

*Child Support & the Military:
Efforts to Help Our Heroes*

October 2013



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The Child and Family Research Partnership (CFRP) is an independent, nonpartisan research group at the LBJ School of Public Affairs at The University of Texas at Austin, specializing in issues related to young children, teens, and their parents. We engage in rigorous research and evaluation work aimed at strengthening families and enhancing public policy. <http://childandfamilyresearch.org>.

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CHAPTER 1: INTRODUCTION

Military and Veteran Families

Families are increasingly complex and less stable. Today, more than two out of five children are born to unmarried parents¹ and over half of all children will spend some portion of their childhood living in a single-parent household.² Unfortunately, a substantial number of these children are likely to grow up experiencing very little support or contact from their biological father.³ These trends foreshadow troubling outcomes for children who benefit considerably from the financial and emotional commitment of two parents.⁴

Military families are not immune to these trends. Indeed, military families (particularly enlisted soldiers⁵) are more likely to experience these family changes because, compared to the civilian population, the military is comprised of men and women who are younger, less educated, and more likely to be a racial or ethnic minority⁶ – all groups with a higher prevalence of nonmarital childbearing and relationship instability.

Also, due in part to the wars in Iraq and Afghanistan, active-duty service members and veterans actually experience higher rates of family strain and separation than their civilian counterparts,⁷ and their children often have poorer outcomes as a result.⁸ This is particularly true for soldiers who are not married to their child's other parent (approximately 12 percent of military parents are single parents).

Challenges for Families Posed by Military Service

Although unmarried soldier and veteran parents are more likely than their civilian counterparts to have a formal child support and visitation order, they often face unique challenges caused by their military service that make it difficult for them to meet their parenting and child support obligations. Frequent changes in station, lengthy deployments, concomitant changes in pay, combat-related stress, and transitions to veteran status are fundamental elements of military service. These elements, however, can pose challenges for noncustodial parents to pay a fair amount of child support and to co-parent their children, and for custodial parents to receive adequate child support and share their children as agreed upon.

The challenges associated with military service are consequential to all parties involved, including the child support system, the military, and the families. The child support system is often burdened by the complexity of the cases, many of which involve interstate issues and are time-consuming to resolve. Military readiness is diminished when soldiers have competing concerns with their mission. Not being able to see a child or being unable to adequately support a child may deter a soldier's focus on the military mission and reduce readiness. In the end, it is the children and families for whom these issues matter most. Children benefit from the financial and emotional commitment of both parents, and soldiers and veterans deserve special attention to help resolve the issues regarding their child support and parenting obligations that are often made more difficult due to their military service.

Overview of HEROES for Children in Military Families Project

In recognition of the challenges faced by many soldiers and veterans, the federal Office of Child Support Enforcement (OCSE) encouraged each state to designate a liaison to act as a point-of-contact for military families, and they also funded several states' initiatives to address these challenges.⁹ These challenges are particularly relevant for Texas, given the high number of soldiers and veterans in the state (see box).¹⁰

In response, Texas has developed the most comprehensive program in the country, aptly named HEROES (short for Help Establishing Responsive Orders Ensuring Support for Children in Military Families Project). HEROES provides a wide range of services to support military and veteran families, including broadly available services such as a website, a dedicated phone line and email that bypass the typical route of service, training to child support attorneys and military legal assistance personnel; and more tailored services such as parenting order legal clinics (POLCs) at the military installations to answer soldiers' questions, and specialized case review and management for soldiers and veterans offered by three dedicated HEROES child support attorneys.

This report provides an overview of the challenges military service may pose with regard to child support and parenting obligations, as well as a review of Texas and other states' and federal efforts to address these important challenges. The report concludes with a summary of recommendations that the OCSE, state legislatures, judiciary, state child support offices, and the military should consider to ensure that soldiers and veterans are well-served, military readiness is maintained, the burden on state child support systems is reduced, and children have the support they need.

Information in this report is drawn from a rigorous evaluation of the HEROES Project conducted by the Child and Family Research Partnership (CFRP) at the LBJ School of Public Affairs at the University of Texas at Austin. Under the direction of Cynthia Osborne, Ph.D., CFRP reviewed project materials, observed legal clinics, interviewed child support attorneys, reviewed case log files, and analyzed surveys completed by soldiers who attended the legal clinics to conduct the evaluation.

HEROES has been extremely well received in Texas: The military values the help the project provides its soldiers; the child support system benefits from the reduced strain on the regional child support staff due to specialized services provided by the HEROES attorneys; the judiciary appreciates the improved preparation of the cases involving soldiers or veterans that come before their court; and the noncustodial and custodial parents receive resolution to their complex cases. In the past three years, HEROES has hosted over 90 legal clinics (POLCs) and provided over 4,400 military families and veterans with legal information, referrals, expedited assistance with paternity establishment, parenting and child support order establishment and modification, and case review.

In sum, assisting military families is an effective strategy for all parties involved. Although noncustodial military parents typically have complex cases, they generally result in a child support order that will be paid regularly to the custodial parent. Working to resolve these complex cases ensures that the child support division will maintain performance standards, the soldiers will be ready to serve, and children will have the financial and emotional commitment of both parents.

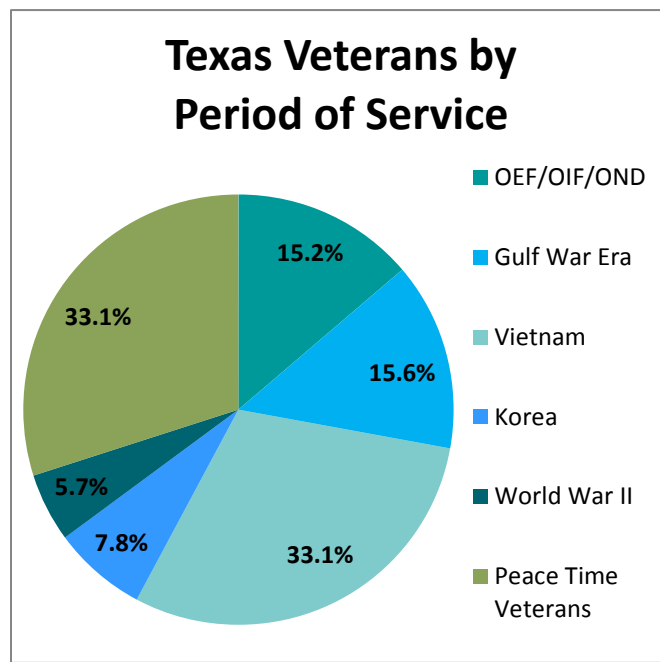
Texas Military and Veteran Families

Texas is home to a large number of active-duty soldiers and veterans. Approximately 10 percent of active-duty forces in the U.S. reside in Texas (131,121), and all military branches are represented in the state. One out of every 10 active-duty service members in the U.S. Army is stationed at Fort Hood and many more rotate through for pre and post deployment training. All U.S. Airmen report for basic training at Lackland Air Force Base in San Antonio.



Nationally, approximately 44 percent of active-duty service members are parents; an estimated 12 percent are single parents and 6 percent are dual-military parent families.

Many Texas military parents have complex child support cases that cross state lines. Of the active-duty soldiers and veteran parents participating in legal clinics in Texas, 44 percent report having a child support case in Texas, whereas the remaining parents report having cases in other states or multiple states. Moreover, two-thirds of these parents report living over 100 miles from their children and half of the noncustodial parents report seeing their children two or fewer times in the past six months.



In addition, nearly 1.7 million veterans live in Texas, and this number increases by 19,000 veterans each year. The newer veterans are younger, less likely to be employed, and more likely to owe back child support than their civilian counterparts.

Twelve percent of the population of 18 to 35 year olds in the state are veterans, and younger veterans (age 18 to 24) have an unemployment rate that is three times higher than their civilian counterparts.¹¹ Unemployment makes it difficult to meet child support obligations, and as a result, over 61,000 Texas veterans owe back child support payments.

CHAPTER 2: CHALLENGES FOR FAMILIES POSED BY MILITARY SERVICE

Overview

This chapter highlights the challenges that many active-duty service members and veterans encounter as part of their military service that often make it difficult for them to meet their parenting-time and child support obligations. We discuss four situations that illustrate how military service may pose problems for parents, including frequent relocation, lengthy and rapid deployments, combat-related stress, and the associated difficulty of finding employment for many veterans. In addition, the child support, military, and veteran systems differ in regard to mission, process, and training which may also lead to difficulties for some military and veteran families.

In this chapter, we also describe the concerns that military parents shared when attending legal clinics offered as part of the HEROES Project in Texas. We provide results from 315 surveys of custodial and noncustodial military parents that illustrate their parenting and child support concerns. The results may not be representative of all military parents, but they provide a window into the realities of military parents' challenges in meeting their parenting and child support obligations.

Elements of Military Service that Pose Challenges for Families

RELOCATION OR PERMANENT CHANGE IN STATION

To accommodate the needs of the military's mission, approximately one-third of service members are relocated annually.¹² These permanent changes in station (PCS) are often to international military installations or they involve greater distances than the typical civilian relocation.¹³

Although a family moving to a new location is not a phenomenon unique to the military, military families are *ordered* to relocate rather than being able to make a decision that they believe is in their family's best interest, as civilians can do. Therefore, military parents must adjust to the physical distance brought on by a PCS that makes it more difficult for them to see their child or share in visitation, as well as the changes in pay that accompany a PCS that may make it more difficult for them to meet their child support obligations.

Both custodial and noncustodial military parents face co-parenting challenges due to a PCS. For noncustodial parents, a PCS typically leads to being physically separated from their child and adds substantial complexity to their visitation arrangements. For instance, a PCS may require the soldier who is moving to another state or country to incur court costs and legal fees to modify or establish a court-ordered visitation agreement. These orders can be difficult to negotiate and come to agreement upon, particularly if the children are very young.

Moreover, even for soldiers who have a legal visitation agreement, exercising that order may prove difficult. For one, military service obligations (such as field trainings) may interfere with established visitation schedules. In addition, soldiers, particularly those at lower ranks, may be forced to spend considerable money on travel costs and accommodations for the child's visit,

which may prove to be cost prohibitive. For example, children are not allowed to sleep in military barracks; therefore, noncustodial parents who live in the barracks must pay for a hotel room to accommodate a child's visit. These expenses are generally not considered when child support or visitation agreements are established or modified.

Custodial parents in the military may also face challenges due to a PCS. For example, they may have to alter custody arrangements with the noncustodial parent because their court order does not allow for the child to move to another county, state, or country. Or, they may be forced to incur some portion of the travel costs to ensure the child can visit the noncustodial parent. If the child cannot visit the noncustodial parent, the custodial parent assumes the full burden and expense of caring for the child, although this expense is likely not reflected in the amount of child support owed to the custodial parent.

In addition to making it difficult for a soldier to exercise parenting obligations, a change in station may also make it more difficult and costly for the noncustodial parent-soldier to meet court-ordered child support obligations. A PCS often results in complex interstate child support cases that may require the soldier to navigate across several states' child support systems. Jurisdiction is typically recognized where the initial order was established or where the child resides, which may put the soldier at a geographical disadvantage for establishing or modifying an order.

Moreover, one of the biggest challenges with respect to child support obligations is the change in pay that often accompanies a change in station. Military base pay is based on rank and it is generally supplemented with subsistence and housing allowances. Although the courts are inconsistent on this matter, these allowances are often included in a service member's income when a child support obligation is established or modified.

Many soldiers will experience a decrease in their allowance when they are relocated, and they may face difficulties meeting their child support payments until the order can be modified to reflect the lower pay. Alternatively, if a soldier moves to a location with a higher cost of living, the larger allowance may be cause to increase the child support obligation, although the soldier does not have increased purchasing power.

Currently, there is not federal guidance for states regarding military relocations and there is not consistency within the judiciary in the application of military allowances toward net resources that are considered for child support orders. Thus, soldiers may experience very different circumstances based on the state to which they are relocated, or even the judge who presides over their case. Greater guidance from the federal and state levels may help improve the assistance that state child support workers and military legal assistance can provide soldiers. Moreover, the complex nature of the interstate cases creates a burden on the state child support systems. Stronger coordination across states for military families could help reduce this burden to state child support systems.

DEPLOYMENTS

Due to the wars in the past decade, more than 895,000 parents have been deployed and 27 percent of these parents have been deployed more than once.¹⁴ Deployment brings about an even greater set of challenges to parents, compared to the challenges associated with a change in station (i.e. parent-child separation, changes in pay, difficulty to make court appearances, etc.) Deployments are temporary, however they are long term and notice of deployment is often short. They impose lengthy separations between parents and children and amplify the urgency of addressing the family's parenting and child support issues prior to deployment.

One of the most obvious challenges while deployed is not being able to be physically present for court appearances. The Servicemembers Civil Relief Act (SCRA) protects active-duty service members who provide evidence and invoke their rights from having default judgments issued against them if their service prevents them from attending court. The SCRA, however, is not consistently applied and service members are often held in contempt for being absent.

Moreover, deploying service members are required to establish a Family Care Plan that, among other things, outlines a parent's wishes for their child in their absence. Although these plans are required to conform to all existing court orders, they often conflict with them, leading to confusion and challenges with co-parenting. For example, commonly, soldiers who are custodial parents will assign their child to live with the child's relatives while deployed. This arrangement may make it difficult for the noncustodial parent to exercise the agreed upon visitation agreement, particularly if the relatives live in another state.

In addition, the custodial parent may experience difficulty regaining custody upon returning because the relatives have grown accustomed to caring for the child or fear that the custodial parent suffers from combat-related stress disorders and is no longer capable of adequately parenting the child. If the custodial parent leaves the child with the noncustodial parent during deployment, the noncustodial parent may be slow to relinquish custody upon the custodial parent's return, which may lead to costly court appearances and longer separations from the child.

Noncustodial parents face different challenges. They are often not aware that some states allow them to designate a proxy (e.g. grandparent or new spouse) to exercise their visitation agreement while deployed and to have "make up" parenting time upon their return. Noncustodial parents often surrender their time with their children to the custodial parent.

Perhaps the most significant challenge posed by deployment is the short time frame in which all issues related to paternity establishment and the establishment or modification of child support or visitation agreements must be resolved. The child support and court system can be a slow and prolonged process, particularly for the complex cases presented by service members. Resolving these cases is important, however, because having unresolved family issues prior to deployment may negatively impact soldier readiness and have negative consequences for the military mission.

Paternity establishment is particularly important for military parents. Children born to unmarried parents do not have a legal father until paternity is established. Therefore, the child is not entitled to the father's benefits, such as health benefits or survivor benefits. Moreover, proof of paternity establishment is required to register a child in the Defense Enrollment Eligibility Reporting System (DEERS), which is a prerequisite for a dependent to be enrolled in TRICARE, the military's health care provider.

In Texas, as in most states, fathers can voluntarily establish paternity by signing an Acknowledgment of Paternity (AOP) form. The AOP is typically signed in the hospital at the child's birth, however, parents are permitted to sign the form prior to the child's birth, or the form can be sent to a deployed father for signing. Unfortunately, few parents understand the need to sign an AOP or the process through which they would complete the form. Greater integration between a state's child support division and the military installations may help to expedite military paternity establishment cases, as well as the establishment and modification of child support orders and visitation arrangements.

Activation of Reserve Units

Approximately 45 percent of the U.S. armed forces belong to the reserve component.¹⁵ When National Guard members are activated, they leave their civilian jobs and begin receiving pay through the Defense Financial Accounting System (DFAS). The same is true for activated Reserve members.

If they have a child support order, the "citizen soldiers" and "weekend warriors" are solely responsible for notifying the child support agency overseeing their order about their activation and requesting their wage garnishment be transferred from their civilian employer to DFAS (and back when they are de-activated).

Failure to notify the child support system of activation and deployment can have detrimental consequences, such as the accrual of debt and poor credit ratings if the payments become delinquent.¹⁶ Moreover, DFAS can take up to 30 days to process a garnishment or withholding order, causing some noncustodial parents to be delinquent on their child support payments due to processing delays. This also leads to frustration for many custodial parents who do not receive timely child support orders.

"Today, the Department of Defense is asking much more of its Guard and Reserve members. Being in the Reserves is no longer about deploying once in a career, or maybe not at all. Today's reservist might deploy three or four times over the course of a career. This is a different type of commitment, based on different expectations—for members, their families, and employers. The military services are asking for more time from their reserve members—for more training and more frequent deployments."

Office of the Assistant Secretary of Defense for Reserve Affairs

Source: Managing the Reserve Components as an Operational Force, Report 2008

Better system integration between DFAS and state child support systems may reduce these delays. Moreover, state child support systems should identify cases that involve military

members to better understand reasons for payment delays and refrain from reporting delinquent payments to credit bureaus that are caused by military service.

COMBAT-RELATED STRESS

Stress among soldiers is common, particularly leading up to and following combat. Pressures related to service, long deployments, adjusting back to family life, and service-related injuries all create difficulties for soldiers and their families.

The Armed Services Health Surveillance System reported that as of July 2012, approximately 27 percent of active-duty soldiers showed signs of depression and 11 percent showed two or more signs of having Post Traumatic Stress Disorder (PTSD) in post-deployment screenings. Armed Forces Reserve units also have mental or behavioral health concerns post deployment; approximately 30 percent of Reservists showed signs of depression and more than 15 percent showed symptoms of PTSD in post-deployment screenings.¹⁷

Older veterans may also experience delayed-onset PTSD due to psychological degeneration, psychological stressors, and neurological shifts related to aging.¹⁸ The prevalence of delayed-onset PTSD also implies that veterans of today's wars who have not yet experienced symptoms may eventually experience PTSD.¹⁹

When soldiers leave the military, the stress follows them, leading to high rates of unemployment,²⁰ substance abuse, incarceration, and homelessness. These high rates of anxiety and stress-related disorders also affect soldiers' and veterans' ability to maintain healthy relationships with their spouse, co-parent, or their children.

Importantly, child support attorneys and caseworkers are not trained generally to identify behavioral or mental health issues. As a result, they often do not recognize when a parent's behaviors are symptomatic of mental health issues. Caseworkers, and even judges, may perceive soldiers with stress or anxiety disorders as noncompliant, unstable, and possibly dangerous, which can affect a court's ruling on parenting-time orders, or may influence how a caseworker or judge interacts with the parent.

Definitions of Common Behavioral Issues

Combat and Operational Stress

Physical and emotional stressors experienced during combat.

PTS (Post Traumatic Stress)

Stress experienced as a result of a traumatic experience. In combat this can include witnessing death, accidents, injuries, and feeling one's life is threatened.

PTSD (Post Traumatic Stress Disorder)

PTSD is an anxiety disorder resulting from a traumatic experience. Symptoms include emotional detachment, physiological hyperarousal, and re-experiencing of traumatic events.

TBI (Traumatic Brain Injury)

An intracranial injury occurring when an external force traumatically injures the brain, reducing lower brain activity. TBI can result in dizziness, loss of consciousness, retrograde amnesia, brain dysfunction, and coma.

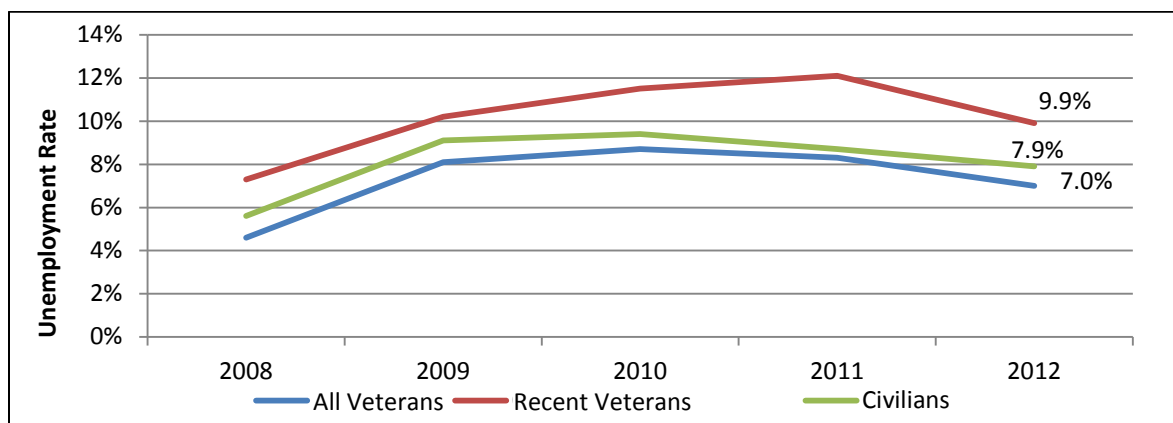
Source: Army 2020: Generating Health and Discipline in the Force Ahead of the Strategic Reset

Training judges and child support caseworkers to identify stress-related disorders such as PTSD and refer these soldiers or veterans to organizations that can help them, may improve the outcomes for all parties involved.

UNEMPLOYMENT AMONG VETERANS

Each year, almost 225,000 soldiers transition out of the military and join the ranks of veterans. Mental health problems, such as PTSD and TBI, severely affect the ability of veterans to find and maintain employment.²¹ Indeed, the most recent veterans have higher unemployment rates (9.9 percent) than the rate of unemployment for all veterans (7.0 percent), and higher rates of unemployment than civilians (7.9 percent).²² Somewhat alarming is that the unemployment rate for veterans ages 18 and 24 who served in the most recent wars is substantially higher than other groups at 20.4 percent.²³

Figure 1: Unemployment Rates of All Veterans, Recent Veterans, and Civilians, 2008-2012



Source: Bureau of Labor Statistics, March 22, 2013

High rates of unemployment among veterans is a serious concern because veterans who are unable to provide for themselves are found to have higher instances of homelessness, alcohol and drug abuse, aggression, and suicidal behavior,²⁴ and they are less likely to be able to pay their child support obligations.

Moreover, veterans have been less able to depend on Veterans Administration (VA) benefits to help cover expenses; in fact, veterans are waiting an average of 315 days to receive their claims,²⁵ and veterans of more recent conflicts are waiting even longer.²⁶ Veterans in Texas wait even longer still - an average of 396 days for their benefits.

Homelessness among Veterans

Veterans comprise approximately 7% of the U.S. population, but according to the National Coalition for Homeless Veterans, 13% of homeless individuals in the U.S. are veterans. Approximately 9% of homeless veterans are now under age 30, and female veterans are beginning to experience comparable rates of homelessness.

Homeless veterans are likely to be justice-involved, with 50% having previously been involved in the legal system and 9% of jail mates having served in the military. In 2002, the Bureau of Justice Statistics reported that approximately 1 in 9 incarcerated individuals was a veteran; of incarcerated veterans, 1 in 5 was homeless in the year prior to incarceration.

As a result of high unemployment rates among veterans and long waits for benefits, veterans too often find themselves without any source of income or financial support for months. Without money, veterans are unable to provide for themselves, let alone make child support payments.

This is especially true for veterans who have not asked the court to modify their child support order to reflect their current income. According to OCSE, 7 percent of all arrears owed in the country are owed by veterans, amounting to over 7 billion dollars.²⁷ Debt from arrears can affect veterans' credit scores, hurt their employment prospects, prevent them from qualifying for housing,²⁸ and result in jail time.²⁹ Moreover, homeless veterans report that child support is one the most difficult issues they face (see box).³⁰

SYSTEM DIFFERENCES

The child support and military systems are separate systems with separate goals and missions. For example, the Child Support Division of the Texas Office of the Attorney General (OAG) aims to set child support and visitation orders that are in the best interest of the child, and they are obligated to meet various federal and state performance measures; whereas the military focuses on soldier readiness to ensure the success of a given military mission that promotes national security. Although these priorities may not always align, they are certainly compatible. Ensuring that a child has the emotional and financial support they need is in a child's best interest, helps the child support agency meet its performance goals, and improves the readiness of the child's military parent.

Another important distinction between the child support and military systems is in the representation of clients. In child support cases handled through the public system, the child support division represents the state and does not represent either the custodial or noncustodial parent. By contrast, military families may receive legal support and guidance from the Judge Advocates General Corp (JAG) or Legal Assistance Offices. JAG attorneys do not accompany soldiers into court, but they do provide direct assistance in preparing soldiers or their dependents for court.

Additionally, training and expertise differ between JAG attorneys and child support caseworkers and attorneys. Child support workers are trained extensively in family law and know the state's family code inside and out. By contrast, JAG attorneys are well-versed in military law and provide legal assistance on a wide variety of topics for soldiers. JAG attorneys may have very limited knowledge of a particular state's family code, however, and therefore could benefit from working closely with a state's child support office.

Finally, the military, veteran, and child support systems do not communicate as well as is necessary to smoothly transition between systems. As mentioned previously, the DFAS and VA systems can be delayed in processing payments, which can lead to missed payments and the accumulation of arrears. At present, the onus is entirely on the soldier to notify the child support system of a change in status (from Reserve to active or from active-duty to veteran),

however, better identification of soldiers and veterans in the child support system may help to smooth the transition and eliminate the accumulation of arrears.

Concerns of Military Parents

Texas, through the HEROES Project, provides Parenting Order Legal Clinics (POLCs) at the three major military installations in the state (Fort Bliss, Fort Hood, and Joint Base San Antonio). These clinics are co-hosted by the Legal Assistance Offices or JAG on the installation and the Texas Office of the Attorney General, Child Support Division (OAG). We describe the POLCs in greater detail in subsequent sections of this report; this section provides an overview of the reasons military parents attend these legal clinics and the challenges they face in meeting their parenting and child support obligations. The parents were surveyed at the end of the clinics, and the results presented below are based on responses from 315 attendees who completed a survey.

DESCRIPTION OF MILITARY PARENTS ATTENDING LEGAL CLINICS

Approximately half of the attendees at the POLCs are noncustodial parents and the other half are custodial parents or friends or relatives seeking advice on behalf of a parent. Approximately one-quarter of the parents are in dual-military families, meaning that both parents are currently serving in the military. Nearly two-thirds of the parents have been previously married, and 40 percent have two or more children with their prior partner. Over 20 percent of the parents have child support or visitation agreements with more than one partner.

Table 1: Characteristics of Military Parents Attending HEROES Legal Clinics in Texas

Characteristic	Percent
Noncustodial parent	45%
Custodial parent	40%
Dual-military family	23%
Previously married	63%
Two or more children with prior partner	40%
Court order with more than one partner	21%
Interstate child support case	56%
Noncustodial parent lives more than 100 miles from child	64%
Parent deployed in prior year	29%
Received a change in pay within prior year	57%

In addition, more than half of the parents have a child support or visitation order that was established in a state other than Texas, and nearly two-thirds of the parents live over 100 miles from their children. Almost 29 percent of the parents were deployed in the prior year. Nearly 6 in 10 soldiers reported receiving a change in pay in the prior year, but only 25 percent of those soldiers have filed for a modification of their child support obligation (see Table 1).

PARENTING-TIME CONCERNS

Parents, particularly noncustodial parents, expressed serious concerns about the challenges associated with co-parenting and seeing their children. Nearly one-quarter of POLC attendees listed a visitation issue as the primary reason they chose to attend the clinic. Observations of the conversations that took place at the clinics revealed that parenting issues are extremely salient for the soldiers; parents expressed general frustration regarding child support payment issues, but expressed a deep sense of longing to resolve issues surrounding seeing their child.

Strife in the relationship between the parents is common, and this is frequently associated with limited involvement between the noncustodial parent and child. The results in Table 2 show that relatively few parents are typically able to resolve their differences when it comes to parenting issues. Indeed, more than half of the parents surveyed report that they do not get along with their prior partner (35 percent) or have had little to no contact in the prior year (24 percent).

Table 2: Co-Parenting Relationship Quality of Military Parents

Co-Parenting Relationship Quality	Percent
We get along and can usually work out differences	17%
We sometimes have trouble agreeing on parenting issues	24%
We don't get along or we can't agree on most parenting issues	35%
We have had little to no contact in the past 12 months	24%

Moreover, of the parents who do not live with their child, 52 percent reported that they have not seen their child in the past six months and only 12 percent of nonresident parents reported seeing their child weekly (not shown). Parents were asked to identify the problems they were having regarding their parenting obligations. Table 3, below, shows that 14 percent of parents report wanting to see their children more than their visitation agreement allows, but this number is over 20 percent among noncustodial parents.

Furthermore, 17 percent of parents report not being able to see their children, and 9 percent do not know where their children live. Approximately 15 percent of parents report that they do not feel that their child is safe with the other parent, and surprisingly, this percentage is similar among custodial and noncustodial parents.

Table 3: Parenting-Time Challenges of Military Parents

Parenting Concern	Percent
I'd like to see my kids more than the order allows	14%
I'm not allowed to see my kids	16%
I don't know where my kids live	9%
My kids aren't safe with the other parent	15%
The visitation order is confusing	7%
I don't agree with the visitation order	17%

CHILD SUPPORT CONCERNS

Approximately half of the POLC attendees chose to come to the clinic because they wanted more information on how to establish or modify a child support order. Almost 20 percent of noncustodial parents noted that their current order does not reflect their current pay; however, none of the noncustodial parents report that they are not paying their child support. Over 15 percent of custodial parents noted that they are not receiving child support, and nearly two-thirds reported that these problems have been occurring for more than a year.

Observations of the clinics reveal that the concerns regarding child support are two-fold: one group of parents desire more information on the process of establishing or modifying an order. Soldiers with interstate cases find the process especially taxing. The second group of parents express concern that their current order does not take into consideration their current status and need to modify their child support order. For example, several soldiers noted that their child support orders were established while they were at their prior station and reflect the higher allowances they received at that time. The lower amount of allowance they receive in Texas makes it difficult to meet their obligation.

CHAPTER 3: FEDERAL AND STATE SUPPORT FOR MILITARY AND VETERAN FAMILIES

Overview

In recognition of the challenges soldiers, veterans, and their families often face in meeting their parenting and child support obligations, the federal Office of Child Support Enforcement (OCSE), as well as several states have begun to provide services to support these families. This chapter highlights the services provided by OCSE and states, and pays particular attention to the services provided by Texas through the HEROES Project. Some services are broad-based and serve large populations (such as websites, outreach materials, and trainings), whereas other services are more specialized and work with individual families to help resolve their complex child support and parenting-time orders.

Federal Initiatives to Support Military and Veteran Families

The mission of OCSE is to enhance the wellbeing of children by ensuring that financial and medical support are reliably provided by parents when they live apart from their children. The core services provided by OCSE and its state and tribal partners are locating parents, establishing paternity, and establishing and enforcing support orders.

In recent years, OCSE and child support agencies have come to embrace a broader mission of ensuring reliable support for children. To foster the expanded mission, states now offer enhanced family-centered services to guarantee that parents, custodial and noncustodial, have the resources they need to support their children. Providing services to military and veteran families is part of this broader effort.

MILITARY LIAISON

OCSE recognized that military families and veterans could benefit from more direct efforts to support their complex child support cases. To this end, in 2000, OCSE designated a military liaison to work with the Department of Defense and military personnel to educate them on child support issues and promote cooperation for enforcement. More recently, OCSE encouraged each state to designate a military liaison to work with military families and installations within the state. Liaisons often attend military family events and briefings to provide information on paternity establishment, child support, and parenting-time and serve as a point-of-contact for military and veteran families.

GOLD CARD INITIATIVE FOR VETERANS

OCSE also collaborates with state and federal agencies to provide veterans with comprehensive services to address their needs.³¹ A prime example is the Gold Card Initiative, a Department of Labor program that provides career services to recent veterans, as well as referrals to services from the Veterans Administration (VA) and OCSE that can help veterans resolve issues that may prevent their successful transition from service to civilian life.³² OCSE and state child support

agencies work with Gold Card members to address issues of wage garnishment, withholding, and arrears. In addition, the program addresses the complications with license and bank account seizures that can result from unaddressed child support arrears.

A HANDBOOK FOR MILITARY FAMILIES

In September 2013, OCSE released a *Handbook for Military Families*. The handbook provides information specific to military families about navigating the child support system. Each section of the handbook begins with frequently asked questions from both custodial and noncustodial parents. Sections include establishing a child support order, modifying an order, interstate jurisdiction, access, visitation, and parenting-time. It also includes information on the Servicemembers Civil Relief Act (SCRA).

TRAINING TO STATES

OCSE also provides general training for state child support staff regarding working with military families. Available through OCSE is a trainer's guide for a two-day workshop on helping military families. Topics covered by the workshop include locating military parents, military terminology, establishing paternity for military parents, and the SCRA. In addition to the workshop training materials, OCSE has several memoranda describing policies and procedures that apply specifically to military and veteran families, a fact sheet series describing soldiers and veterans in child support caseloads, and special initiatives taken by states to address the needs of military families.

GRANT FUNDING TO STATES

Additionally, OCSE supports initiatives of state child support agencies that aim to provide broad and specialized services to military and veteran families. In particular, OCSE awarded grants to Texas and Colorado to support their efforts to improve child support services to these families.

In 2010, the Texas Office of the Attorney General (OAG) received a Child Support Demonstration grant to support OCSE's Project Avoiding Increasing Delinquencies' (PAID) Initiative. The grant funded the HEROES Project that aims to provide military and veteran families with targeted information, legal education, and responsive services to address their paternity and child support needs (see box). The elements of the HEROES project are described in greater detail within the following sections of this report.

Colorado's Operation Access for Active Duty Military also received OCSE grant funding in 2010. Operation Access developed a process to sustainably provide military families in El Paso County with services and information to address support, custody, and visitation issues, as well as referrals to free and reduced-price legal services.

State Initiatives to Support Military and Veteran Families

State child support agencies, particularly in states with large military and veteran populations, have begun to adopt measures to better support military families and veterans in meeting their parenting-time and child support obligations. Some states provide only broad-based measures,

such as a website or outreach materials, whereas a few states have begun providing more individualized services.

Texas, which has one of the largest military and veteran populations in the country, provides the most comprehensive set of services through the HEROES Project. Below, we discuss each of the elements of the HEROES Project (from least intensive to most intensive), as well as how these and other elements are implemented across the nation.

WEBSITE

Most child support agencies, with the exception of some tribal and territorial agencies, have a website. However, few child support agencies have information on their website that is specifically targeted to military or veteran families, and fewer still have the information prominently displayed and easily accessible.

CFRP analyzed the child support websites for the IV-D agencies in Delaware and the 20 states with the highest numbers of active-duty soldiers. Delaware, Oklahoma, and Missouri are the only states that offer information directly to activating Reservist parents on the front page of their websites. Moreover, only 15 of the 21 states' websites contain information specific to military families or veterans, although an extensive search of the website is necessary to find the information in most cases.

A few of the 15 state child support websites that have information for military families or veterans have general information regarding policies related to DFAS or SCRA. The other states provide a range of information for active-duty soldiers, National Guard and Reservists, and veterans regarding how to request a review and adjustment of child support orders, as well as contact information for the state's military family liaison.

The Texas Office of the Attorney General Child Support Division (OAG) has information for military and veteran families about the HEROES Project on the front page of the Family Initiatives section of the state's website. This page provides general information about the HEROES Project, project goals and activities, and links to a HEROES email address and mainline number. Military and veteran parents can also download a deployment checklist and other outreach materials.

Websites are an inexpensive tool that states can use to reach a wide audience and provide information that applies to most child support customers. However, the information should be easily accessible to military and veteran families, with a link to a dedicated page provided from the child support agency's homepage.

Texas: Help Establishing Responsive Orders Ensuring Support (HEROES) for Children in Military Families Project

Texas has the most comprehensive project to address the parenting-time and child support needs of military families and veterans. The Help Establishing Responsive Orders Ensuring Support (HEROES) for Children in Military Families project provides a wide range of services, including:

- ◆ Information available online
- ◆ Dedicated mainline and email
- ◆ Deployment checklist and wallet card
- ◆ Information at pre and post deployment briefings and Stand Down events
- ◆ PTSD training for agency attorneys
- ◆ Training for JAG about Texas Family Code
- ◆ Parenting Order Legal Clinics (POLCs)
- ◆ Specialized case review and management

The three services that make Texas unique in its efforts to assist military and veteran families are the dedicated main phone line and email, POLCs, and three designated HEROES attorneys who specialize in resolving complex military and veteran cases. The mainline allows military and veteran families to request enhanced child support services from the HEROES attorneys when standard services are not enough to address their needs brought about by their military service. The legal clinics (POLCs) take place at three major installations in Texas (Ft. Hood, Ft. Bliss, and Jt. Base San Antonio). HEROES attorneys and JAG invite military parents to receive paternity, child support, and parenting-time information.

Often, the HEROES attorneys will follow up with the military family member after the POLC and work to resolve the case. One HEROES attorney specializes in veteran services, but works with active-duty soldiers, as well. In addition to the POLCs, HEROES attorneys receive requests for services from the HEROES mainline or email, field office caseworkers, and JAG attorneys, who they work with closely at each installation.

The HEROES attorneys are not only a valuable resource for military and veteran families, they also help to reduce the strain that complex military and veteran cases place on the local child support staff; and if a court hearing is necessary, they are able to present comprehensive information to the judge. In the past three years, HEROES has hosted over 90 POLCs and provided over 4,400 military families and veterans with legal information, referrals, expedited assistance with paternity establishment, parenting and support order establishment and modification, and case review.

Assisting military families with their parenting and child support obligations is an effective strategy for all parties involved. Military cases, although complex, generally result in a child support order that will be paid regularly to the custodial parent. Working to resolve these complex cases ensures that the child support division will maintain performance standards, the soldiers will be ready to serve, and children will have the financial and emotional commitment of both parents.

OUTREACH MATERIALS

Several state child support agencies have developed outreach materials that provide information specific to military and veteran family child support issues. Many of the materials can be accessed through the states' websites or they are distributed by the military or child support agencies. Importantly, the needs of a particular family may vary depending on whether the family is active-duty, Reserve, or a veteran, therefore the material content generally varies accordingly.

Frequently Asked Questions Brochure

Delaware's child support agency developed a frequently asked questions (FAQ) sheet for noncustodial and custodial parents to refer to when parents deploy (active-duty or Reservists). The FAQ describes DFAS policies and notifies the custodial parent to expect changes in the frequency and amount of support payments. It also provides information on medical coverage and paternity establishment. The Delaware military liaison distributes this form at pre deployment briefings, along with forms that allow soldiers to modify their child support orders while they are deployed.

Deployment Checklists

Deploying soldiers typically receive a checklist from their commander that covers all the steps the soldier must take in advance of or upon returning from deployment. The military's checklists vary by branch of service and National Guard or Reserve membership, yet generally these checklists include steps such as gathering evidence for and updating immunizations, informing creditors and mortgage or rental companies of imminent deployment, and establishing or updating Family Care Plans, powers of attorney, and wills. Only at Fort Carson in Colorado does the military-issued deployment checklist include establishing paternity or establishing or modifying child support and parenting orders.

In Texas, HEROES provides a deployment checklist for military parents – that is separate from the military-issued checklist. The checklist details the steps parents can take before, during, and post deployment to establish paternity, modify child support or visitation orders, and stay in contact with their children. The checklist also includes information about the HEROES Project and the HEROES main phone line in addition to the Texas Access and Visitation Hotline. The information is provided in a neutral way so that it is appropriate for both custodial and noncustodial parents.

Wallet Card

In addition to a detailed checklist for deploying parents and families, the OAG provides information about the HEROES Project on a wallet-sized, bi-fold card. The card, about the size of a standard business card, describes common questions soldiers or veterans may have about paternity establishment, family care plans, child support orders, parenting-time, and support modifications because of deployment.

The card also provides contact information for the HEROES mainline and email, and describes some of the specialized services HEROES attorneys provide, such as fast-tracking time sensitive case reviews and procedures, one-on-one assistance, conducting legal clinics on military installations, and referring families to additional resources.

MAINLINE AND DEDICATED EMAIL ADDRESS

Child support agencies receive numerous inquiry calls each day; some calls present relatively minor issues, whereas other calls involve complex cases that are quite time consuming. Given that child support cases involving military and veteran families are typically more complex than the average call, Texas dedicated a mainline specifically for these cases.

Military or veteran families can call a dedicated phone number or send an email to an address linked to the HEROES Project to ask general questions about child support and visitation orders, as well as learn about the services offered through HEROES. The phone is typically answered by a person (rather than requiring the parent to leave a message on a machine) and the parents receive a response to their email or message usually within a day.

The mainline and email are administered by two administrative support staff at the Texas OAG, who do this in addition to their other job responsibilities. Staff receive approximately 50 calls or emails per month and respond to general questions or gather case information. This information determines whether the case should be handled by the regular child support staff

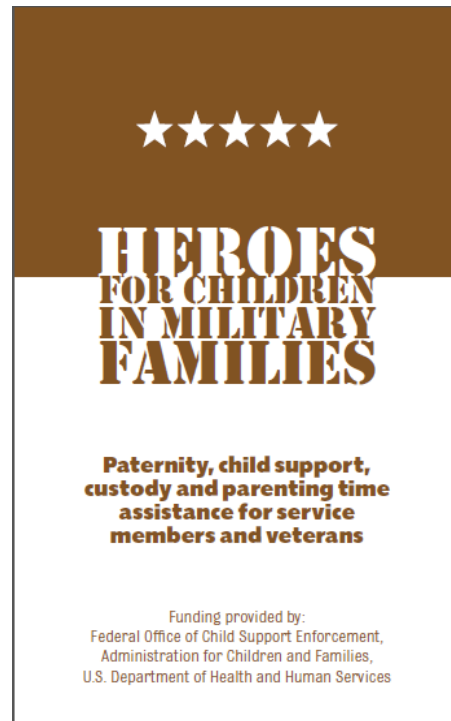
in the family's region or if it should be referred to one of three specialized HEROES attorney.

"We have the HEROES mainline that they answer in Austin. That is a safety or pressure valve for me because [the parent] can call that mainline and somebody is going to listen to them. If they have to leave a voice message, somebody is going to listen to it that day. Austin will email me about it, I'll see the email, and then I'll be able to call them back."

HEROES Assistant Attorney General

Indeed, the mainline and email are the major referral sources to the HEROES attorneys. Most military and veteran parents hear about the HEROES mainline through legal clinics, referrals from JAG and Legal Assistance Offices, the VA, OAG's website, and occasionally from OAG call centers. Between October 2011 and July 2013, the HEROES mainline received 1,016 calls.

The HEROES mainline and dedicated email address act as triage for the HEROES attorneys.



HEROES Wallet Card (shown in actual size)

The HEROES attorneys receive summaries of the parent's child support or parenting-time issue and the parent's contact information, and then follow-up with the parent to make an appointment. In addition to being an important resource to military and veteran families, the dedicated HEROES mainline is a valuable resource to the state. It relieves the burden from the other child support phone lines, and reduces the time that child support staff have to spend on the complex cases involving military and veteran families.

OUTREACH AT BRIEFING EVENTS

Military and veterans groups provide information and services to families through various briefing events. In Texas and other states, the child support agency attends these events and provides information relevant to the soldiers' and veterans' child support and parenting-time needs. In addition, they often provide referrals to more specialized services. Below we describe three different types of briefing events and examples of each: pre and post deployment briefings for active-duty soldiers, Yellow Ribbon events for National Guard and Reservists, and Stand Down Events for veterans.

Pre and Post Deployment Briefings

Before soldiers deploy, their unit hosts pre deployment (or readiness) briefings for deploying soldiers and their families. At these briefings, unit commanders generally describe where the unit is deploying, how long they expect to be gone, and provide information about resources available to the deploying soldier's family. These events take place on a military installation where Military Life Consultants and JAG attorneys give presentations about the services they offer at each point in the deployment cycle.

Other service providers, such as chaplains and insurance providers, including United Services Automobile Association (USAA) and TRICARE, have vendor tables that soldiers and their families can access. Service providers will also initiate some services such as drawing up wills, drafting powers of attorney, and developing Family Care Plans at the briefing.

Post deployment, following an assessment of the returning soldiers' physical and mental health, the unit will hold another briefing. Post deployment briefings allow soldiers and their families to access support for mental and physical health issues, relationship and family counseling, and to receive support from chaplains, JAG, and family readiness groups to help the soldier and their family reintegrate post deployment.

Child support agencies in states with large contingents of deploying soldiers have become involved in pre and post deployment briefings. In some states, the child support agency is invited to present at the briefing. More frequently, the child support agency sets up a table to allow soldiers and their families to gather information and to ask questions.

Yellow Ribbon Reintegration Program

To provide information to the families of National Guard and Reservists, the Department of Defense offers pre and post deployment support through the Yellow Ribbon Reintegration

Program, formalized in 2008. Similar to the pre and post deployment briefings offered to active-duty soldiers and their families, Yellow Ribbon briefings are offered at the installation at which the deploying Reservists unit trained or at a Family Assistance Center nearby. Yellow Ribbon events are an important way to connect the families of Reservists who may not live near the training installation and may not be aware of the resources and support available.

Four Examples of State Child Support Agencies Involvement in Deployment Events

Delaware's military liaison attends Yellow Ribbon events and provides necessary forms for establishing or modifying support orders. On the forms, parents report information about the nature of the child support issue, the length of deployment, child support case number, and contact information. The forms are collected at the conclusion of a briefing and processed by the agency. If a change to a support order is deemed necessary, the military liaison works to modify the order and change wage garnishments to DFAS. She also contacts the custodial parent to notify the parent to expect changes in the frequency and amount of support payments. Post deployment, the Delaware liaison describes her work as undoing all the work she did pre deployment. This includes changing wage garnishments from DFAS back to the civilian employer, informing custodial parents of changes to their support payments, and undoing any temporary modifications to support amounts.

The Vermont military liaison is a former member of the Vermont National Guard, therefore he is familiar with the process of deployment. The military liaison is in frequent communication with Vermont National Guard command and he is viewed as a resource regarding child support issues for deploying Guard members. In addition to providing information at Yellow Ribbon events, he helps Guard members obtain support modifications, establish paternity before deployment, and obtain changes to their parental rights and responsibilities. The changes made to support and parenting obligations are temporary and revert back to the original order upon the end of the deployment.

Colorado's El Paso County Child Support Division (EPCSD) works with a number of installations in the county. Over time, EPCSD developed a strong relationship with base command at Fort Carson. Now, representatives of the EPCSD are invited to pre and post deployment events to inform families about all of their services. Many of the modification requests involving military families initiate at the pre and post deployment events. Unlike some child support agencies, EPCSD is part of the deployment and reintegration checklists for soldiers.

In Texas, HEROES attorneys and staff attend Yellow Ribbon and pre and post deployment briefings. Families can ask general questions or make an appointment to discuss further their specific case, obtain wallet cards and deployment checklists, and find out when the next Parenting Order Legal Clinic will be held.

State child support agencies and local military installations should work together closely to ensure that child support staff are available at the deployment briefings. Some states face difficulty securing an invitation to the events because of the change in leadership that frequently occurs at military installations. Child support and parenting-time issues are as

important for soldiers to resolve pre and post deployment as insurance and Family Care Plans; therefore having representation from the state child support office should be a regular occurrence at all events.

Veteran Stand Down Events

In 1981, a group of Vietnam veterans began Veterans Village of San Diego, an organization dedicated to helping homeless veterans. This group also initiated Veterans Village Stand Down events, which have become the model for service delivery to homeless and indigent veterans across the country. Veteran Stand Downs are collaborative events involving local Veterans Affairs offices, local government, and local organizations that serve the homeless. Stand Downs often last one day and allow homeless veterans to receive help in one location for hygiene, food, shelter, substance abuse issues, veterans' benefits counseling, and mental health issues.³³

Veterans Village also worked with the San Diego Superior Court and local child support agencies to develop Homeless Court to resolve issues regarding bench warrants and misdemeanors, many of which result from unresolved child support issues. Because of demand, Homeless Court is now offered on a monthly basis at a number of homeless shelters around San Diego.³⁴

In Texas, HEROES staff use Stand Down events as an opportunity to reach out to veterans, provide information about the steps necessary to resolve their child support challenges, and assist them with their complex child support issues.

COLLABORATION WITH MILITARY AND VETERAN SERVICES

State child support agencies also partner with existing collaborative efforts to provide services to military and veteran families. Below, we describe two examples of collaboration: the Inter-Service Family Assistance Committee and the Compensated Work Therapy program for veterans.

Inter-Service Family Assistance Committee

The Inter-Service Family Assistance Committee (ISFAC) is a collaborative model of service delivery created by the Department of Defense.³⁵ In this service delivery model, government, nonprofit, and business service providers coordinate to provide soldiers, veterans, and their families with a "one-stop-shop" resource and referral network. Often organized at the state level, these organizations help military and veteran families across a state receive services.

In some states, child support agencies are members of or coordinate with ISFACs. The Delaware military liaison described participation in the Delaware Military Community Partners ISFAC as essential to her work. She noted that by connecting with other military family service providers, she receives referrals and questions that, but for her participation, might go unresolved.

In Texas, Joining Community Forces works with active-duty families and TexVet works primarily with veterans, their families, and caregivers. The two organizations work together to provide comprehensive services for military and veteran families across the state. These two organizations provide referrals and resources based on where in Texas a family resides and

their needs. HEROES attorneys and staff attend events of Joining Community Forces and are listed as a resource on the TexVet website.

Compensated Work Therapy

Compensated Work Therapy (CWT), offered through the Veterans Administration (VA), is another example of a collaboration to help veterans. CWT is a vocational rehabilitation program that aims to provide qualified veterans with job placement and support services to help the veteran maintain employment. Issues arise for some veterans who have enough child support arrears that their drivers or other professional licenses are suspended and bank accounts seized.

In Massachusetts, the Veterans Program Coordinator works with veterans on a case-by-case basis to resolve the arrears issues that lead to the license suspension or account seizure. The Veterans Program Coordinator reports that in most cases, the Child Support Division is able to work with a veteran to have his arrears or current support order modified downward, making it possible for the veteran not only to complete CWT (which often involves driving as part of employment), but to continue paying arrears and current support orders with a job he found as part of CWT.

TRAINING

One of the important features of HEROES is the training provided to child support caseworkers, JAG and Legal Assistance Officers, and child support judges. The goal is to educate all of the parties about the unique challenges that military service may impose on parenting-time and child support obligations and to alert them to the services available to these families.

Training for State Child Support Workers

Training child support staff about military and veteran families is one way to improve the services these families receive when interacting with a child support agency. Texas HEROES staff coordinated training for all of the state's Assistant Attorneys General (AAGs) and child support caseworkers regarding Post Traumatic Stress Disorder (PTSD) and other combat-related disorders, including Traumatic Brain Injury (TBI).

At an annual conference for AAGs, HEROES brought in an expert who provided an explanation of the causes of the disorders and the signs and symptoms that parents might display if they are suffering from PTSD or TBI. Soldiers and veterans with PTSD or TBI may be combative, non-responsive, and non-compliant with their child support obligations. Recognizing that the root of the problem stems from their military service may alleviate unnecessary punitive measures and better serve the children in the families.

Moreover, at the training, the AAGs and caseworkers were provided with information about referral services for veterans and about the HEROES Project. The AAGs were encouraged to reach out to the specialized HEROES attorneys to help resolve complex cases involving veterans or active-duty soldiers.

Training for JAG Corps about Family Law and Child Support

JAG and Legal Assistance Officers are well-versed in military law, but they are not necessarily trained in family law, and many are not licensed to practice law in the state in which they are stationed. Therefore, they may not be able to fully help soldiers resolve their complex child support or parenting-time concerns. HEROES staff in Texas reached out to the military to help train them in Texas family law, particularly with regard to child support issues. The Child Support 101 training is provided on an as-needed basis, and the OAG developed a 10-page document to accompany the training.

Training for Judges

Judges who regularly preside over child support cases should also be trained to better understand the unique challenges that military and veterans may face. Texas held a briefing for the state's Associate IV-D Judges that provided information on the needs of military and veteran families, the legal support that JAG and Legal Assistance Officers can (and cannot) provide soldiers, services available to veterans, and information on combat-related stress disorders. The briefing also provided Continuing Legal Education units. Several judges in attendance noted that it was one of the most informative trainings they had ever attended. They especially found the information provided about veterans to be helpful.

"I thought the military CLE was first class; great speakers, thought provoking topics, useful and timely information, followed by a good discussion. I think it might rate as one of the best CLE's I've ever attended."

Amarillo IV-D Associate Judge

At the training, the chief mental health officer from the local Veterans Integrated Service Network provided a brief presentation describing some of the behavioral health issues common among recent veterans, such as PTSD and TBI. He also described how symptoms of these conditions may be presented in a court setting, such as a veteran refusing to take off sunglasses or needing to sit in the back of the courtroom with his back against the wall to minimize stress.

In addition, two of Texas's Veterans Treatment Court (VTC) judges shared their model of providing specialized attention to veterans in criminal courts. These courts have a docket set aside only for veterans, and the courts work closely with the local Veterans Justice Outreach (VJO) coordinator and specialist to garner treatment for veterans. The VJO coordinates and monitors services for justice-involved veterans who are at risk of further legal issues, homelessness, substance abuse, or other behavioral health issues, and the VJO reports back to the judges on the veteran's progress. At the training, the child support judges were interested in learning more about how to potentially adopt this model in a child support court setting.

PARENTING ORDER LEGAL CLINICS

Texas OAG offers a unique program through HEROES called Parenting Order Legal Clinics (POLCs). POLCs are operated on the military installations of Fort Hood, Fort Bliss, and Joint Base San Antonio on a regular basis and are hosted by JAG and Legal Assistance Offices, in collaboration with a HEROES attorney.

“This is very important, especially for junior troops. Should be a great opportunity for organizational leaders to afford their troops the opportunity to attend. Helps keep everyone informed, and ensures they are mission ready”

Retired Military

POLCs provide military families with a host of resources and typically begin with a brief overview of the purpose of the session and the types of information that the OAG can provide. Over the course of the HEROES Project, HEROES attorneys found that by beginning with questions from the attendees, they are generally able to cover all topics of interest.

HEROES attorneys and staff emphasize to the attendees that they are limited to providing only legal information and if soldiers need legal advice, the soldier should make an

appointment with JAG and Legal Assistance. However, HEROES attorneys often follow up with the parents in attendance and help them to work through their complex child support issues. Frequently, the local access and visitation office will attend the POLCs and provide services regarding parenting issues to the families as well.

POLCs are a venue to educate parents about the child support system and provide limited information about Texas family law and judicial procedures. Equally important, POLCs are a setting in which military and veteran parents learn that they are not alone in their child support challenges and receive peer parenting support.

“Thank you so much for having this clinic. I feel more informed of the paths that are available to me. Thank you for the calm and informative, non-judgmental assistance.”

Army Soldier

MILITARY AND VETERAN LIAISONS

Noted previously, OCSE asked state child support agencies to designate a military liaison. In some states, this request also created a position for veteran liaisons. Liaisons are often veterans themselves or military family members, and they are familiar with military culture and language. This experience is key to the liaison’s work; because of their familiarity with both the military and child support systems, liaisons are able to effectively communicate and work across both systems.

The duties of a liaison depend heavily on the type of military presence in their state (active-duty, Reserve and National Guard, or veteran). Liaisons may be limited to participating in training and technical assistance from OCSE, or as involved as HEROES attorneys, providing specialized case management for military and veteran families. The majority of liaisons act as a point-of-contact to which their agency can refer questions or problems related to military parents.

It is important to note that most military and veteran liaisons perform these duties in addition to their “regular” job. For example, the military liaison in Delaware volunteered, and performs the duties of a military liaison in addition to her primary role as a Senior Administrator for Internal Controls. Delaware provides no extra funding for the liaison, but she is able to gather volunteers from her office to help handle and expedite the cases of activating and returning Reservists.

“Thank you very much. I am very relieved and clear on how to accomplish my obligation and not get in trouble. I very much appreciate your voice-mail giving me your direct line and this email and all the effort on your part.

I am grateful for the Heroes Project and for how it saved me from going to court without a lawyer and the mass of paperwork that seemed more formidable than fighting Viet Cong because I didn't have a clue how to go about complying with it.

San Antonio, TX

COMPREHENSIVE AND SPECIALIZED SERVICES

Texas has three HEROES attorneys whose sole responsibilities are to provide specialized legal services to military and veteran families. These three attorneys are dedicated to carrying out the project objectives and are able to focus their time on providing enhanced child support services. In addition, HEROES attorneys work with military liaisons and child support agencies in other states to resolve complex interstate issues.

To begin working a HEROES case, the HEROES attorneys determine whether the parent (soldier, veteran, or their family) has an existing Texas child support case or if the parent would like to initiate a child support case with Texas's IV-D agency. If there is not an existing Texas child support case, the attorneys assess what the parent's child support issues are, provide general information to the parent, and inform the parent of the appropriate out-of-state IV-D agency to contact.

Because HEROES attorneys work with military liaisons in other states, they have contacts who are familiar with military-specific challenges in meeting parenting and child support obligations. The HEROES attorney may also follow up to ensure that the case received by an out-of-state agency is resolved.

If there is an existing Texas child support case, the HEROES attorneys determine whether there are any complicating factors related to the case. The HEROES case logs, used to record the work of HEROES attorneys, reveal how complicated HEROES cases are. More than 9 percent of cases involve mental health issues and nearly 4 percent involve family violence issues. Timing can also present issues for soldiers. The HEROES case logs show that nearly 10 percent of their cases involve complications due to imminent deployments.

For child support cases with complications related to military service, a HEROES attorney determines whether the complications warrant a temporary postponement of the proceedings on a child support case. If the HEROES attorney believes that postponement or relief is necessary, the attorney submits a request to the Managing Assistant Attorney General of the field office handling that parent's case for postponement or relief of judicial action. While the delay of action is in process, the HEROES attorney refers the parent to relevant services such as referrals to the Access and Visitation Hotline, JAG, the Veteran's Health Administration, Veteran's Justice Outreach, or other relevant services.

The HEROES attorney monitors the progress of the case and coordinates services between the military parent and partner organization and checks on the parent's participation with the

service provider. When the parent is in a position to end a postponement, the HEROES attorney works with the appropriate field office to proceed with the case through standard processes.

For child support cases that do not require relief or postponement and are within the scope of work for the HEROES Project, HEROES attorneys coordinate with the appropriate field office to initiate action. HEROES attorneys can, and in some cases do, take part in all processes involved in a case from research to presenting before a judge. Since the project's inception, HEROES has served more than 4,400 parents through the mainline, clinics, appointments, and court hearings.

The work a HEROES attorney did for a veteran (as described by below HEROES staff) exemplifies the value of the specialized case work to the families and the child support system.

“A veteran needed help getting payment credits added to his child support case and adjusting the Social Security benefits garnishment amount so that he could have enough money to remain at a treatment facility. For months the veteran worked through the normal channels, but was not seeing results. He contacted HEROES and a project attorney connected him to the appropriate field office staff who then called the Social Security Administration (SSA) to resolve the payment credit and wage garnishment issues. The call prompted SSA to re-assess the veteran's benefits, which resulted in the veteran's monthly benefits doubling as well as a retroactive benefit increase leading to a lump sum payment of over \$30,000 to him. In addition to the payment credits that were added to the system, the veteran's child support arrears were paid down by \$15,532 via a lump sum intercept, the monthly interest decreased from over \$200 to under \$85, and the wage garnishment was adjusted. The outcome is a win for the veteran, the custodial parent, and our agency.”

The scenarios described below (again by HEROES staff) further demonstrate the type of help that HEROES attorneys provide.

“The custodial parent had requested a modification of support more than once during the twelve years of her case. The last motion for modification had been nonsuited three years ago. In 2013, the noncustodial parent was located at an installation in Texas. He agreed to sign and return the waiver of service to proceed with a modification. On [date], the custodial parent traveled from Kentucky to appear at the IV-D Court in El Paso for the modification hearing. The child support [order] increased by over \$400 [per month] based on the noncustodial parent's earnings.

The noncustodial parent contacted HEROES because he was preparing to deploy but his passport was being held due to child support arrears, but he claimed he didn't owe arrears. A project attorney met with the custodial mother on the case and she acknowledged that the father had always supported their child and completed an additional Affidavit of Direct Payments. The attorney then worked with the local field office and state office to correct the arrears issue, release the passport, and the military noncustodial parent was able to deploy with his unit.”

CHAPTER 4: RECOMMENDATIONS

Military and veteran parents face unique challenges in meeting their parenting and child support obligations. Soldiers are frequently relocated or deployed, which lead to frequent changes in pay, complex interstate cases, and challenges to appearing in court. Young veterans exiting the military have higher unemployment rates than their peers, and employment may be complicated by physical and behavioral health issues that result from service (i.e. PTSD or TBI). Veterans applying for benefits from the VA or retiring face significant wait times for benefit processing. All of these issues affect a soldier, Reservist, or veteran's ability to meet their support obligations.

These issues also affect a military or veteran parent's ability to meet their parenting obligations. More than 60 percent of parents attending military legal clinics in Texas report living 100 miles or further from their children. The great distance between military parents and their children make visitation more expensive and less frequent than parents may want. Custodial military parents may have difficulty obtaining permission from the noncustodial to move their child overseas or difficulty modifying agreements to allow the child to leave the state.

Challenges meeting child support and parenting obligations affect the financial and emotional wellbeing of children involved, and also affect a soldier's readiness; placing the soldier, their unit, and national security at risk. Military child support issues tend to be complex and time consuming to sort through, burdening the child support system and reducing the ability of the system to address the often time-sensitive needs of soldiers.

Texas, through the HEROES Project, provides the most comprehensive services to resolve the child support and parenting issues of military and veteran parents. A rigorous evaluation of the project shows that although military parents are concerned about their ability to meet their child support obligations, they are equally, if not more, concerned about their ability to see their children. Below we offer recommendations to the OCSE, state child support agencies, state legislatures, the judiciary, and the military that, if adopted, may help alleviate the strains that military service poses to parents in regards to meeting their parenting and child support obligations.

Recommendations to the Office of Child Support Enforcement

OCSE should be commended for their efforts to better serve military and veteran families. The OCSE created an internal position for a military liaison, encouraged states to do the same, created a guidebook for military parents, and funded two projects through demonstration grants. The grants fund HEROES in Texas and Operation Access in Colorado, and based on their success, funding should be continued to states for these sorts of efforts.

OCSE should ask Congress to increase money allocated for access and visitation services to specifically serve military families. Like the current access and visitation allocation, the extra money allocated should be distributed to states based on a formula which includes the number of military families residing in the state. Further, OCSE should provide guidance to states regarding interstate access and visitation orders.

Recommendations to the Texas State Legislature

The Texas Legislature should clarify the Texas Family Code with respect to access and visitation orders. Military families have provisions such as drop-in language about substitute, temporary, and electronic visitation and deployments available through the Family Code (Code); however, very few parents are aware of these options. The Code should be amended so the presumption for all military families obtaining visitation orders in Texas is to include provisions related to deployment, substitute and temporary visitation, and custody. Provisions regarding visitation schedules for parents that live more than 100 miles from their children should be considered the presumption for military families, as well.

The Legislature should clarify how military and veteran allowances and benefits are used in a noncustodial parent's income calculation. Currently, Basic Allowances for Subsistence and Housing, cost of living and hardship adjustments, VA, military disability, and education benefits are not consistently applied when calculating an NCP's net income. Moreover, clarification is necessary regarding whether military barracks should be included in the means calculation, and the value to place on those barracks. To exercise visitation, parents must pay out of pocket to make overnight arrangements for their children when they live in barracks.

The Legislature should amend Texas Family Code §156.401 to include leaving the military as a material and substantial change in circumstance for modification of support. Currently the Code allows modification only if it has been three years since the order was rendered or modified and the monthly amount of the support differs by a set amount. The only exception is release from incarceration; however, when a soldier retires, it can take up to 90 days for pay and garnishment to transition from DFAS to the Office of Retirement Pay. Veterans waiting for the VA to process their disability claim waited, on average, 396 days. During the delay or wait time, veterans may accrue arrears through no fault of their own.

Recommendations to State Child Support Agencies

Information for military and veteran families should be easy to access. CFRP searched the websites of state child support agencies in states with the highest military populations and found a dearth of information specific to military or veteran families. Frequently asked questions, contact information for a liaison, or PDFs of brochures are simple, inexpensive ways a child support agency can be more military or veteran-friendly.

Expedite processes for military or veteran families. Deployments and some permanent changes in station occur more rapidly than child support agencies can respond. Especially in locations with a large military presence, IV-D agencies should set aside time at a regular interval during which the agency can resolve time-sensitive military cases. Working through time-sensitive and often complex cases regularly prevents these cases from burdening the child support system.

Amend information gathering and enforcement assessment forms to include military or veteran status. Early identification of military and veteran cases can help a child support agency increase efficiency by helping a caseworker identify whether a case is time-sensitive, in need of

postponement or relief, or in need of referral to a military liaison. This improves efficiency and performance helping an agency sort through cases that may need extra attention earlier in the process or flagging cases that may require extra work for enforcement.

Child support staff should receive training regarding military and veteran parents. Training staff about military and veteran parents leads to enhanced customer service and better outcomes for complex cases. Caseworkers trained to identify PTSD and TBI when a parent is stressed are more likely to make referrals for the parent and less likely to treat the parent as combative. Training increases consistency in the way military and veteran parent's cases are resolved, improving the agency's efficiency and performance measures.

Provide specialized staff who are subject matter experts. States with large military or veteran populations should provide two or more subject matter experts who provide comprehensive case review. The HEROES attorneys provide a good example of staff who reduce the burden on the remaining child support staff and help to resolve the complex cases presented by military and veteran families.

Recommendations to the Judiciary

Court judges and staff should receive training regarding PTSD, TBI, and military issues.

Training regarding military allotments and pay policies, the Servicemembers Civil Relief Act, veterans' pay and benefits, and behavioral health issues common to military service members and veterans should be provided to all judges who regularly preside over child support cases. This training will improve the consistency with which allotments, allowances, and benefits are treated in an NCP's income calculation, prevent default judgments against soldiers who cannot appear before court, and improve the likelihood that veterans with behavioral health issues will be treated fairly in court.

Courts should formally collaborate with the VA. Through Veterans Treatment Courts, criminal court judges have referred veterans in need of behavioral or physical health treatment to the VA, and as part of the court's order, received updates from the VA as to the veteran's progress. A judge may refer a veteran for ancillary services through the VA, but the VA will only release information about a veteran if there is a formal MOU between the court and the VA.

Child support and family courts should consider a veterans-only docket. More than 300,000 service members became veterans in 2011.³⁶ In areas with a large veteran population, family courts should consider the Veterans Treatment Court model and dedicate one day to a veterans-only docket. Because of interstate, employment, and behavioral health issues, reserving a day for veterans' cases improves the efficiency of the court and allows the court to sort through the support, access, and visitation issues with parents who may need similar services or referrals.

Recommendations to the Military

JAG should receive training on a state's family code and interstate jurisdiction for child support cases. JAG rotate through different assignments, based on their branch of service; however, most JAG will have to assist a soldier with a family law matter at some point in their career. Understanding interstate support and jurisdiction laws will help JAG make informed recommendations for their clients and improve outcomes for soldiers.

JAG should contact the state child support agency when relocating to a new installation. OCSE can facilitate this by providing JAG schools with contact information for military liaisons or other appropriate contacts within each states' IV-D agency. This will provide JAG an opportunity to request a briefing about family law and child support or access and visitation processes in their new station, gather resources and information, and help JAG resolve support and parenting- time challenges of soldiers before those issues affect military readiness.

The military should consider child support and parenting-time a readiness issue. Military readiness is important to national security. Installations should require checks on child support as part of pre and post deployment checklists. In addition, requiring parents to check in with JAG or Legal Assistance regarding child support and parenting-time issues with the same frequency as checks on physical health will improve readiness by addressing challenges early and often.

Assisting military families with their parenting and child support obligations is an effective strategy for all parties involved. Military and veteran cases, although complex, generally result in a child support order that will be paid regularly. Working to resolve these complex cases ensures that the child support division will maintain performance standards, the soldiers will be ready to serve, and children will have the financial and emotional commitment of both parents.

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