive analysis

The remainder of this report provides a descriptive analysis of the pilot program implementation and the demographic characteristics of NCPs who had cases that were identified for the pilot. The data was drawn from two sources: 1) the case assessment forms completed by child support workers, and 2) the child support administrative data system, PRISM.

Demographic characteristics of noncustodial parents

Below, we provide demographic data for three groups of NCPs. The first is a broad population that includes all NCPs across the state that had at least one open child support case with an obligation

between March 2019 and March 2020 6 (N = 169,687 NCPs associated with 214,358 cases). The second group includes all NCPs in all counties who had at least one case that was flagged for potential license suspension during the same timeframe (N = 10,195 NCPs associated with 11,339 cases). Finally, we examined the demographics for the group of NCPs associated with at least one case that appeared on the monthly lists of cases selected for potential suspension that pilot counties received (N = 1,749 NCPs associated with 1,870 cases).

In general, NCPs' demographic characteristics were similar across the three groups. Slightly less than half of all three NCP populations were White (see Figure 5). A smaller proportion of all NCPs with active cases were African American (19%), compared to NCPs who were flagged for potential license suspension (26%) and those identified for the pilot (25%).



Figure 5. Race and ethnicity for all NCPs with active cases (top), NCPs with cases eligible for license suspension (middle), and NCPs identified for the pilot (bottom)

There was a similar proportion of males in each of the three groups: 89% across all open cases in the state, 90% of NCPs with cases eligible for DLS, and 93% of NCPs identified for the pilot.

⁶ We selected this timeframe before the COVID-19 pandemic because there were temporary waivers that changed DLS policies during the peacetime emergency.

⁷ We used the race and ethnicity categories available to us in the data. Individuals could not identify with more than one race, and "Hispanic" was coded as a separate category that could not be selected in conjunction with a race group. Ideally, race and ethnicity would be coded as separate constructs and multiple race selections would be allowed, however, this was not possible with the available data.

The general population of NCPs with active child support cases were slightly older, on average, than NCPs with licenses that were flagged for potential license suspension. The average age across all NCPs with an open child support case was 40.0 years (SD = 9.7 years), compared to all NCPs with cases that were flagged for potential license suspension (average = 37.0 years, SD = 8.6) and pilot NCPs (average = 36.1 years old, SD = 8.7).

Pilot implementation

Figure 6 shows how cases flowed through the pilot processes. Across all 12 counties and all months, a total of 1,870 unique cases were identified for the pilot. After receiving each monthly list, pilot workers began case assessments for the NCPs on the list. The first part of the case assessment could be completed based on information in PRISM. Approximately half of the cases (920) were assessed for the pilot (steps 2A and 2B in Figure 6); the remaining 51% (950) were not assessed (step 2C).⁸

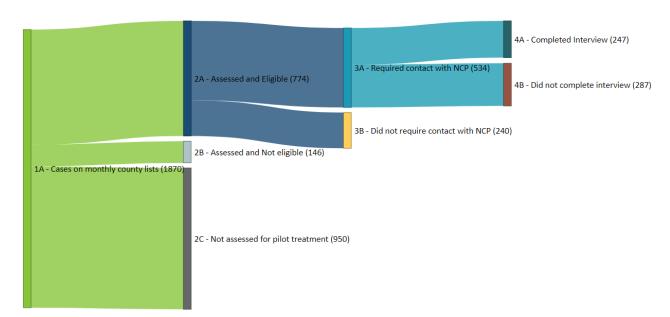


Figure 6. Case flow through pilot processes (number of cases at each step)⁹

As they worked through the case assessments, workers found that 146 of the cases that were initially assessed (8% of all cases identified for the pilot; step 2B in Figure 6) were no longer eligible for license suspensions, for example, because the case was closing, or the case was moving to an interstate status. For cases that remained eligible for a potential DLS, the worker continued the case assessment. Workers

⁸ There are a variety of reasons why half of the cases were not assessed. Workers were asked to implement the new pilot procedures in addition to their usual workload and there was no additional funding for this work; this level of effort was not always possible given limited capacity. Some counties experienced staff turnover and long vacancies, further reducing capacity. Finally, in some cases the pilot work may not be documented in the data, meaning that we were not able to perfectly capture all pilot-related work.

⁹ A small number of NCPs (20) had more than one case in the pilot.

completed and submitted 731 case assessment forms. An additional 43 cases did not have a case assessment form but were documented in PRISM to have received pilot treatment. Of the 1,870 cases identified for the pilot, 774 (41%) were assessed and found to be eligible for the pilot (step 2A).

As part of the case assessment process, workers determined whether they could prevent a DLS based on the data they reviewed in PRISM using the flexible procedures offered in the pilot (see the reasons listed in Figure 3), or if they needed to contact the NCP to work out an alternative solution that could prevent the suspension. Of the 774 cases that were assessed and eligible, 240 (31%; step 3B in Figure 6) could be prevented using administrative information and 534 (69%; step 3A) required contact with the NCP. Of the cases that required contact, workers were able to make contact and complete interviews with 247 NCPs, or 46% of those that they attempted to contact (step 4A). The remaining 287 (54%; step 4B) could not be reached (224 cases), did not want to participate in the pilot (20 cases), or the reason why they were not interviewed was unknown (43 cases).

There was variation across counties in how cases flowed through the pilot; the data in Figure 6 are aggregated across all counties to show the overall rates of eligibility, assessment, contact, and completed interviews.

Race and ethnicity in pilot implementation

One goal of the pilot was to address baseline racial disparities that were present in license suspensions. To investigate any potential racial disparities in pilot implementation, we analyzed the racial composition of NCPs at each step of the implementation process shown in Figure 6. The breakdowns for race and ethnicity at each stage of implementation are shown in Figures 7, 8, and 9.

Figure 7 shows the percentage of NCPs, for each race and ethnicity, that were assessed for the pilot (blue bars) and that were not assessed (green bars). The cases in the "assessed" group include those that were found to be eligible and those that were found to be no longer eligible. A chi-square test of independence indicated that the relationship between race/ethnicity and assessment status was not statistically significant, X^2 (6, N = 1,870) = 8.56, p = .20. This indicates although the percentages across the race and ethnic groups differed, they all fell within the expected range based on the size of each individual group.

Figure 8 shows the percentage of NCPs who were assessed and eligible for the pilot, for each race and ethnicity, where the worker could stop the license suspension based on administrative information (green bars) and those where the worker needed to contact the NCP for more information or to develop a case plan (blue bars). A chi-square test of independence indicated that the relationship between race/ethnicity and the need to contact the NCP was not statistically significant, $X^2(6, N = 774) = 5.29$, p = .51. This indicated that NCPs of all races and ethnicities were equally likely to require contact from a worker.

Figure 7. Percent of cases that were assessed for the pilot, by NCP race and ethnicity

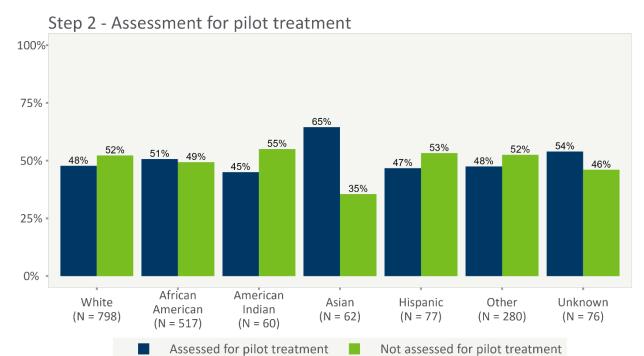


Figure 8. Percent of cases that required contact with the NCP, by NCP race and ethnicity

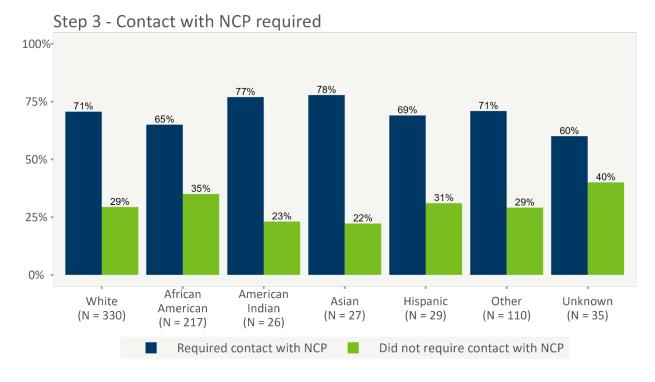


Figure 9 shows the percentage of NCPs that required contact with a worker, where contact was successfully made (blue bars) and where contact was not made (green bars). A chi-square test of independence indicated that the relationship between race/ethnicity and whether the NCP was successfully contacted was statistically significant, $X^2(6, N = 534) = 24.59, p = .001$. This indicates that there were significant differences in contact between NCPs and workers that correlated with race/ethnicity. The groups driving these differences were Whites, Asians, and people whose race was unknown. Specifically, workers were less likely to complete an interview with Asian NCPs and NCPs whose race/ethnicity was unknown, and more likely to complete an interview with White NCPs than with any other group.

We conducted a follow-up analysis examining NCPs' language preference as a possible reason underlying this disparity, as this could be a barrier to completing an interview. We did not find evidence to suggest this was the case – of the NCPs who did not complete an interview, 58% of the Asian NCPs preferred English and 44% of NCPs with unknown race preferred English. These rates were similar to the English preferences among NCPs who did complete interviews (50% for Asian NCPs and 50% for NCPs with unknown race).

Step 4 - Interview with NCP 100%-90% 76% 75% 60% 60% 59% 55% 50% 50% 50% 45% 41% 40% 40% 24% 25% 10% 0% African American White Asian Hispanic Other Unknown Indian American (N = 233)(N = 20)(N = 78)(N = 21)(N = 21)(N = 141)(N = 20)Completed interview Did not complete interview

Figure 9. Percent of cases with completed NCP interviews, by NCP race and ethnicity

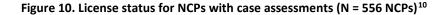
Noncustodial parents who did not have valid driver's licenses

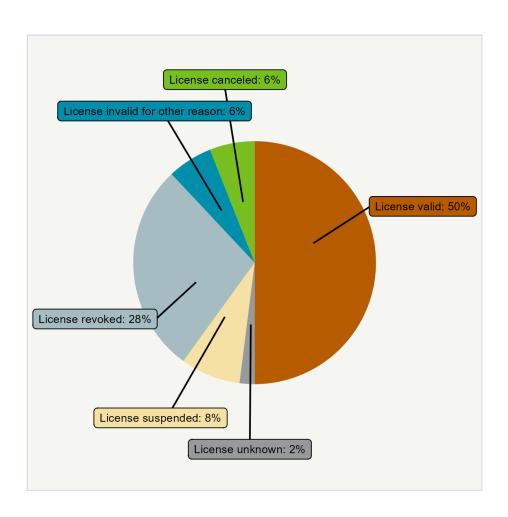
The threat of a license suspension may only be motivating to NCPs who currently have a valid license. Some NCPs do not have a license, and others have licenses that have already been revoked or canceled for another reason not related to child support. For example, they may have unpaid fines, an expired

license, or a DWI. In these circumstances, threatening to suspend an NCP's license may not have the desired effect of increasing child support compliance.

As part of the case assessment process, workers were asked to check each NCP's license status in the Driver and Vehicle Services database to get a sense of how many NCPs did not currently have a valid license. The results are shown in Figure 10. Of the NCPs in the pilot who had case assessments complete, about half had a valid license and 48% did not (either because they never had a license to begin with or their license was already suspended, revoked, or canceled for a non-child support reason).

This supports the idea that an individualized approach that considers an NCP's specific circumstances may result in more effective approaches to increasing child support compliance. It is still valuable to work with NCPs whose licenses are not valid to prevent an additional suspension due to child support and potentially connect them with services to lift other license sanctions.





¹⁰ Excludes one NCP with multiple reasons selected.

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Summary and next steps

This report provides a description of the DLS pilot program, a demographic description of pilot NCPs, and an analysis of the pilot implementation. The pilot processes drew on procedural justice principles to improve the customer experience, increase payments, and reduce the number of inappropriate license suspensions.

Demographically, the NCPs identified for the pilot were similar both to NCPs who were in non-pilot counties and had been identified for a potential DLS, as well as the broader NCP population across the state (including those who were not identified for a potential DLS).

The pilot was a significant shift from business-as-usual practices and each pilot case required additional effort from frontline workers. The largest components of the pilot were the case assessment forms that workers completed and the proactive outreach to NCPs. Of the 1,870 cases that were identified for the pilot, workers were able to complete assessments for 49% of them. A highlight of the implementation was the rate of successful outreach to NCPs – workers were able to talk with 247 NCPs and gain a fuller picture of their barriers, work together on a case plan, and connect them with resources and supports. ¹¹

We also examined race and ethnicity differences in pilot implementation and found that there were few differences in how NCPs moved through the different pilot steps based on their race or ethnicity. The one exception was in the final stage of the process, which required an interview with the NCPs (see Figure 9). That analysis showed that workers were less likely to complete an interview with Asian NCPs and NCPs whose race/ethnicity was unknown, and more likely to complete an interview with White NCPs than with any other group. This finding mirrors internal DHS analyses that have shown that White NCPs are much more likely to enter into payment agreements (which require contact between the NCP and their worker) than BIPOC NCPs. This analysis cannot say whether race or some other factor correlated with race is driving this finding, but it does shed light on a meaningful disparity and suggests a target for future efforts to improve equity in the process.

Another insight the pilot provided was about the current license status of NCPs who were notified of a potential DLS. Roughly half of the NCPs in the pilot did not have an active driver's license – meaning that threatening to suspend their license would likely have minimal effect on their child support payments. Building in a status check as part of the business-as-usual processes could help to target DLS more appropriately.

The findings presented here are a first step toward the impact evaluation, which will address questions about whether NCPs in the pilot had lower rates of suspensions, higher rates of payment agreements, and more consistent child support payments compared to similar NCPs who were not part of the pilot.

¹¹ It is important to note that all NCPs identified for the pilot had some form of contact information on file; it is likely that child support workers would have more difficulty getting in touch with the broader population of NCPs due to missing or outdated contact information.

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