

Engrossed Senate Bill 2002 - Department of Human Services
House Government Operations Division
Representative Don Vigesaa, Chairman

March 9, 2021

Chairman Vigesaa and members of the Government Operations Division of the House Appropriations Committee, I am Jim Fleming, Director of the Child Support Division of the Department of Human Services (Department). Although the Department does not object to taking over certain duties of the clerks of court, we need to oppose Sections 5-9 and Section 12 of Engrossed Senate Bill 2002 at this time because there is currently no appropriation in this bill or in Engrossed House Bill 1012 to cover the costs of performing the work that would be transferred to the Department.

The sections of this bill that concern the Department essentially mean that clerks of court will no longer be entering court order information in the shared computer system, lowering child support obligations as provided in the court order when an older sibling emancipates, accepting and recording any demographic updates provided by parents, or initiating occasional corrections and updates to the payment ledgers in roughly 20,000 child support cases that are not currently being enforced by the Department. This is a significant amount of work. In the Senate, the court estimated that the workload for the clerks of court around the state is the equivalent of 8-10 full time equivalent (FTE) positions. By specializing this work, the Department estimates it would need only 3.5 FTEs.

For entering orders in all cases and for other work in the roughly 35,000 cases in North Dakota that are being enforced by the Department under Title IV-D of the Social Security Act, the federal government reimburses the state for 66% of its allowable expenses, including roughly \$1.8 million per biennium in court costs. For the other cases that are not being enforced under Title IV-D, the work being transferred is not eligible for federal funding and therefore is performed at 100% state expense.

In the fiscal note in the Senate, the Department projected that the transfer of work would free up general funds of \$551,642 for the court. The Department needs \$308,126 in general funds and \$209,662 in federal funds to cover the costs of the 3.5 FTEs and a small amount of operating expenses to do the work.

In June 2020, the Department agreed to pilot the entry of court order information by Department team members instead of the clerks of court, in recognition of a significant data entry error rate by the clerks of court. It has been clear for some time that the clerks do not derive value from the data they are entering, which is a contributing factor to data quality. The pilot has expanded to 28 counties, and we are now entering just under one-third of the total new and amended child support orders across the state. This expansion of the pilot is the limit of our existing administrative capacity to do this work.

As shown by our pilot program, we share the court's interest in making improvements in efficiency and customer service for parents in a child support case. However, the amount of work being transferred cannot be managed with our existing resources.