

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

\_\_\_\_\_  
NATHAN WRIGHT, CAMESE )  
BEDFORD, ASHLEY GILDEHAUS, )  
and LISA MANCINI, on behalf of )  
themselves and others similarly situated, )  
Plaintiffs, )

v. )

Case. No. 4:19-cv-0398 RWS

FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social Services; )  
MICHAEL PARSON, in his official )  
capacity as Governor of Missouri; )  
JENNIFER TIDBALL, in her official )  
capacity as Acting Director of the )  
Department of Social Services; )  
REGINALD MCELHANNON, in his )  
Official capacity as Interim Director of the )  
Family Support Division; )  
KENNETH ZELLERS, in his official )  
capacity as Acting Director of the )  
Department of Revenue; )  
JOSEPH PLAGGENBERG, in his official )  
capacity as Director of the Motor Vehicle )  
and Driver Licensing Division, )  
Defendants. )

CLASS ACTION  
JURY DEMANDED

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs Camese Bedford, Ashley Gildehaus, and Lisa Mancini hereby respectfully move this Court to issue a Preliminary Injunction terminating Plaintiffs' driver's license suspensions for unpaid child support and enjoining Defendants from ordering, issuing, or enforcing driver's license suspensions for unpaid child support unless and until Defendants adopt policies and enact regulations to ensure: (1) that no Missouri parent will be subject to driver's license suspension for unpaid support or arrears when he or she is financially

unable to pay; (2) that all parents facing suspension will receive proper notice and hearing that include protections for inability to pay and non-willful nonpayment; and (3) that parents who are unable to pay will have the option of very low payment plans scaled to ability to pay or, for those who are completely unable to pay, non-monetary alternatives to driver's license suspensions (such as participation in workforce development training, community service, or \$0 payment plans with consistent check-ins by FSD). Such policies and regulations must include standardized guidelines under which child support specialists ("CSSs") are required to make ability-to-pay determinations in setting reduced payment agreement amounts for the purpose of avoiding license suspension.<sup>1</sup> Standardized guidelines in the setting of payment plan amounts and in determining fault in pre-suspension hearings must include consideration of:

- The noncustodial parent's adjusted gross income (AGI) absent any imputed income that the parent does not actually receive;
- Other child support orders for which the noncustodial parent is responsible;
- Other court-ordered financial obligations for which the noncustodial parent is responsible;
- The noncustodial parent's actual housing costs, or if not available, housing costs calculated pursuant to the most recent fiscal year Fair Market Rents (FMRs) calculated by the U.S. Department of Housing and Urban Development, taking into account both the noncustodial parent and any dependents they have;
- Utility costs for the noncustodial parent and any dependents, including electricity, water, heat, and reasonable telephone service;
- Child care costs for any custodial children of the noncustodial parent, if applicable;
- Food costs for the noncustodial parent and any dependents, calculated pursuant to the most recent USDA Low-Cost Food Plan;
- Transportation costs for the noncustodial parent and any dependents, as alleged and supported by the noncustodial parent, including the costs public transportation in the relevant locality and the costs of maintaining and operating a car;
- Health care costs for the noncustodial parent and any dependents, as alleged and supported by the noncustodial parent;

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<sup>1</sup> Plaintiffs are not challenging in this litigation their child support orders or the amounts that they owe in arrears. The payment amounts referenced in this Motion and in the Memorandum are amounts that parents agree to pay monthly *for the purpose of avoiding driver's license suspension*. Parents who agree to make reduced payments or no payments (with an attendant agreement to check in regularly) still owe their full child support and still accrue arrears.

- Other necessary costs such as clothing, school supplies, telecommunication, and taxes for the noncustodial parent and any dependents, as alleged and supported by the noncustodial parent;
- Any miscellaneous or extraordinary costs as alleged and supported by the noncustodial parent, calculated at a reasonable amount.

Adequate policies to prevent erroneous license suspensions for parents whose failure to pay is non-willful must include:

- For parents whose reasonable expenses exceed their actual income, the CSS must enter the noncustodial parent into a plan for a reasonable non-monetary alternative to avoid license suspension;
- The CSS must not enter a payment agreement for any payment amount that would result in manifest hardship to the parent or the parent's dependents;
- For parents whose income is at or below 125% of the Federal Poverty Guidelines, the CSS must agree to a non-monetary alternative to avoid license suspension;
- For parents who receive needs-based, means-tested public assistance, including, but not limited to, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), or veterans' disability benefits, the CSS must agree to a non-monetary alternative to avoid license suspension;
- For parents who are homeless or residing in a mental health facility, the CSS must agree to a non-monetary alternative to avoid license suspension.

In support of this Motion, Plaintiffs rely upon the enclosed Memorandum. Plaintiffs'

Memorandum adheres to the page limitations set forth in the Court's order (ECF 41) and the Parties' Joint Agreement (ECF 40).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2020, I electronically filed the above document with the Clerk of the Court using the ECF System, which will provide electronic copies to the counsel of record.

/s/ Marissa K. Hatton  
Attorney for Plaintiffs



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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NATHAN WRIGHT, CAMESE  
BEDFORD, ASHLEY GILDEHAUS,  
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Official capacity as Interim Director of the  
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KENNETH ZELLERS, in his official  
capacity as Acting Director of the  
Department of Revenue;  
JOSEPH PLAGGENBERG, in his official  
capacity as Director of the Motor Vehicle  
and Driver Licensing Division,

Defendants.

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Case. No. 4:19-cv-398 RWS

CLASS ACTION  
JURY DEMANDED

**PLAINTIFFS' MEMORANDUM  
IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION**

**Table of Contents**

Table of Authorities ..... iv

I. Introduction..... 1

II. Statement of Facts..... 1

A. FSD Suspended Plaintiffs’ Drivers Licenses Because They Could Not Afford  
Their Full Child Support Payments ..... 1

i. Camese Bedford..... 1

ii. Lisa Mancini ..... 2

iii. Ashley Gildehaus ..... 3

B. FSD Enforces Driver’s License Suspensions Without Notice or an Opportunity  
to Be Heard for Individuals Unable to Pay Their Child Support..... 4

i. Consideration of Financial Resources Is an Integral Component of  
Missouri’s Child Support System ..... 4

ii. Initial Child Support Orders and Child Support Modifications Play No  
Role in the License Suspension Process ..... 5

iii. License Suspension Stays Are Difficult to Obtain and Can Only Occur  
After License Deprivations ..... 6

iv. There is No Notice or Opportunity to Be Heard on the Issue of Non-  
Willful Failure to Pay During the License Suspension Process ..... 6

a. Letters from FSD Provide No Meaningful Notice to Struggling  
Parents Facing License Suspension Based for Inability to Pay ..... 7

b. Payment Plans Offered by FSD Are Not Guided by Consistent  
Policy and Can Be Unattainable ..... 8

c. Parents Have No Opportunity to Be Heard on Inability to Pay at  
Pre-Suspension Hearings ..... 10

III. This Court Should Preliminarily Enjoin FSD From Enforcing Driver’s License  
Suspensions Without Adequate Procedural Protections for Parents Who Cannot Afford  
to Pay ..... 11

A. Plaintiffs Are Highly Likely to Succeed on the Merits of Their Procedural Due  
Process Claim Because FSD’s License Suspension Scheme Does Not Provide  
Meaningful Pre-Suspension Notice or Opportunity to Be Heard ..... 11

i.	Parents Have a Significant Interest in Maintaining Their Driver’s Licenses for the Safety and Wellbeing of Their Families.....	11
ii.	Any License Suspension Based on Inability as Opposed to Unwillingness to Pay is an Erroneous Deprivation, and Additional Procedural Safeguards Are Necessary .....	13
a.	License Deprivations for Parents Who Cannot Afford to Pay Their Arrears Are Erroneous Deprivations.....	13
b.	There Is No Meaningful Pre-Suspension Notice Regarding Non-Willful Failure to Pay.....	14
c.	There Is No Meaningful Pre-Suspension Opportunity to Be Heard Regarding Non-Willful Failure to Pay .....	15
d.	Additional Procedures Are Necessary to Provide Meaningful Due Process to Parents Who Face License Suspension Because They Are Too Poor to Afford Their Full Support Amounts.....	18
iii.	The Government Has No Interest in Depriving Parents of Meaningful Ability-to-Pay Procedures Prior to License Suspension, and Additional Procedural Protections Pose Little to No Burden .....	21
B.	Plaintiffs Will Continue to Suffer Irreparable Harm if the Preliminary Injunction Does Not Issue.....	22
C.	Defendants Will Not Be Harmed if the Preliminary Injunction Issues .....	23
D.	An Injunction Will Serve the Public Interest by Adding Crucial Procedural Protections to Protect Vulnerable Families from Future Harm .....	25
IV.	Conclusion .....	25

**Table of Authorities**

**Cases**

*Bearden v. Georgia*, 461 U.S. 660 (1983) ..... 23  
*Bell v. Burson*, 402 U.S. 535 (1971) ..... 12  
*Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985) ..... 13, 18  
*Dixon v. Love*, 431 U.S. 105 (1977) ..... 12  
*Fowler v. Benson*, 924 F.3d 247 (6th Cir. 2019) ..... 14, 21  
*Mackey v. Montrym*, 443 U.S. 1 (1979) ..... 12  
*Mathews v. Eldridge*, 424 U.S. 319 (1976) ..... 11, 13  
*Memphis Light, Gas and Water Div. v. Craft*, 436 U.S. 1 (1978) ..... 15  
*Stinnie v. Holcomb*, 355 F. Supp. 3d 514 (W.D. Va. 2018) ..... 19, 20  
*Tate v. Short*, 401 U.S. 395 (1971) ..... 23  
*Turner v. Rogers*, 564 U.S. 431 (2011) ..... 13, 15, 16, 18, 21

**Statutes**

Mo. Rev. Stat. § 454.1010.3 ..... 6  
Mo. Rev. Stat. § 454.1003 ..... 1, 7  
Mo. Rev. Stat. § 454.1013 ..... 6  
Mo. Rev. Stat. § 568.040(3) ..... 5, 14

**Regulations**

Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) ..... 4, 5, 14, 19, 20

## **I. Introduction**

This case is about the Family Support Division (“FSD”) perpetuating a cycle of poverty by suspending the driver’s licenses of parents who are unable to pay child support. Suspensions are enforced without notice or an opportunity to be heard on whether an individual’s failure to pay is willful or *non*-willful due to poverty. License suspensions cannot coerce payment from those unable to pay, but FSD’s suspension scheme affords indigent parents no opportunity to effectively contest license suspension. Driver’s license suspensions harm the interests of the children who are ostensibly meant to benefit from child support enforcement by making it difficult for non-custodial parents to play a meaningful role in their children’s lives and to earn the money that they would gladly use to support their children if they were not trapped by FSD’s unfair system.

## **II. Statement of Facts**

### **A. FSD Suspended Plaintiffs’ Drivers Licenses Because They Could Not Afford Their Full Child Support Payments**

FSD issues orders suspending the driver’s licenses of noncustodial parents who fall behind in child support by \$2,500 or three months of arrears, whichever is less. *See* Mo. Rev. Stat. § 454.1003. This law does not provide an indigence exception. Plaintiffs’ licenses were suspended because they could not afford to pay their full amounts of child support.

#### **i. Camese Bedford**

Camese Bedford is an unemployed veteran who is currently homeless and owes over \$3,626 in child support arrears. Ex. 1, Bedford Depo. at 15:25; Ex. 2, Defs.’ Resp. to 3rd Interrogatories at 14. Mr. Bedford driver’s license was suspended on February 25, 2017, because he had failed to pay child support for his six-year-old daughter. Ex. 3, Bedford Driver Record. Mr. Bedford never received any pre-suspension notice regarding his driver’s license, and no one ever spoke to him about an intent to suspend his license. Ex. 1 at 50:10–23. Upon learning of his

suspension, Mr. Bedford “immediately” contacted FSD to “ask[] them what [his] options were,” and he was told “get rid of your arrearages, you got to pay it all the way down to zero.” *Id.* at 55:18–25. Mr. Bedford was not offered a payment plan within his financial means in order to reinstate his license; discussing a payment agreement “wasn’t an option” for Mr. Bedford, and he “didn’t have any discussions about alternative payments or arrearages or payment agreement or anything” when he contacted FSD. *Id.* at 56:7–16. Mr. Bedford is without income and cannot afford to pay off his arrears in the amount requested by FSD. *Id.* at 69:13–18. Mr. Bedford knows of job opportunities available to him, but they require a driver’s license. *Id.* at 100:4–23. He wants to support his daughter and would willingly do so if he had the money. *Id.* at 101:1–6.

**ii. Lisa Mancini**

Lisa Mancini is a single mother of four residing in Joplin, Missouri. Ex. 4, Mancini Decl., at ¶¶ 1, 3. Her driver’s license was suspended on March 16, 2018, because of over \$11,511 in unpaid child support arrears for her oldest son who is now twenty years old. *See* Ex. 2. Ms. Mancini is indigent and the sole provider for her four youngest children. Ex. 4, at ¶ 3.

In the spring of 2018, Ms. Mancini received a notice that her driver’s license would be suspended unless she paid her child support. *Id.* at ¶ 15. Ms. Mancini contacted FSD immediately, but was only offered payment plan amounts that were impossible for her to pay. Ex. 5, Mancini Depo. at 102:21–103:10. Ms. Mancini was not offered any non-monetary alternatives for avoiding suspension, and even after making a payment, she received a letter that her license had been suspended that took her by surprise. *Id.* at 105:20–25. Ms. Mancini contacted the state and was told there was nothing she could do. *Id.* at 106:3–8. Ms. Mancini’s wages have been garnished due to child support, and she lives at \$13,000 below the Federal Poverty line, leaving her with \$532 a month to support her four custodial children. *Id.* at 113:4–15. Ms. Mancini’s license is still suspended, and it would be a “struggle to make any kind of payment at all in [her] situation.”

*Id.* at 109:3–9. Ms. Mancini’s family lives in a rural area with no reliable public transportation; the farthest of her children’s schools is about eight miles from home, the grocery store is eight miles away, and the children’s doctors are about 12 to 15 miles away. Ex. 4 at ¶ 24. Getting pulled over while driving on a suspended license is a constant fear for Ms. Mancini, who worries about getting fined or even going to jail, leaving no one to care for her children. *Id.* at ¶ 25.

**iii. Ashley Gildehaus**

Ashley Gildehaus is a resident of Salem, Missouri, who currently owes over \$14,446 in child support arrears, a debt he has no hope of paying off. Ex. 2 at 15. His driver’s license was suspended on April 7, 2018, because of unpaid child support. Ex. 6, Gildehaus Driver Record. Mr. Gildehaus lost his commercial driver’s license (“CDL”) because of his suspension and misses out on high-paying jobs as well as supplemental income opportunities as a result. Ex. 7, Gildehaus Decl. at ¶¶ 14–16. In 2017, a mediator retroactively increased Mr. Gildehaus’ arrears payments even though he had been laid off in 2015. Ex. 8, Gildehaus Depo. at 70:4–24. After “fighting for months” with FSD, Mr. Gildehaus got his arrearage payment plan lowered from \$800 a month to \$680 a month, which is still not an affordable amount for him. *Id.* at 64:10–12; Ex. 7 at ¶¶ 1–2. Mr. Gildehaus has tried to stay on top of arrears payments, but he has defaulted numerous times due to periods of unemployment and homelessness. Ex. 8 at 68:3–18; 79:23–80:2. Because failure to make even a single payment results in re-suspension, Mr. Gildehaus has been through the process of getting a stay on his driver’s license suspension approximately six times because he often cannot afford to make the monthly \$680 payment. *Id.* at 64:1–4; Ex. 7 at ¶¶ 11–13.

Mr. Gildehaus has to drive for his work, which is in St. Clair, over 70 miles from his home in Salem. Ex. 7 at ¶ 18. Every day he goes to work to provide for his family, and he worries that he might not be coming home because he is driving on a suspended license and could go to jail. Ex. 8 at 116:19–117:17; 119:8–120:6. Mr. Gildehaus struggles to support his wife and their two

small children, and the family is in imminent danger of losing their house. *Id.* at ¶¶ 20–23; Ex. 8 at 83:20–23; 119:8–120:6.

**B. FSD Enforces Driver’s License Suspensions Without Notice or an Opportunity to Be Heard for Individuals Unable to Pay Their Child Support**

While (i) consideration of financial resources is an integral component of Missouri’s child support system, current mechanisms do not provide adequate procedural due process during license suspension because (ii) initial child support orders and modifications play no role in the license suspension process and (iii) license suspension stays are difficult to obtain and occur only after parents have already been deprived of their licenses. During the relevant time of license suspension, (iv) parents receive no notice or opportunity to be heard on the issue of inability to pay prior to license deprivation for failure to pay arrears.

**i. Consideration of Financial Resources Is an Integral Component of Missouri’s Child Support System**

Consideration of a noncustodial parent’s financial resources is crucial to the state’s administration of child support. Ability to pay is embedded in Missouri’s child support scheme because it is considered when support is initially calculated and when individuals seek modification of their child support orders. Initial support is calculated using Form 14, and although Form 14 is not designed to calculate a child support amount that is categorically affordable, it is designed to consider financial resources and adjust based on the paying parent’s ability to pay. *See* Ex. 9, Form 14 Instructions. Modification of child support orders is also conducted pursuant to a noncustodial parent’s financial resources. *See* Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019) (allowing parent to seek review of support amount based on a “change in income”). Missouri’s child support statutory scheme indicates that coercive or punitive measures should not be used for those unable to pay child support because “[i]nability to provide support for good cause shall be an affirmative defense” to “the offense of nonsupport” in Missouri. Mo. Rev. Stat. §



568.040(3). This non-punishment principle based on indigence applies to the administrative penalty of driver's license suspension for failure to pay child support; official FSD guidance directs child support enforcement staff to suspend licenses "only if an obligor *has the ability to pay* his/her child support and fails to pay." Ex. 10, Suspension Memo, p. 2.<sup>1</sup> (emphasis in original).

**ii. Initial Child Support Orders and Child Support Modifications Play No Role in the License Suspension Process**

Although financial resources are considered when support is initially calculated and when individuals seek modification, these mechanisms play no role in the license suspension process for unpaid arrears. In addition, they are flawed and often lead to unaffordable child support amounts. A parent can only seek to have their support amount reviewed if they meet stringent requirements: they must demonstrate that they have experienced an income reduction of *at least* fifty percent; they must demonstrate that their reduction of at least fifty percent has "existed for at least three (3) months"; and they must demonstrate that their income reduction of at least fifty percent will last for "another six (6) months or longer." *See* Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019). This means that for parents whose income is substantially reduced, but not by more than fifty percent, there is no relief from the full amount of their support order. Parents that experience an income reduction of more than fifty percent (including up to a total loss of income) must wait three months before they can seek review while child support arrears are accruing; thus eligibility for license suspension may arise before a parent even has the chance to seek a modification.

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<sup>1</sup> The Division of Child Support Enforcement (DSCE) "distinguishes between suspending a **driver's** license and suspending a **hunting/fishing** license" because "[s]uspension of a driver's license may hinder a person's ability to pay child support and affect his/her subsistence" and it "prevents him/her from looking for employment, getting to and from work and possibly visiting his/her child(ren)." Ex. 10 (emphasis in original). While DSCE required staff to take into account "ability to pay" and willfulness in nonpayment when suspending driver's licenses, by contrast, "CSE staff will issue a license suspension order to the Department of Conservation without regard to the obligor's ability to pay." *Id.*

**iii. License Suspension Stays Are Difficult to Obtain and Can Only Occur After License Deprivations**

A stay on a license suspension can only be issued *after* a license has been suspended, and they are difficult to obtain. For Plaintiffs to have their licenses actually reinstated, FSD or a court must determine that the arrearage was paid in full. Mo. Rev. Stat. § 454.1013. A parent’s only means of terminating the suspension is to pay her arrears in full (unless the child support case is closed). Ex. 17, FSD 30(b)(6) Depo. 208:12–209:6. This is likely the reason that over 65% of the 41,903 parents whose driver’s licenses are currently suspended for past-due support (as of June 10, 2019) have had those suspensions for more than three years. Ex. 27, Defs.’ Resp. to 2nd Interrogatories at 4–5. Over 8% have had their suspensions for more than ten years. *Id.*

FSD only offers stays on license suspensions if parents begin making timely payments in accordance with their current child support order and toward their arrears. Ex. 13, Ginwright Depo. at 58:13–18. FSD is statutorily prohibited from issuing stays based solely upon hardship; only a court may provide a stay for hardship. Mo. Rev. Stat. § 454.1010.3. Notice sent by FSD do not contain any mention of the stay option “because your license isn’t suspended yet.” Ex. 13, Ginwright Depo. at 131:22–132:2. The only way for parents to find out that FSD’s stay option is available is “by contacting [the] agency.” Ex. 17, FSD 30(b)(6) Depo. at 208:7–9. “The process of getting a stay is long and difficult,” leaving parents unable to drive legally in the meantime. Ex. 7, Gildehaus Decl. at ¶¶ 11–13 (“One time, the process . . . took three months . . . . Another time, it took six months.”); *see also* Ex. 4, Mancini Decl. at ¶¶ 18–20 (“I then called FSD to ask about the status of my stay. . . . I made another payment, and still I heard nothing about the stay.”); Ex. 11, Lummus Decl. at ¶ 6. As soon as a parent misses a single payment, FSD terminates the stay, and the process begins anew. Ex. 7, Gildehaus Decl. at ¶¶ 12–13.

**iv. There is No Notice or Opportunity to Be Heard on the Issue of Non-Willful Failure to Pay During the License Suspension Process**

For parents more than three months or \$2,500 behind in their child support payments, FSD does not provide any notice or opportunity to be heard regarding willfulness (i.e., fault) in nonpayment before suspending a license. FSD is authorized to send a Notice of Intent letter before suspension, which only give parents in default three options; a parent can avoid suspension if he or she “(1) Pays the entire arrearage stated in the notice; (2) Enters into and complies with a payment plan approved by the court or the division; or (3) Requests a hearing before the court or the director.” Ex. 18, Notice of Intent; *see also* Mo. Rev. Stat. § 454.1003.3. Paying the entire arrearage amount in full is not a viable option for parents who cannot afford their arrears in the first place. The second and third options do not address fault because (a) letters from FSD provide no notice to parents on how to avoid license suspension if their failure to pay is *non-willful*, (b) the payment plans offered by FSD are unaffordable and inconsistent, and (c) parents are not allowed to raise inability to pay or non-willful nonpayment at pre-suspension hearings.

**a. Letters from FSD Provide No Meaningful Notice to Struggling Parents Facing License Suspension Based for Inability to Pay**

FSD’s Notice of Intent does not provide notice that any of the options listed will take into account a person’s fault in nonpayment, and there is no notice indicating that a parent can be entered into a payment plan that they actually can afford. FSD’s Child Support Program Manager testified that “[t]he notice . . . only gives the past due amount. It doesn’t give any other details about why the support’s not paid or what their — what they could afford under a payment agreement.” Ex. 12, Kissinger Depo., 163:1–9. Based on the Notice of Intent form, Program Manager Kissinger testified that parents would not “have any clue as to what payment plan amounts are available to them.” *Id.* at 163:18–64:8. He testified that there is no “indication on this notice that someone will have payment agreement plans set at a rate that they can afford.” *Id.* He testified that there is not even an “indication on this notice that someone will have a payment

agreement plan that is reasonable” and there is “no wording to that effect” anywhere on the notice. *Id.* Similarly, FSD Deputy Director John Ginwright testified that based on the Letter of Intent, there was no “indication that someone could have their financial hardship taken into account to avoid the license suspension.” Ex. 13, Ginwright Depo., 131:1–25. He testified that there was not “anything in this notice that would put someone on notice that they can have their inability to pay taken into account to avoid license suspension.” *Id.* Mr. Ginwright testified that the notice does not “mention nonmonetary alternatives to license suspension,” “reduced payment plans,” or “any inability-to-pay protections” for parents facing license suspension due to failure to pay. *Id.*

**b. Payment Plans Offered by FSD Are Not Guided by Consistent Policy and Can Be Unattainable**

FSD’s payment plans are not guided by any consistent policy and often can be unattainable. On its face, the payment plan policy discourages low payment amounts and does not provide clear guidance to parents or FSD staff. In practice, the payment plan policy is entirely discretionary and puts parents at the mercy of Child Support Specialists (“Specialists”) who follow no standardized guidelines when setting payment plan amounts.

FSD’s Temporary Payment Plan policy discourages low payments, and by some accounts, it would be almost impossible to get an affordable payment plan. FSD’s Temporary Payment Plan requires that “as a general rule,” payment plan amounts “should not be less than 50% of the current support amount,” and that a departure from 50% or more is allowed only under “extreme circumstances.” *See* Ex. 16, FSD Temporary Payment Plan. However, Program Manager Kissinger maintains that extreme circumstances would be “something like life changing,” such as a “person’s house just burned down” or “maybe somebody builds homes, for example, and he’s employed by a contractor and he loses his right arm. That would be extreme.” Ex. 17, FSD 30(b)(6) Depo. at 177:23–78:4. At best, there is no discernible standard within FSD as to what

constitutes “extreme circumstances” meriting a payment plan of less than 50% of current support.<sup>2</sup> Specialist Hibbler testified that in his office, extreme circumstances could include having “multiple child support cases.” Ex. 15, Hibber Depo., 61:1–16. When asked if she takes into account extreme circumstances when determining a payment plan amount, Specialist Richards testified she “wouldn’t even know what the extreme circumstances are.” Ex. 14, Richards Depo., 91:8–12. FSD’s Deputy Director John Ginwright maintains that “extreme circumstances would be the circumstances that the other party has told us that are extreme or they believe to be extreme.” Ex. 13 at 67: 1–9.

There are no standards for determining the appropriate payment plan amount for noncustodial parents. FSD Deputy Director Ginwright testified that he knew of no “standard set of criteria that child support specialists should be taking into account when they’re determining a payment amount.” Ex. 13, Ginwright Depo. at 40:21–25. Mr. Ginwright testified that there are no “standardized guidelines to help child support specialists make determinations about payment plan amounts.” *Id.* at 51:16–20. FSD’s Child Support Program Manager Steven Kissinger testified that “there isn’t anything standardized” that Specialists use to determine payment plan amounts, and that there are no “standardized ability-to-pay guidelines when determining payment plan amounts.” Ex. 12, Kissinger Depo., 124:5–9. Specialist Lajuana Richards testified that there is no “formal set of factors that [she is] supposed to take into consideration when creating an installment payment plan” for parents seeking to avoid license suspension. Ex. 14, Richards

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<sup>2</sup> Even the use of 50% as a starting benchmark for payment plans is inconsistent. Program Manager Kissinger testified that the policy is “written strongly for a reason, to let the person, the child support specialist know that you really need to have a good reason for going less than 50 percent,” Ex. 12, Kissinger Depo., 147:25–148:3. However, Specialist Richards testified that she’ll “throw out 25 percent” as her starting mark for payment plans, Ex. 14, at 92:21–93:5. Specialist Hibbler testified that when he “first start[s] to come up with a payment plan for someone,” there is no “default number or percentage that [he] use[s] as a starting point.” Ex. 15, at 62:24–63:3.

Depo., 69:18–70:4. Ms. Richards testified that there is no “written guidance at all as to what [she] should take into consideration when creating an installment payment plan.” *Id.* Specialist Rashad Hibbler also testified that there is not “a set of standardized guidelines to help [him] determine how much to set the arrears payments at.” Ex. 15, Hibbler Depo., 53:6–9.

Payment plan amounts are left up to the discretion of whichever Child Support Specialist happens to answer a parent’s call. According to FSD’s Deputy Director, Specialists are given “[v]ery little training on using discretion.” Ex. 13, Ginwright Depo., 41–42: 20–3. Program Manager Kissinger testified he is “not aware” of any “guidance on the concept of ability to pay” in the FSD training or procedural manual. Ex. 12 at 136: 9–17. Specialist Hibbler testified “I can’t say I was trained on inability to pay.” Ex. 15 at 33:2–18. Even the use of license suspension as an enforcement tool is discretionary. Ex. 13, Ginwright Depo. at 19:21–24; Ex. 15, Hibbler Depo. at 94:12–15. This results in different outcomes for parents dealing with different Specialists around the state: Specialist Hibbler testified that he does not suspend licenses (Ex. 15 at 88:18–20), whereas Specialist Richards testified that license suspensions are the second “most common form of enforcement” that she uses against noncustodial parents, accounting for “about 25 percent” of her work (Ex. 14 at 18:12–20).

**c. Parents Have No Opportunity to Be Heard on Inability to Pay at Pre-Suspension Hearings**

Parents have no opportunity to raise or argue their inability to pay in the pre-suspension hearings offered by FSD. The FSD Notice of Intent states that “[i]f FSD is seeking to suspend your license(s) because you owe past-due support, the *only* issues that may be determined in a hearing are: [w]hether you are the correct person; [w]hether the amount of your past-due support is greater than or equal to three months of support payments or \$2,500, whichever is less, by the date of service of this notice; [w]hether you entered into a payment agreement.” *See* Ex. 18, Notice

of Intent (emphasis added). These hearings do not provide an opportunity to explain whether failure to pay is willful or non-willful. Indeed, Specialist Richards testified, “if someone is not paying on their payment plan, there’s not necessarily any intermediary steps to determine why they’re not paying before it goes through enforcement.” Ex. 14, Richards Depo., 88:6–10.

**III. This Court Should Preliminarily Enjoin FSD From Enforcing Driver’s License Suspensions Without Adequate Procedural Protections for Parents Who Cannot Afford to Pay**

A preliminary injunction should issue because (A) Plaintiffs are highly likely to succeed on the merits of their procedural due process claim because FSD’s license suspension scheme does not provide meaningful pre-suspension notice or an opportunity to be heard on the issue of fault, (B) Plaintiffs will continue to suffer irreparable harm if an injunction does not issue, (C) Defendants will not be harmed if an injunction issues, and (D) an injunction is in the public interest.

**A. Plaintiffs Are Highly Likely to Succeed on the Merits of Their Procedural Due Process Claim Because FSD’s License Suspension Scheme Does Not Provide Meaningful Pre-Suspension Notice or Opportunity to Be Heard**

Defendants’ license suspension scheme lacks the “fundamental requirement of due process [that is] the opportunity to be heard at a meaningful time and in a meaningful manner.” *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). A preliminary injunction requiring procedural safeguards for impoverished parents in Missouri prior to driver’s license suspension is appropriate because (i) Missourians have a significant private interest in their driver’s licenses, (ii) license suspensions based on *non*-willful failure to pay are erroneous deprivations, and procedural safeguards are necessary to determine fault prior to suspension, and (iii) the government’s interest in failing to provide pre-deprivation procedure is minimal, and additional procedures pose little to no administrative burden. *See id.* at 335 (outlining procedural due process inquiry).

**i. Parents Have a Significant Interest in Maintaining Their Driver’s Licenses for the Safety and Wellbeing of Their Families**

Plaintiffs have a protected property interest in their continued possession of a driver's license. *See Bell v. Burson*, 402 U.S. 535, 539 (1971) (“Once [driver’s] licenses are issued, . . . their continued possession may become essential in the pursuit of a livelihood . . . [and they] are not to be taken away without that procedural due process required by the Fourteenth Amendment.”) (citation omitted); *Dixon v. Love*, 431 U.S. 105, 112 (1977); *Mackey v. Montrym*, 443 U.S. 1, 10 (1979). Suspension of a driver’s license makes it difficult to maintain employment, to see noncustodial children, and to engage in meaningful activities like attending sports games or driving kids to school. Ex. 19, Hahn Report, p. 16 at ¶ 75 (“[S]uspending the driver’s licenses of parents who cannot afford to pay child support has a negative impact on parents’ ability to pay child support and on their ability to maintain meaningful relationships with their children.”).

In many areas of Missouri, driving may be the only means of getting to work, making it a critical component of maintaining a livelihood. Robert Puentes, Senior Fellow at the Brookings Institute and CEO of the Eno Center for Transportation, found that “[n]early all of Missouri, including Missouri’s rural and suburban areas, has limited or nonexistent public transportation infrastructure. . . . [M]any metropolitan areas simply do not have any alternatives to driving to work. . . . Over 82% of Missourians travel to work by car; only 1.3% travel to work by public transportation.” Ex. 20, Puentes Report at ¶¶ 13, 26–27. Dr. Steven Peterson confirmed these statistics, finding that “[i]ndividuals without valid driver’s licenses are limited by their ability to reliably reach workplaces that are not within walking distance or near public transportation. . . . [O]ver 90% of Missourians commute to work by car, with about 82% commuting alone and 8% commuting in carpools.” Ex. 21, Peterson Report, p. 5 at ¶ 14. Driving is critical to maintaining a livelihood, and the Supreme Court has “frequently recognized the severity of depriving a person of the means of livelihood.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 543 (1985).



Plaintiffs have an extremely important property interest in their driver's licenses, especially because driving makes them better able to subsist and provide financial support for their children.

**ii. Any License Suspension Based on Inability as Opposed to Unwillingness to Pay is an Erroneous Deprivation, and Additional Procedural Safeguards Are Necessary**

Due process requires that parents facing a non-safety-related license suspension must be afforded a pre-deprivation hearing on their ability to pay. “Generally, where deprivations of property are authorized by an established state procedure, due process is held to require pre-deprivation notice and hearing in order to serve as a check on the possibility that a wrongful deprivation would occur.” *Mathews*, 434 U.S. at 333. Even though (a) a license deprivation for *non*-willful nonpayment would be an erroneous deprivation, (b) there is no meaningful pre-suspension notice to indebted parents regarding inability to pay, (c) there is no meaningful pre-suspension opportunity to be heard on this issue of non-willful nonpayment, and (d) additional procedures are necessary to protect parents from poverty-based license deprivations.

**a. License Deprivations for Parents Who Cannot Afford to Pay Their Arrears Are Erroneous Deprivations**

A license suspension for non-willful non-payment (as opposed to for willful non-payment) is an erroneous deprivation. Consideration of a noncustodial parent's financial resources is crucial to the state's administration of child support, and license deprivation as a tool of coercion is misplaced when used against parents whose failure to pay is *non*-willful. Indeed, the Supreme Court has expressly recognized that some mechanisms for enforcing child support require consideration of ability to pay. *Turner v. Rogers*, 564 U.S. 431, 448 (2011) (noting that a parent cannot be incarcerated for civil contempt for failure to pay child support absent “an express finding by the court that the defendant has the ability to pay”).

Financial resources are integral to awarding and enforcing child support in Missouri, and therefore ability to pay is “appropriate to the nature of the case” and must be considered *prior* to suspending a driver’s license for outstanding arrears. *See Bell v. Burson*, 402 U.S. 535, 542 (1971) (“[E]xcept in emergency situations (and this is not one) due process requires that when a State seeks to terminate an interest [in a driver’s license], it must afford ‘notice and opportunity for hearing appropriate to the nature of the case’ before the termination becomes effective.”); *see Fowler v. Benson*, 924 F.3d 247, 269–70 (6th Cir. 2019) (Donald, J., dissenting). Ability to pay is embedded in Missouri’s child support scheme because it is considered when support is initially calculated and when individuals seek modification of their child support orders. *See* Ex. 9, Form 14 Instructions; Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019) (allowing parent to seek review of support amount based on a “change in income”). In addition, “[i]nability to provide support for good cause shall be an affirmative defense” to “the offense of nonsupport” in Missouri. Mo. Rev. Stat. § 568.040(3). Even if the state contends that fault and liability are “irrelevant to the [state’s] statutory scheme,” the specific “nature of the case” in child support enforcement dictates that the state must consider willfulness. *Fowler*, 924 F.3d at 269–70 (Donald, J., dissenting); *see also Bell*, 402 U.S. at 541. Missouri uses license suspension as a means of child support enforcement; if someone is *unable* to pay their arrears, the fact that their nonpayment is non-willful directly bears on the nature of their enforcement case. Because license suspension is a means of child support enforcement only if an obligor has the ability to pay, any license deprivation of someone *unable* to pay is an erroneous deprivation.

**b. There Is No Meaningful Pre-Suspension Notice Regarding Non-Willful Failure to Pay**

The FSD Notice of Intent form does not provide notice of options available to contest a driver’s license suspension if an individual is *unable* to pay their arrears. FSD’s pre-suspension

letters do not indicate that any of the options listed on the notice will take into account a person's ability to pay. The form also does not indicate whether a parent has a chance of being entered into a payment plan that they can afford, or whether they will have an opportunity to be heard on the willfulness of their failure to pay. *See* Section II.B.iv.a. Pre-deprivation notice "does not comport with constitutional requirements where it does not advise the [individual] of the availability of a procedure for protesting a proposed termination . . . as unjustified." *Memphis Light, Gas and Water Div. v. Craft*, 436 U.S. 1, 15 (1978). Because license suspension is meant to deter willful nonpayment and coerce payment, a license suspension is unjustified where failure to pay is non-willful and where payment simply cannot be coerced because of inability to pay. Yet the pre-suspension form sent by FSD does not provide notice to parents that they may contest the proposed termination of their license as unjustified on the basis of ability to pay. *See* Ex. 18, Notice of Intent. The form fails to give any indication that a parent can raise the issue of fault in a hearing. The form fails to put parents on notice that they can enter into a payment plan that is within their financial means. Without notice that non-willful failure to pay can be taken into account, the form sent by FSD does not provide meaningful notice to parents living in poverty and seeking to find a way to avoid an unjustified license suspension. *See Turner v. Rogers*, 564 U.S. 431, 449 (2011) (finding child support proceedings violated due process where the plaintiff "did not receive clear notice that his ability to pay would constitute the critical question in his civil contempt proceeding" and there was no process to "elicit information about his financial circumstances.").

**c. There Is No Meaningful Pre-Suspension Opportunity to Be Heard Regarding Non-Willful Failure to Pay**

Currently, neither payment plans nor pre-deprivation hearings provide a meaningful opportunity to be heard on the issue of inability to pay. Entering into a payment plan or attending a pre-suspension hearing operate as the only safeguards for parents during the license suspension

process. Ex. 18, Notice of Intent. But payment plans do not provide a meaningful opportunity to address non-willful failure to pay arrears, and hearings do not provide an opportunity to be heard on fault or indigence whatsoever. Payment plans and hearings — which do not inquire into financial resources and do not provide an opportunity for parents to address the willfulness of their nonpayment — are procedurally inadequate; for “[g]iven the importance of the interest at stake, it is obviously important to ensure accurate decisionmaking in respect to the key ‘ability to pay’ question.” *See Turner*, 564 U.S. at 445.

Temporary payment plans do not provide meaningful procedural protections for indigent parents facing license suspension. Temporary Payment Plan installment amounts start at 50% of someone’s current support order, even if they are unemployed and unable to pay their support. *See* Ex. 16, Temporary Payment Plan (noting the plan is for parents who are “*unable to pay* [their] current child support obligation; and are self-employed *or unemployed*,” but also mandating that “as a general rule, [the plan] should not be less than 50 percent of the current support amount.”). FSD’s policy is that payment plan amounts must be fifty percent or higher of the current support order absent “extreme circumstances.” *Id.* For an *unemployed* parent unable to pay support, a payment plan of 50% of their full support amount is not a meaningful protection from license deprivation, and FSD does not consider “ordinary job loss” to be an extreme circumstance. Ex. 17, FSD 30(b)(6) Depo. at 178:10–14. It is unreasonable to require someone with no income to pay 50 percent of a support order that was calculated when they had income.

There is no guidance within FSD as to what an “extreme circumstance” is. *See supra*, Section II.B.iv. By some accounts, an extreme circumstance meriting a departure from the 50% rule could only be one that is “life changing,” such as a “person’s house just burned down” or someone “loses his right arm.” Ex. 17, FSD 30(b)(6) Depo. at 177:23–78:4. A system that requires

someone to lose an arm in order to get an affordable payment plan is woefully inadequate to protect indigent parents from imminent license suspension.

In addition, the payment plan amounts offered by FSD are entirely discretionary and do not use any standardized guidelines to determine payment plan amounts, resulting in wildly inconsistent payment plans that may not be affordable. Specialists do not have any guidelines for what they should consider when setting a payment plan amount, and they are not trained on the concept of inability to pay. *See supra*, Section II.B.iv. FSD's inconsistent payment plan option leaves some indigent parents without the opportunity to be heard on a payment plan at all (Ex. 1, Bedford Depo. at 56:7–16) or without the opportunity to be heard on whether the payment plan is affordable (Ex. 5, Mancini Depo. at 102:21–103:10). Sometimes parents are told that paying their full amount is the only option under a payment plan. *See* Ex. 7, Gildehaus Decl. at ¶ 11; Ex. 1, Bedford Depo. at 56:7–16. When payment plan determinations are discretionary and do not require ability-to-pay considerations, they may be entirely unaffordable or no different from the full support amount. FSD's payment plan "option" then becomes meaningless as a procedural mechanism for indigent parents seeking to prevent license deprivation. FSD's discretionary payment plan process does not provide adequate protections for non-willful nonpayment or the opportunity to be entered into a meaningful payment plan.

The only other pre-deprivation process for parents is FSD's pre-suspension hearing option, which completely bars any opportunity to be heard on the issues of ability to pay or non-willfulness in nonpayment. Mo. Rev. Stat. § 454.1005.4; *see also* Ex. 18, Notice of Intent. The only issues considered in these hearings are the whether the parent's identity is correct, whether the amount of arrears is correct, and whether the parent has entered into a payment plan. *Id.*

Because Defendants suspend parents' driver's licenses due to failure to pay, a meaningful hearing in this context is one that determines whether nonpayment was willful. To comport with due process, parents must be afforded hearings that determine the willfulness of their nonpayment before their licenses are suspended as a consequence for nonpayment. *See Bell*, 402 U.S. at 536–37 (“[T]he State’s statutory scheme, in failing before suspending the licenses to afford [the motorist] a hearing on the question of his fault or liability, denied him due process”); *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 543, (1985) (“[S]ome opportunity for the [person] to present his side of the case is recurringly of obvious value in reaching an accurate decision”). Prior to driver’s license suspension for failure to pay arrears, parents must also be provided with an opportunity to raise inability to pay in these hearings. *See Turner v. Rogers*, 564 U.S. 431, 447–48 (2011) (finding that child support contempt proceeding lacked adequate procedural protections in part because “[t]he court did not find that Turner was able to pay his arrearage”). Without hearings that provide an opportunity to be heard on non-willfulness in one’s failure to pay, FSD’s enforcement scheme risks erroneous license deprivations for indigent parents.

The earlier processes available to parents (initial support setting and modification) and later processes (suspension stays) do not occur at a meaningful time in the license suspension process, and they are nevertheless flawed. *See infra*, Section III.A.ii.d.

**d. Additional Procedures Are Necessary to Provide Meaningful Due Process to Parents Who Face License Suspension Because They Are Too Poor to Afford Their Full Support Amounts**

Current procedures surrounding child support are inadequate; they do not offer any notice or opportunity to be heard on the issue of ability to pay at the time of license suspension. Initial child support calculations and modifications do not amount to sufficient procedural protections because they do not occur at a meaningful time in the license suspension process. Assessments made when child support is first ordered or when it is reviewed do not occur when a license

suspension is pending (i.e., in the time after a parent passes the arrearage threshold for suspension eligibility, but before the license is actually suspended). Instead, the initial support calculation and modification proceedings<sup>3</sup> occur before license suspension is contemplated, at a time when the parent may not be “aware of unforeseen circumstances that might make him unable to satisfy debt when it is due.” *See Stinnie v. Holcomb*, 355 F. Supp. 3d 514, 530 (W.D. Va. 2018). In addition, according to Dr. Heather Hahn, Senior Fellow at the Urban Institute, “[p]rocesses for modifying child support orders do not readily accommodate the frequent changes in financial circumstances that are typical among people working low-wage jobs. Research shows that child support orders are rarely adjusted, even when parents’ financial situations change significantly.” Ex. 19, Hahn Report at ¶ 26. Specifically, Dr. Hahn notes that “Missouri allows for reviews of child support orders only every three years unless special circumstances apply, and then only upon request. . . . [B]ased on my research involving income volatility, Missouri’s restrictions on child support modifications ensure that parents will often be unable to afford their child support because of changes in their financial circumstances.” *Id.*; *see also* Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019). Modifications are not procedurally adequate, and in any event, they do not occur at a meaningful time for parents facing license suspension.

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<sup>3</sup> Modification proceedings can happen before or after a license suspension; however, modifications have no bearing on the license suspension process or the fact of the suspension itself. Moreover, parents can only seek modifications when they have experienced an income reduction of at least fifty percent for at least three months and can somehow prove the reduction will last another six months. Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019). This means that a parent can experience job loss and immediately be unable to pay support (thus becoming eligible for license suspension) all before they become eligible to even apply for a modification. While someone may eventually be able to prove the narrow set of requirements needed to modify child support, that modification will not undo the arrears that accrued in the meantime and that form the basis of the license suspension. A parent whose income is reduced substantially — even up to a 49% reduction in income — cannot receive any relief through modification.

Initial support orders and modifications are procedurally inadequate because they only “address the underlying . . . assessment of costs, not the license suspension.” *See Stinnie*, 355 F. Supp. 3d at 530; *see also* Ex. 10, Form 14 Instructions; Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019). The amount of the underlying monthly child support order is not the same as the outstanding arrearage amount qualifying someone for license suspension. Because initial orders and modifications do not occur at the time of suspension (and they do not address the suspension at all), they are not tailored “to the capacities and circumstances of those who are to be heard” on the issue of their license suspension, nor do they ensure that licensees are “given a meaningful opportunity to present their case” prior to license suspension. *Stinnie*, 355 F. Supp. 3d at 530; *see also* Mo. Code Regs. Ann. tit. 13, § 30-5.020(2)(E)(3) (2019) (only allowing applications for modifications every three years unless a parent meets stringent requirements after a three-month waiting period). Lastly, that parents can apply for a stay *after* their license has already been suspended does not provide meaningful *pre*-deprivation notice and opportunity to be heard. *Bell*, 402 U.S. at 542; *see also* Ex. 13, Ginwright Depo. at 131:22–132:2.

The purpose of FSD’s suspension scheme is to coerce payment; there is no urgent safety need calling for immediate suspension, and Plaintiffs are entitled to have their culpability for nonpayment and their ability to pay taken into account in pre-deprivation hearings. *Bell*, 402 U.S. at 542 (“except in emergency situations (and this is not one)[,] due process requires that when a State seeks to terminate an interest such as that here involved, it must afford notice and opportunity for hearing appropriate to the nature of the case *before* the termination becomes effective.”). There are pre-deprivation procedural safeguards that, “if employed together, can significantly reduce the risk of erroneous deprivation” in a child support proceeding: these include “notice to the defendant that his ‘ability to pay’ is a critical issue”; elicitation of “relevant financial information”; “an



opportunity at the hearing for the defendant to respond to statements and questions about his financial status”; and “an express finding by the court that the defendant has the ability to pay.” *Turner v. Rogers*, 564 U.S. 431, 447–48 (2011). Missouri’s system of license deprivations for outstanding arrears includes none of these procedural safeguards.

**iii. The Government Has No Interest in Depriving Parents of Meaningful Ability-to-Pay Procedures Prior to License Suspension, and Additional Procedural Protections Pose Little to No Burden**

The third *Mathews* factor is straightforward in this case, for “the government’s interests in suspending driver’s licenses without a pre-deprivation hearing are minimal.” *Fowler v. Benson*, 924 F.3d 247, 269 (6th Cir. 2019) (Donald, J., dissenting). Unlike some traffic-related license suspensions enforced by the state, there is no time-sensitive government interest in enforcing arrearage-based suspensions without procedural protections prior to license deprivation. Plaintiffs seek meaningful notice and the opportunity to be heard on the issue of their inability to pay prior to license deprivation, which fit squarely within the administrative capabilities and budgets of FSD that are already in place. FSD already undertakes the administrative burden of sending pre-deprivation letters; they simply lack adequate notice of ability-to-pay protections. *See* Ex. 18, Notice of Intent. Similarly, FSD already holds pre-deprivation hearings; they simply lack an inquiry into whether non-payment was willful or non-willful. *See id.*

Additional ability-to-pay notice and opportunity to be heard will not cause undue administrative burden or cost. First, Defendants will not be burdened by additional language added to pre-deprivation notices to inform parents that they can have their inability to pay taken into account. FSD itself concedes that such additional notice would not pose an administrative burden and that FSD is willing to make changes to its pre-deprivation form. FSD’s Deputy Director John Ginwright, testified that “the ability for [FSD] to change a form if it’s within federal and state statutes is very easy” and that the same is true for “chang[ing] [FSD’s] administrative policies.”

Ex. 13, Ginwright Depo. 62:24–63:5. Particularly with respect to sufficient notice prior to license deprivation, Deputy Director Ginwright admitted that FSD’s pre-suspension form does *not* give a parent notice that they “could have payment plans set at a rate that they can afford,” but that “this form is not rooted or is not anything that we can’t change. . . . [W]e’re open to all changes. So this is not anything that, you know, if it needs to read better we can make it read better.” *Id.* at 129:1–15. Indeed, just a few small changes to the Notice of Intent could cure the procedural defaults in FSD’s current notice provision and they would be easy to print on future letters. *See* Ex. 22, Sample Notice. Second, it would not cause FSD undue burden to consider ability to pay during hearings, because Defendants already provide pre-deprivation hearings on the identity of the parent in arrears and the total amount of arrearage. The burden of considering willful versus non-willful nonpayment during the hearing is minimal.

**B. Plaintiffs Will Continue to Suffer Irreparable Harm if the Preliminary Injunction Does Not Issue**

Without intervention from this Court, Plaintiffs’ driver’s licenses will remain suspended indefinitely and they will suffer the continuing cycle of poverty caused by Defendants’ suspension scheme. Mr. Bedford is struggling with homelessness and unable to apply for available jobs that require a license. Ex. 1, Bedford Depo at 15:25; 100:4–23. License suspension has severely impacted his ability to be a parent to his six-year-old daughter, whom he now rarely sees. Ex. 23, Bedford Decl. at ¶¶ 19, 23–27. Each day that Mr. Bedford goes without seeing his daughter, he misses parts of her childhood that he cannot get back. Mr. Gildehaus lost his commercial driver’s license as a result of his suspension, which severely hinders his ability to provide for his two younger children and his ability to pay child support for his older son. Ex. 7, Gildehaus Decl. at ¶¶ 11, 14–16, 20–22. Ms. Mancini lost her most recent full-time job because of her license suspension and is forced to risk further fines and possible incarceration every day as she drives in

the course of caring for her four youngest children. Ex. 4, Mancini Decl. at ¶¶ 19–21, 24–25. License suspension affects every aspect of a parent’s life, including their ability to get to work and to provide for their children both financially and emotionally. Plaintiffs suffer irreparable familial and financial harms each additional day that their licenses are suspended.

**C. Defendants Will Not Be Harmed if the Preliminary Injunction Issues**

Defendants will not suffer any harm under a preliminary injunction. The administrative burden of adding ability-to-pay measures to pre-suspension notices and hearings is negligible, because FSD already expends the resources to send such notices and conduct such hearings. Because the putative class includes only those who are *unable* to pay their child support, FSD will not suffer the loss of uncollected child support for their custodial parents if this Court orders Defendants to refrain from poverty-based suspensions; no punishment or incentive can force a person to pay a debt that she cannot pay. For parents who are truly unable to pay their arrears or payment plans, no amount of coercion will make them magically able to pay. *Cf. Bearden v. Georgia*, 461 U.S. 660, 670 (1983) (Revoking the probation of someone who *through no fault of his own is unable* to make restitution will not make restitution suddenly forthcoming.) (emphasis added); *Tate v. Short*, 401 U.S. 395, 399 (1971) (“[Punishment here] is imposed to augment the State’s revenues but obviously does not serve that purpose; the defendant cannot pay because he is indigent”). License suspension for indigent parents does not increase their likelihood of paying child support. Because of the connection between driving and employment, suspensions make it *less* likely that suspended parents will be able to provide some amount of support to their children, and suspensions make government lose out on revenue that comes from increased employability.

Additional procedures to prevent erroneous deprivations of licenses are desirable, and fewer poverty-based suspensions are in Defendants’ interests. FSD readily concedes that it’s goal is ultimately *not to suspend licenses*. Ex. 10, Suspension Memo, p. 2 (“[S]taff must remember the

intent of license suspension is to convince parents to enter into payment agreements and pay their support; the intent is not to suspend licenses.” FSD’s Deputy Director Ginwright explained, “the actual driver’s license suspension is not effective at all. What is effective is the process until we get to the suspension. That’s the effective part. The effective part is not suspending. The effective part is doing that notice of intent, trying to open up communications, trying to get the payment.” Ex. 13 at 113:10–22. FSD does not have an interest in suspending licenses, but rather in processes that yield more payment. By putting parents on notice that they can enter into a payment plan based on a realistic assessment of their ability to pay, the state will not be harmed, but rather helped in collecting payments from noncustodial parents. *See* Ex. 19, Hahn Report at p. 8, ¶ 31 and p. 11, ¶ 47 (“Research shows that most low-income noncustodial fathers care deeply about their roles as fathers, want to support their children, and are eager to contribute to their children’s material needs . . . [but] when child support orders exceed a parent’s ability to pay, they are less likely to comply with the order”). And by refraining from suspending the licenses of impoverished parents, there is a greater chance those parents will be able to earn more money and contribute more in child support. Ex. 21, Peterson Report, p. 2 at ¶ 7 (“[T]o the extent a failure to pay child support is the result of an inability to pay, a suspension will, on average, make the debtor’s financial position worse and reduce ability to pay.”).

If an injunction issues, FSD will still be able to use license suspensions as an enforcement tool, and suspensions will actually be more effective. By enacting procedures to determine whose nonpayment is willful and whose is not, FSD can still use driver’s license suspensions to enforce child support against parents whose nonpayment is willful. On the other hand, refraining from suspending the licenses of indigent parents will have no bearing on the effectiveness of child support enforcement, for as the Defendants’ *own expert* says; “[i]f a person is truly indigent and

cannot afford to pay his or her child support obligation, then suspension of his or her license will not coerce them into paying child support.” Ex. 24, Smith Report at p. 9.

**D. An Injunction Will Serve the Public Interest by Adding Crucial Procedural Protections to Protect Vulnerable Families from Future Harm**

A preliminary injunction will serve the public interest because it will enable parents to get to and from work, making it *more* likely that they are able to financially contribute to their noncustodial children. *See* Ex. 19, Hahn Report at ¶¶ 31, 56, 75; Ex. 20, Puentes Report at ¶ 44. For impoverished parents who have both custodial and noncustodial children to support, a driver’s license suspension is a financial hardship that ends up affecting both sets of children; such suspensions are not in the interest of families. *See* Ex. 25, Pearce Report at p. 4 (“[W]hen child support is set at amounts that cause noncustodial parents to fall below the Self-Sufficiency Standard for themselves — and especially for the children to whom they are custodial parents — it is unaffordable. . . . The solution in such cases is not to further impoverish one family to help another.”). Moreover, non-driving related suspensions needlessly waste government resources without increasing safety or economic wellbeing. Indeed, carefully limited enforcement of driver’s license suspensions increases public safety because “with limited enforcement resources (police, courts, prosecutors, motor vehicle agency administrators), unfocused enforcement efforts are diluted between dangerous drivers and drivers who pose far less a safety hazard. . . . [W]ith unfocused enforcement, unlicensed driving is perceived to be less dangerous, which encourages unlicensed driving by all suspended drivers.” Ex. 26, Eger Report at ¶ 19.

**IV. Conclusion**

For the reasons above, Plaintiffs respectfully request that this Court issue a Preliminary Injunction to ensure adequate procedural protections for Missourian parents facing license deprivations for non-willful nonpayment.

Respectfully submitted,

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211 N. Broadway Suite 2200  
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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2020, I electronically filed the above document with the Clerk of the Court using the ECF System, which will provide electronic copies to the counsel of record.

/s/ Marissa K. Hatton  
Attorney for Plaintiffs

EXHIBIT 1  
Camese Bedford Deposition  
(Excerpts)



CAMESE BRADFORD 11/13/2019

Page 1

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NATHAN WRIGHT, ET AL.,  
VS

FAMILY SUPPORT DIVISION of the Missouri Department  
of Social Services, et al.

CASE NO. 4:19-cv-398

THE DEPOSITION OF CAMESE BRADFORD

Taken on behalf of Defendants  
November 13, 2019

ALARIS LITIGATION SERVICES  
711 N. 11TH STREET  
ST. LOUIS, MO 63101  
(314) 644-2191

1 A Telecommunications.

2 Q Where was that?

3 A Maryland Heights with Realtime Results.

4 Q Maryland Heights here in the St. Louis  
5 area?

6 A Yes.

7 Q So you came back to St. Louis after  
8 leaving the Navy, correct?

9 A Yes.

10 Q Where did you -- how long did you work at  
11 that job?

12 A I can give an estimate. Maybe about two  
13 and a half years.

14 Q Okay. Let me back up. What year did you  
15 graduate high school?

16 A 2005.

17 Q 2005. And then you were in the Navy from  
18 2005 till approximately 2008?

19 A Yes.

20 Q And then you had this job in Maryland  
21 Heights until approximately 2010, 2011?

22 A Yes.

23 Q Okay. Where do you live or stay right  
24 now?

25 A Currently homeless.

CAMESE BRADFORD 11/13/2019

Page 18

1           **come back to that.**

2                   **How did you become involved in this**  
3           **lawsuit?**

4           A       Trying to take care of my daughter.

5           **Q       When were you contacted about becoming a**  
6           **plaintiff in this lawsuit?**

7           A       I can't recall.

8           **Q       Was it in 2018 or was it in this calender**  
9           **year, 2019?**

10          A       From my best memory I would say between  
11       2018 in transition to 2019.

12          **Q       So late 2018, early '19 somewhere, and the**  
13       **holidays perhaps?**

14          A       No, I can't say the holidays. I can say  
15       maybe from August to February, that timeframe is  
16       when I can remember that I was possibly approached  
17       for --

18          **Q       Who approached you to become a plaintiff**  
19       **in this lawsuit?**

20          A       I don't remember.

21          **Q       Why did you become a plaintiff in this**  
22       **lawsuit? Why did you decide to join?**

23          **A       For the sake of my daughter; so that I**  
24       **could take care of my daughter, support my daughter.**

25       And this is to help me so that I can help my

1 daughter, be a father to my daughter.

2 **Q Can you explain to me how you think this**  
3 **lawsuit will help you with your daughter?**

4 **A Well, for starters, if I'm able to get my**  
5 **driver's license back, you know, I have**  
6 **opportunities to be able to earn an income, create**  
7 **income, make income, so that I could be able to**  
8 **provide for my own personal responsibility, which is**  
9 **my daughter, which has been the core of everything**  
10 **that I've been doing, you know, since day one of**  
11 **this.**

12 **Even before all of this, it's always been**  
13 **about me being there for my daughter and taking care**  
14 **of my daughter and trying to provide for my daughter**  
15 **and to mold her into a better -- not just human, but**  
16 **a better Bedford; you know, a better version of me.**

17 **Q When you said "this" a moment ago, were**  
18 **you referring to this lawsuit? You said the word**  
19 **"this" and accented "this"; were you talking about**  
20 **the lawsuit?**

21 **A Not just this, not just the lawsuit. This**  
22 **has been maybe a top layer of snow of what I've been**  
23 **going through since possibly 2014, trying to provide**  
24 **for my daughter. It just so happens this is just on**  
25 **the way to me being reunited with my daughter.**

1                   Does that seem correct, in the end of  
2                   2016 you would have had past due support that you'd  
3                   not paid?

4                   A        At that time I didn't know.

5                   Q        Okay. You didn't know that you were  
6                   supposed to be paying?

7                   A        Correct.

8                   Q        But you do admit you weren't paying?

9                   A        Yeah, because I didn't know.

10                  Q        So when was the first time you saw this  
11                  document?

12                  A        To be honest with you, today.

13                  Q        Have you been aware of this document even  
14                  if you've not seen it?

15                  A        No.

16                  Q        Has anyone talked to you about a notice of  
17                  intent to suspend your license?

18                  A        Not an intent to suspend.

19                  Q        So you have no recollection of receiving  
20                  this document?

21                  A        Correct.

22                  Q        And you don't think you've seen it before?

23                  A        Correct.

24                  Q        Now, it is your understanding, however,  
25                  your license was suspended, correct?

CAMESE BRADFORD 11/13/2019

Page 55

1           A       That was before 2014, or roughly earlier  
2           in the year 2014. It had got damaged from rain.  
3           The window was broken. It kind of flooded the  
4           entire car, so it was junked.

5           Q       So you didn't have a car during the summer  
6           of 2017 when the letter arrived and you hadn't had a  
7           car for some time?

8           A       Correct.

9           Q       All right. And it's your testimony that  
10          after receiving this letter, you then called the  
11          number, talked to some people, and that's when you  
12          set up the payment?

13          A       Immediately.

14          Q       Did you send anything in writing to FSD or  
15          to anyone else or did you just make the phone call  
16          and do the payment online?

17          A       Phone call; payment online.

18          Q       Okay. Did you talk to anyone at FSD about  
19          a stay on your license suspension or getting your  
20          license reinstated at this point in time?

21          A       When I initially talked to whoever was on  
22          the other line, I asked -- I asked them what were my  
23          options. And basically they told me you've got to  
24          get rid of your arrearages, you got to pay it all  
25          the way down to zero and be current.

CAMESE BRADFORD 11/13/2019

Page 56

1                   And then from there, I think they  
2                   mentioned something like once you're there, they'll  
3                   either automatically give you your license back or I  
4                   have to go through some type of proceeding or  
5                   whatever the case may be to get it back reinstated.  
6                   But first I had to pay the arrears off.

7                   **Q     Did you discuss a payment agreement with**  
8                   **FSD?**

9                   **A     That wasn't an option.**

10                  **Q     So you just signed or did the online work**  
11                  **to begin making your full payment?**

12                  **A     Yes.**

13                  **Q     And you didn't have any discussions about**  
14                  **alternative payments or arrearages or payment**  
15                  **agreement or anything?**

16                  **A     No.**

17                  **Q     Okay. If I could have this marked as**  
18                  **Exhibit G as in golf or gate.**

19                               **(Whereupon, Defendant's Exhibit G was**  
20                               **marked by the reporter.)**

21                               **Let the record reflect that the witness**  
22                               **has been handed what's been marked as Exhibit G, a**  
23                               **one-page document also Bates stamped Wright v FSD et**  
24                               **al FSD 00153. Entitled Request For Child Support**  
25                               **Modification.**

CAMESE BRADFORD 11/13/2019

Page 69

1 Q Now, at this point in time what was the  
2 changed circumstance that you were relying on?

3 A Can you rephrase?

4 Q Okay. Earlier you testified about the  
5 fact that your benefit was dropped to 140 a month --

6 A Correct.

7 Q -- and then stopped.

8 A Correct.

9 Q Is that the circumstance that caused you  
10 to ask for this modification or did that drop come  
11 after this modification?

12 A Before.

13 Q Okay. What's your income right now?

14 A Zero.

15 Q Zero. Okay. Were you -- we went over  
16 your payment history earlier. Are you able to make  
17 \$194 payment each month?

18 A No.

19 Q Okay. If I can get this marked as Exhibit  
20 J.

21 (Whereupon, Defendant's Exhibit J was  
22 marked by the reporter.)

23 Let the record are reflect that the  
24 witness has been handed what has been marked as  
25 Defendant's Exhibit J, which is a copy of plaintiff



1           have a couple questions for you, Camese.

2   CROSS-EXAMINATION

3           **Q       Camese, in no particular order, the first**  
4 **of which is have you ever had any job opportunity**  
5 **that required a driver's license?**

6           **A       Yes.**

7           **Q       Can you describe those to me?**

8           **A       Well, most of the jobs that I was or tasks**  
9 **that I was assigned, especially with the VA would**  
10 **require some type of driving. Specifically**  
11 **gators -- G-A-T-O-R-S. That was the name on the**  
12 **side of the vehicle. Those are used for like**  
13 **hauling trash, somewhat heavy material, dirt. Also**  
14 **used for like the snow season. It could be modified**  
15 **into like a snow -- you know, push the snow out of**  
16 **the way and put salt down and stuff like that, so,**  
17 **yes.**

18           **Q       So you know of job opportunities available**  
19 **to you --**

20           **A       Yes.**

21           **Q       -- that require a driver's license?**

22           **A       Yes.**

23           **Q       Have you ever tried to get a stay of your**  
24 **driver's license suspension?**

25           **A       I don't even know what that is.**

1 Q Okay. Do you want to support your  
2 daughter financially?

3 A Yes.

4 Q If you had the money, would you pay your  
5 child support?

6 A Absolutely, yes.

7 Q That's it for me.

8 MR. PHILLIPS: I nothing further.

9 MS. HATTON: We're done.

10 Yeah, we'll sign a copy.

11 \*\*\*

12 (Whereupon, the deposition of CAMESE  
13 BRADFORD was concluded at 7:50 P.M.)

14 (Whereupon, the signature of the witness  
15 was not waived in my presence.)

16

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**EXHIBIT 2:  
DEFENDANTS'  
RESPONSES TO  
PLAINTIFFS' THIRD  
SET OF  
INTERROGATORIES**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

---

NATHAN WRIGHT and CAMESE	)
BEDFORD, on behalf of themselves and	)
others similarly situated,	)
	)
Plaintiffs,	)
	)
v.	)
	)
FAMILY SUPPORT DIVISION et al,	)
	)
Defendants.	)

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Case. No. 4:19-cv-00398

**DEFENDANTS’ JOINT RESPONSES AND OBJECTIONS TO  
PLAINTIFFS’ THIRD SET OF INTERROGATORIES**

Defendants Family Support Division of the Missouri Department of Social Services, Michael L. Parson, Jennifer Tidball, Kenneth Zellers, Reginald McElhannon, and Joseph Plaggenberg (collectively, “Defendants”), by and through undersigned counsel, hereby jointly respond and object to Plaintiff’s Third Set of Interrogatories (the “Third Interrogatories”) as follows:

**GENERAL OBJECTIONS**

1. These General Objections are incorporated into each of the Objections and Responses below.
2. Defendants reserve: (i) the right to object to use of these Responses in any subsequent suit or proceedings in this action on grounds of relevance, materiality, admissibility, or on any other ground; (ii) the right to object to any other discovery procedures involving or related to these Responses; (iii) the right to amend or supplement any of these Responses; and (iv)

the right to object to the relevance or admissibility of any documents produced or identified in response to these Third Interrogatories.

3. Defendants object to the Third Interrogatories, including, but not limited to, the Directions and Definitions, to the extent that they seek to impose obligations upon Defendants in addition to or different from those required under the Federal Rules of Civil Procedure or the Local Civil Rules of this Court.

4. Defendants object to the Third Interrogatories as being in violation of Federal Rule of Civil Procedure 33(a) and this Court's Case Management Order entered on May 17, 2019. Specifically, Defendants object to the Third Interrogatories because they compound the violation of the limits of twenty-five (25) interrogatories set by the Federal Rules of Civil Procedure and this Court's Order in Plaintiffs' First and Second Sets of Interrogatories. Plaintiffs' First Set of Interrogatories consisted of one hundred thirty-three (133) questions and subparts. Plaintiffs' Second Set of Interrogatories includes one interrogatory with ten (10) subparts and another that seeks an explanation for every Request for Admission that was not fully admitted. Relevant case law indicates that every such Request for Admission that must be explained must be counted as a separate subpart, furthering Plaintiffs' violation of the limits on interrogatories.<sup>1</sup> Defendants also specifically object to the Interrogatories as violating the Federal Rules by seeking to evade the set

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<sup>1</sup> See, e.g., *Safeco of Am. v. Rawstron*, 181 F.R.D. 441, 446 (C.D. Cal. 1998) ("Allowing service of an interrogatory which requests disclosure of all of the information on which the denials of each of 50 requests for admissions were based, however, essentially transforms each request for admission into an interrogatory. This is not the purpose requests for admissions were intended to serve, and because Rule 36 imposes no numerical limit on the number of requests for admission that may be served, condoning such a practice would circumvent the numerical limit contained in Rule 33(a)."); *In re Olympia Holding Corp.*, 189 B.R. 846, 853 (Bkrcty. N.D. Fla. 1995) ("Requests for admissions and interrogatories are not interchangeable procedures... Utilizing interrogatories disguised as requests for admissions in an attempt to circumvent a local rule limiting the number of interrogatories is an abuse of the discovery process.").

limit by joining subparts seeking information about discrete separate subjects into one interrogatory. *See* Advisory Committee Notes to the 1993 Amendment to FED. R. CIV. P. 33 (“Parties cannot evade this presumptive limitation through the devise of joining as ‘subparts’ questions that seek information about discrete separate subjects. However, a question asking about communications of a particular type should be treated as a single interrogatory even though it requests the time, place, persons present, and contents be stated separately for each such communication.”).

5. Defendants object to each interrogatory insofar as it seeks the disclosure of information that is already within Plaintiffs’ possession, custody, or control or is obtainable from another source that is more convenient, less burdensome, or less expensive on the grounds that such discovery is unnecessary, duplicative, burdensome, and harassing.

6. Defendants object to each interrogatory as unduly burdensome and duplicative to the extent it seeks materials already produced in this litigation.

7. Defendants object to each interrogatory insofar as it seeks information or documents protected from disclosure by attorney-client privilege, the attorney work product doctrine, or any other privilege recognized by law, statute, or rule. To the extent that Defendants inadvertently or otherwise disclose any such privileged or protected information or documents, such disclosure shall not be construed as a waiver by Defendants of any privilege or protection, and Defendants reserve the right to claim such privilege or protection with regard to both the inadvertently or otherwise produced information or document, as well as any other privileged or protected information or document that has not yet been disclosed or produced.

8. Defendants object to each interrogatory as irrelevant as none of the requested information is germane to the claims asserted by Plaintiffs in this lawsuit.

\$110,357.38	\$0.00	SSO1
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See the documents Bates-stamped as Wright v. FSD et al., FSD 05652-05659 for definitions of each debt type code.

**INTERROGATORY No. 21:** Provide a breakdown of the amount of child support each of the named Plaintiffs — Nathan Wright, Camese Bedford, Ashley Gildehaus, and Lisa Mancini — owes of each child support type described in your answers to Interrogatories 16 and 20 (assigned, unassigned owed to the family, and unassigned owed to a state other than Missouri).

**ANSWER:** Defendants incorporate by reference each of their General Objections as if fully set forth herein. Defendants additionally object to the term “breakdown” as vague and ambiguous.

Subject to and without waiving these objections, Defendants state as follows:

**Plaintiff: NATHAN JAMES WRIGHT**

Order ID> 05FC011848 Case ID> 21163444  
 Payor Name WRIGHT NATHAN JAMES Payee Name FOGARTY AMANDA M  
 CS Debt Type Unassigned

Balance as of 09-30-2019  
 \$44,135.32

**Plaintiff: CAMESE BEDFORD**

Order ID> 16SLDR02769 Case ID> 21576657  
 Payor Name BEDFORD CAMESE DEVON Payee Name BEDFORD ROCQUEL NICHOLE  
 CS Debt Type Unassigned

Balance as of 09-30-2019  
**\$3,626.00**

**Plaintiff: LISA MANCINI**

Order ID> 02FC004413 Case ID> 51561814  
 Payor Name MANCINI LISA MARIE Payee Name GROTE RICHARD  
 CS Debt Type Unassigned MSDP Debt Type Unassigned SC Debt Type Unassigned

Balance as of 09-30-2019	Balance as of 09-30-2019	Balance as of 09-30-2019
<b>\$11,511.27</b>	\$0.00	\$6,820.87

**Plaintiff: Ashley E. Gildehaus**

Order ID> 10ABDR00600 Case ID> 91409065

Payor Name GILDEHAUS ASHLEY EDISON Payee Name GILDEHAUS CATRINA LOUIS

CS Debt Type Unassigned

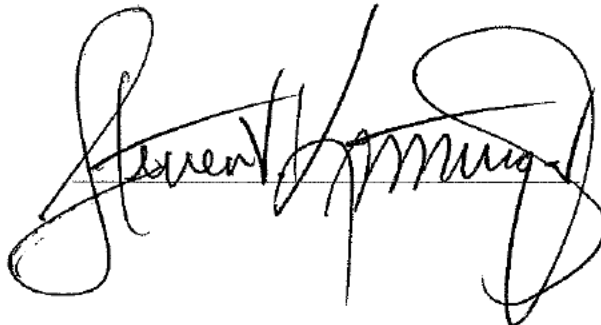
Balance as 09-30-2019

**\$14,446.19**



**ATTESTATION**

Upon being duly sworn, I Steven V. Kissinger, state upon my oath that the above answers to Plaintiff's Third Set of Interrogatories Directed to Defendants of the Department of Social Services, Family Support Division, are true and correct according to my best knowledge, information and belief.



Subscribed and sworn to me this 3<sup>rd</sup> day of October, 2019.

  
Notary Public

My commission expires: 8-16-22

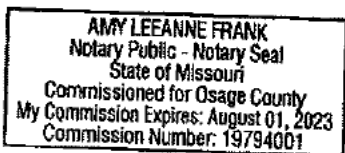
RICHARD MASSMAN  
Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Cole  
My Commission Expires 8/16/2022  
Commission # 14976583

**ATTESTATION**

Upon being duly sworn, I Spencer Bartlett, state upon my oath that the above answers to Plaintiff's Third Set of Interrogatories Directed to Defendants of the Department of Revenue, are true and correct according to my best knowledge, information and belief.

Spencer Bartlett

Subscribed and sworn to me this 3<sup>rd</sup> day of October, 2019.



Amy Leanne Frank  
Notary Public

My commission expires: 8-1-23

Dated the 3rd day of October, 2019.

Respectfully submitted,

ERIC S. SCHMITT  
Attorney General

/s/ Laura M. Robb  
Laura M. Robb, 64117MO  
Robert Phillips, 50470MO  
Assistant Attorneys General  
P.O. Box 899  
Jefferson City, MO 65102  
573-751-3321  
573-751-5391 FAX  
laura.robbs@ago.mo.gov  
robert.phillips@ago.mo.gov

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2019 the foregoing, Defendants' Responses and Objections to Plaintiffs' Third Set of Interrogatories, was served electronically upon all counsel of record.

/s/ Laura M. Robb  
Assistant Attorney General

**EXHIBIT 3:  
BEDFORD DRIVER  
RECORD**

# MISSOURI DRIVER RECORD

Date: 2/4/19

Name: **CAMESE BEDFORD**

Driver License Bureau P.O. Box 200 Jefferson City, MO 65105 Phone: (573) 751-4600

Response to account number 0090 request concerning **CAMESE BEDFORD**

## Personal information is restricted

The following is a true and accurate copy of current Driver History Information recorded with the Missouri Department of Revenue as of **February 4, 2019**.

For:

Zip code is 63136

## Driver Status Information

Operator status is **Suspended**, CDL status is **None**, School Bus status is **None**

## Driver Information

**Non-commercial Class F, Renewal Issue** expires on [REDACTED]-2022

Issued on **3-01-2016**, Sequential Number **161370610013**

Restrictions include: **Information-Restricted**

Endorsements include: **None**

## Non-Driver Information

Non-driver class, **New Issue-MRO** expires on [REDACTED]-2021

Issued on **2-20-2015**, Sequential Number **151370510107**

## Department Actions

**Child Support Enforcement Suspension** effective on **2-25-2017**, ID# **S0**

Action is **Active** as of **2-25-2017**

Offense occurred in **Non-Commercial Vehicle**

Case/Report ID is **CS17001086**, State Native Reason is **CS01**, ACD is **D51**

Ticket No. **21576657**

**EXHIBIT 4:  
MANCINI  
DECLARATION**

**DECLARATION OF LISA MANCINI**

I, Lisa Mancini, state and declare as follows:

1. My name is Lisa Mancini, and I am a 47-year-old resident of Joplin, Missouri.
2. My driver's license was suspended in March of 2018 because I owe approximately \$21,072 in child support to my first husband, who was awarded full custody of our son, now 20 years old, in 2014.
3. I am currently unemployed and indigent. I am a single mother to my four younger children, ages 15, 12, 8, and 4. I am their sole provider. I cannot afford to pay off my child support arrears.
4. I was married to my first husband from 1992 to 2002. We had one son together, born in 1999. I married my second husband in 2003. We had three children together, two daughters, born in 2003 and 2007, and a son, born in 2011. I also have a fifth child born in 2014.
5. My divorce from my first husband was initially friendly. We were on good terms and shared fifty-fifty custody of our son. I paid all our son's expenses and did not receive any financial support from my first husband.
6. My second marriage began in 2003. My husband and I both had good jobs. I worked at a small college in St. Louis, earning around \$140,000 to \$150,000 per year. My husband also had a six-figure salary.
7. Around October of 2006, my second husband quit his corporate job and his behavior became increasingly unreliable, erratic, and violent. On June 13, 2011, my husband kicked me and the kids out of the house.
8. As a result of my husband's harassment campaign and public embarrassment of me, I lost my job at the college in August of 2011. I began working for a different school in February of 2012, but I lost that job about seven months later for the same reason.
9. During the turmoil of my separation from my second husband, I asked my first husband to take my oldest son, then around 14 years old, to live with him so that he would be removed from the situation. My once-friendly relationship with my first husband then began to sour, and he filed for full custody of our son in May of 2013.
10. My court date with my first husband over custody of my oldest son was in August of 2014. I was not able to afford a lawyer because I did not have a job. My first husband's case against me was strengthened by the complications of my situation with my second husband — and the judge refused to allow me to explain the circumstances. Although

my 14-year-old son desperately wanted to live with me, he was not permitted to testify in court. My first husband was awarded full custody.

11. The judge ordered me to pay child support backdated to the date when my first husband originally filed for full custody, May of 2013. Therefore, from the day my first husband was awarded custody, I already owed \$5,000 in arrears. My child support payments going forward from that date were \$360 per month. With the arrears payments factored in, I owed \$600 per month in child support. I was also obligated to pay for half of my son's medical and extracurricular expenses going forward.
12. In February of 2015, I obtained a job with a community college in Joplin with a salary of \$75,000. I began making my \$600 monthly child support payments immediately (and was even mistakenly overcharged \$1,200 per month for a while until the error was fixed).
13. Around June of 2016, the IRS garnished my income to pay my second husband's taxes because I was still legally married to him and they were unable to locate him. I was forced to file for bankruptcy. Around that same time, I lost my job, as the college was forced to cut costs (it has since closed).
14. My first husband and our son moved to Florida in August of 2016. My son graduated from high school in May of 2017 and did not attend college, so I believe my child support obligations should have terminated at that time, but they have continued. My son is not even living with his father any longer, and my first husband lives a lavish lifestyle and is not at all in need of support payments from me.
15. In April of 2018, I received a notice that my driver's license was going to be suspended unless I paid my child support. This was right after \$5,000 had been collected from my tax return toward my child support payments. When I called to ask why my license was being suspended even after this \$5,000 had been taken, I was told that that money did not count. I was offered a payment plan, but I did not have enough money to make any payments at that time.
16. In July of 2018, I was able to start a new job at a local nonprofit in Joplin earning about \$50,000 per year.
17. Around December of 2018, I was pulled over for driving on a suspended license.
18. In January of 2019, having just made a payment on my child support, I requested that a stay be placed on my driver's license suspension. I was told that I could have a stay.
19. In February of 2019, my supervisor found out about my driving on a suspended license court date and questioned me about it. I told him that my license had been suspended



19. In February of 2019, my supervisor found out about my driving on a suspended license court date and questioned me about it. I told him that my license had been suspended but that I would soon be getting a stay on the suspension. He asked me to provide proof of the stay when I got it.
20. I then called FSD to ask about the status of my stay. I was told that I would need to make another payment before the stay would issue. I made another payment, and still I heard nothing about a stay.
21. My employer became frustrated when I could not produce proof of a stay on my suspended license, and I lost my job.
22. I currently have no regular income. I am trying to earn some money doing freelance work, but so far nothing has come in yet. I have maxed out my unemployment benefits for this year, so I am not currently receiving unemployment. I do not have any family members providing financial support to me and my children, and I do not receive any child support from any of my children's fathers.
23. My expenses far exceed my current income. I pay \$750 per month for the home I share with my four younger children. Utilities total about \$450 per month, and I spend about \$900 per month on food for my growing children, two of whom are teenagers. I also have to pay \$190 per week when my youngest child needs childcare. I own a car, and my car insurance payments increased when my license was suspended, now costing me about \$120 per month. Gas usually costs me about \$300 per month.
24. I need to drive. I have four children in my care, all in different schools and with different extracurricular and athletic commitments. The farthest of my children's schools is about eight miles from our home. We live in a rural area with no reliable public transportation. The grocery store is four miles away. My children's doctors are about 12 to 15 miles away. My children are very athletic, and we travel almost every weekend to various sporting events, often outside the state. These trips are usually about an hour to two-and-a-half hours one-way. I also need to be able to drive to search for employment.
25. Getting pulled over is a constant fear. I worry about getting charged for driving on a suspended license, which could result in a fine that I cannot afford or even land me in jail, leaving no one to care for my kids.

I declare under penalty of perjury that the statements above are true and correct. Executed on this 16 day of August, 2019.

*Lisa Mancini*

Lisa Mancini

EXHIBIT 5  
LISA MANCINI DEPOSITION  
(EXCERPTS)

LISA MANCINI 11/13/2019

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NATHAN WRIGHT, et al., )  
 )  
Plaintiffs, )  
 ) Case No.  
v. ) 4:19-cv-398  
 )  
FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social )  
Services, et al., )  
 )  
Defendants. )

DEPOSITION OF LISA MANCINI  
Taken on behalf of the Defendants  
November 13, 2019

(Starting time of proceedings: 2:32 PM)

LISA MANCINI 11/13/2019

Page 102

1 doesn't suspend your license -- like my ex-spouse  
2 Simon, he's in arrears 30, 40 thousand dollars. His  
3 license is not suspended because they can't find him  
4 to serve him.

5 So anyway, I got a letter from the  
6 state telling me that if I didn't do something like  
7 within 30 days, because I immediately contacted them  
8 because this payment had just happened, and they  
9 told me that payment didn't count.

10 So I'm unemployed and I didn't really  
11 know -- you know, what do you do?

12 Q. So you said you immediately contacted  
13 FSD?

14 A. Mm-hmm.

15 Q. And they said that the 5,000 or so --

16 A. Mm-hmm.

17 Q. -- payment didn't count.

18 A. Mm-hmm.

19 Q. Did they -- did you talk to them about  
20 any other options?

21 A. I did. They told me I would need to  
22 make some sort of payment, that it would need to be  
23 \$50 or more.

24 And at the time I was literally like  
25 scrambling in my head like how could I do that, how

LISA MANCINI 11/13/2019

Page 103

1 could I do that.

2 And then I had someone actually call me  
3 back and say that it could be less and asking when I  
4 could, you know, make a payment.

5 Like at that point I -- I -- we were  
6 having to move because I wasn't employed and  
7 couldn't keep the roof over our heads, so that's  
8 when we moved in May of '18 and went to Duane's.

9 I just -- I didn't literally -- there's  
10 no money to give. And the thing that compounds it  
11 is when you have four additional kids that you're  
12 supporting, back in the day I could afford nannies,  
13 I could afford help to help cart my kiddos around.

14 Today I can't do that, so it's -- it's  
15 very difficult to find employment, especially in the  
16 Joplin area, that allows you or gives you the  
17 opportunity to support four kids and pay an  
18 additional amount for your oldest kiddo for child  
19 support.

20 But when you have a suspended license  
21 on top of that and then this on your credit report,  
22 it compounds the issue to such an extent that  
23 poverty -- it's funny. Here's what happens. And  
24 this is what Circles is all about.

25 If you make over a certain amount of

LISA MANCINI 11/13/2019

Page 105

1 that kind of market. I'm in a blue collar little  
2 town.

3 And not only that, but in my case the  
4 current support, like I said, keep screaming at the  
5 top of my lungs like should have stopped. This  
6 number is so inaccurate.

7 And it continues to grow, but it should  
8 have stopped in May of '17 or -- again, there's a  
9 grace period around that but sometime in that time  
10 frame. But it hasn't. So it's -- it's scary. It  
11 sucks.

12 **Q. So do you remember who it was that**  
13 **called you back saying that your payment could be**  
14 **less?**

15 A. I don't.

16 **Q. But you said that that was in May of**  
17 **2018?**

18 A. April or May of 2018. It's right --  
19 yeah, it would have been April of 2018.

20 That payment had gone through and  
21 within a couple, few days I get this letter, maybe a  
22 couple weeks I get this letter about my license  
23 being suspended.

24 And I was like, "Wait, what?" So I  
25 immediately contacted the state immediately. I got

LISA MANCINI 11/13/2019

Page 106

1 it that day and I contacted the state.

2 Q. Because you got that letter?

3 A. Yeah. I contacted them the day I got  
4 it.

5 And it was probably a day or two -- I  
6 was in tears over the whole thing, because at that  
7 point they were telling me, "Nope, sorry, sucks to  
8 be you. It is what it is."

9 And then probably a day later I got  
10 that letter -- or I got the -- received a call back.  
11 And I had also reached out to Dr. Coursey, and his  
12 office responded back to me. Another gentleman by  
13 the name of Steven. I don't have the emails in  
14 front of me, but I could pull them.

15 I had sent an email to him amongst  
16 other people, and they agreed this is some -- Dr.  
17 Coursey asked this other gentleman whose name  
18 happened to be Steven as well to look into this and  
19 to see if there is something we could do to help  
20 her.

21 Q. Is that this -- no, wrong date. Sorry.

22 A. Yeah, it was an email I sent after this  
23 came up. Because I'm just like surely someone at  
24 the state level.

25 So I did, I contacted director himself,



LISA MANCINI 11/13/2019

Page 109

1 upset about it.

2 That the current amounts have not been  
3 stopped and that my license has been suspended as a  
4 result of all this, which if that had happened back  
5 here in May '17 when it should have happened, it  
6 would have been a lot different.

7 I mean I still -- it still would have  
8 been a struggle to make any kind of payment at all  
9 in my situation.

10 And I -- I've always felt like the  
11 county should go back and give credit where credit  
12 was due and include my children that I solely  
13 support, because that's how child support -- that's  
14 how the worksheet works.

15 But aside from that this needed to be  
16 corrected and the fact that it's never been and my  
17 children are paying the price for that, it's -- it's  
18 pretty infuriating, you know.

19 You know, so anyway, at the same time  
20 trying to figure something out in terms of what can  
21 I do to at least get a stay and it -- it just  
22 ultimately it's been a real battle.

23 Now I've tried to get through recently  
24 to get a stay and I'm just -- you know, I'm an  
25 elementary school -- I'm not in an office setting

LISA MANCINI 11/13/2019

Page 113

1 Which I get that the court system  
2 doesn't have time to hear circumstances surrounding  
3 it all.

4 I am begging them, I'm showing them  
5 here's the federal poverty guidelines, like here's  
6 what they are and you're taking -- I'm \$13,000  
7 beneath that, the federal poverty guideline at my  
8 level, so it's 29,425.

9 I'm at 16,000. You know, after my  
10 insurance and the retirement that they make you pay,  
11 it's not an option, they make you pay it in Webb  
12 City school district. Taxes and whatnot.

13 After that's taken out, an additional  
14 525, 40 bucks is taken out, leaving me with \$532 to  
15 support four kids.

16 Like any way you slice it, it's wrong.  
17 Like it's just wrong. Especially considering my son  
18 lives on his own. I am essentially supporting his  
19 father is who I'm supporting. I'm not supporting my  
20 son.

21 If this were going away, I still  
22 wouldn't be happy about it. I would be okay.  
23 Because he could use the money. He really could use  
24 the money.

25 I would give Hudson my right arm, but

**EXHIBIT 6:  
GILDEHAUS DRIVER  
RECORD**

# MISSOURI DRIVER RECORD

Date: 6/19/19

Name: **ASHLEY GILDEHAUS**

Driver License Bureau P.O. Box 200 Jefferson City, MO 65105 Phone: (573) 751-4600

Response to account number **0080** request concerning **ASHLEY GILDEHAUS**.

## Personal information is restricted

The following is a true and accurate copy of current Driver History Information recorded with the Missouri Department of Revenue as of **June 19, 2019**.

For:

Zip code is **65560**

## Driver Status Information

Operator status is **Suspended**, CDL status is **Suspended**, School Bus status is **None**  
National pointers include **CDLIS**  
Previous CDL class was **Commercial Class A**

## 10 Year Check Information

Date Checked: **2-26-2014**, Inquiry State: **MO**, Total Query: **2**, Total Response: **2**  
States: **MO, ND**

## Driver Information

**Commercial Class A, New Issue** expires on **██████-2020**  
Issued on **2-26-2014**, Sequential Number **141050570019**  
Restrictions include: **Information-Restricted**  
Endorsements include: **None**

**North Dakota** license was surrendered to Missouri

## CDL Medical Certification

Self Certification: **Non-Excepted Interstate**, Status Code: **Downgraded**  
Issue date **██████-2016**, Expiration Date: **██████-2018**

## Department Actions

**Child Support Enforcement Suspension** effective on **4-07-2018**, ID# **S0**  
Action is **Active** as of **3-13-2019**  
Offense occurred in **Non-Commercial Vehicle**  
Case/Report ID is **CS18001564**, State Native Reason is **CS01**, ACD is **D51**  
Ticket No. **91409065**

# MISSOURI DRIVER RECORD

Date: 6/19/19

Name: **ASHLEY GILDEHAUS**

Driver License Bureau

P.O. Box 200

Jefferson City, MO 65105

Phone: (573) 751-4600

## Court Convictions

**SPEEDING** assessed 02 points, ID# 05

**CDL Holder** violation on 7-02-2015 in **Non-Commercial Vehicle**

Convicted on 7-16-2015 in **North Dakota** by **COUNTY** court

**North Dakota** Offense Code is **390 C**, Microfilm/Court Report ID is **ND39020150716**

Posted Speed is **65**, Charged Speed is **75**, ACD is **S92**

**EXHIBIT 7:  
GILDEHAUS  
DECLARATION**

**DECLARATION OF ASHLEY GILDEHAUS**

I, Ashley Gildehaus, state and declare as follows:

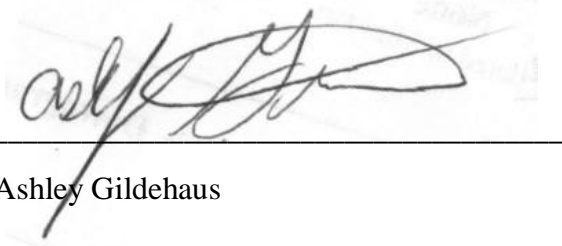
1. My name is Ashley (Edison) Gildehaus, and I am a 35-year-old resident of Salem, Missouri.
2. I currently owe almost \$14,000 in child support arrears. I cannot afford to pay off what I owe.
3. My driver's license is currently suspended for unpaid child support arrears.
4. At the time of my divorce in 2011, I was working as a mechanic earning about \$450 to \$600 a week, and I was originally ordered to pay \$306 per month in child support for my then-four-year-old son.
5. In 2012, I moved to North Dakota to work at an oil field, where I began earning about \$120,000 per year. Because I had moved out of Missouri, I filed an out-of-state parenting plan for my son in 2013. While that filing was still pending in court, in early 2014, I moved back to Missouri because my (now) second wife wanted to move back. I attempted to amend the out-of-state parenting plan filing to indicate that I was still working in North Dakota but living in Missouri.
6. I had to go into mediation with my ex-wife (my son's mother), and the mediator advised me to give my ex-wife what she wanted because if we ended up having to go before a judge, it would reflect poorly on me that I was working out of state, so I would be worse off. The mediation therefore concluded in August of 2015 with an agreement that my visitation would be reduced (from every-other weekend to one weekend per month with 15 days' notice) and my child support payments would increase (from \$306 per month to \$630 per month).
7. In September of 2015, approximately one month after the mediation concluded, I was laid off. I was not able to find any work for six months.
8. Meanwhile, the agreement we had made in mediation still had to be entered by a judge, but it was delayed until February of 2017. At that time, the judge ordered that the increased child support amount of \$630 would apply all the way back to August of 2015, when the agreement was made. I had still been paying \$306 during those approximately 18 months, so from the date of the judge's order, I owed an additional \$324 for every month since August of 2015 — approximately \$6,000.
9. I could not pay the \$6,000. This is when I first fell behind on my child support.

10. Sometime in the spring of 2018, I received a notice that my driver's license had been suspended because of unpaid child support. I do not recall receiving a notice before the suspension took effect.
11. I immediately tried to get a stay when my license was suspended, and I have had to go through the stay process many times since. The process of getting a stay is long and difficult. I have spent up to five hours on hold with FSD in the course of trying to request a stay. Often, the person on the line is unhelpful. They ask how much I can pay, but when I suggest an amount, they say the only option is to make the full monthly payment plus \$50 toward arrears — \$680. When they send the payment agreement, I have to return it with the full payment amount within the specified timeline of ten days. Several times I was unable to come up with the full \$680 in ten days, and I had to start the whole process over again.
12. As soon as I miss a monthly payment — that is, any time I am unable to pay the full \$680 in a given month — the stay is taken away. One FSD employee told me that it would be easier for me to keep up with the payments if I made them online. When I told her that you have to pay an additional 4 or 5% to submit a payment online or over the phone, she admitted she had not known that.
13. I believe I have had five different stays since my license was suspended in April of 2018, and I am currently waiting on a sixth. One time, the process of getting a stay took three months, even though I was calling and following up on the status as much as I could. Another time, it took six months.
14. At the time that I was notified that my license was suspended, I was in the process of renewing my medical card for my commercial driver's license. I had received a notice that my medical card was not current and that I had 60 days to renew it before I would lose my CDL. I went and got my physical examination for a new medical card, but when I went to the license bureau to turn in my medical card, they would not accept it because my driver's license was suspended. By the time I was finally able to get a stay on my suspension, the 60 days had passed, and I had lost my CDL. Now I cannot get a CDL without retaking the written test and road test, which would cost a total of almost \$200. Even if I had a CDL (and even if my driver's license suspension is stayed), many companies will not hire me as a driver simply because I have a suspension in my driving history.
15. I miss out on high-paying job opportunities because I do not have a CDL and because I have a suspension on my driver record. I missed out on a job on a Texas oil rig that paid \$100,000 per year for two-weeks-on/two-weeks-off work because even though I had a stay, my CDL was not active, and they told me that even if my CDL had been active, they could not hire me because of the suspension on my record. A second oil



- rig job also told me that their insurance would not allow them to hire drivers with any kind of suspension on their records.
16. Not having a CDL also means that I cannot pick up extra work driving locally, and I have had to pass up on some opportunities that would have earned me much-needed additional income to care for my family and pay my child support.
  17. I am currently working for Superior Automotive and Equipment. I started there in or around April of 2019, and I make about \$340 to \$350 per week.
  18. I have to drive for my work. I work in St. Clair, which is over 70 miles from my home in Salem. Every day I go to work to provide for my family, and I worry that I might not be coming home because I am driving on a suspended license and could go to jail.
  19. I have been trying for two-and-a-half months to set up garnishment for my child support. The accountant has contacted FSD repeatedly, and at one time the accountant told them “I’m sure someone would like to have their money,” and the agent she was speaking to said, “I don’t care, it’s not mine.” I finally got confirmation on August 6, 2019, that the garnishment had been set up.
  20. I earn about \$340–\$350 per week, and my wife makes about \$40,000 per year, pre-tax. Our expenses exceed our collective income. We have two small children, ages four and seven. Our house payment is \$1,020 per month. Our car payment is \$450 per month. We have to spend up to \$200 a week on daycare, \$100 a week on food, and \$180 a week on gas because we both have long commutes for work. We also spend \$250 a month on utilities, \$300 on our phones, \$221 a month for auto insurance, \$175 a month on home insurance, and \$1,500 per year on property taxes.
  21. It is a struggle to support my wife and two young children. Sometimes all I can afford to feed them is ramen.
  22. My child support debt has hurt my credit, and it has also put my family in serious danger of losing our house. Our house was purchased on a five-year owner finance note. No one will give me a loan because I have almost \$14,000 in child support debt, and lenders know that the state can throw me in jail for unpaid child support or put a lien on my property to collect. I cannot refinance my house without a loan, and if I do not refinance by October of 2019, we will lose the house. I have already put \$80,000 into the house.
  23. The stress of barely scraping by and barely being able to provide for my family has caused me to experience depression. I sometimes contemplate suicide. I feel like I am never going to get out of this situation. I am so afraid that I am going to lose my home, I am going to lose everything, and I am never going to get out of this.

I declare under penalty of perjury that the statements above are true and correct. Executed on this 29th day of August, 2019.



A handwritten signature in black ink, appearing to read 'Ashley Gildehaus', is written over a horizontal line. The signature is stylized and cursive.

Ashley Gildehaus

EXHIBIT 8  
ASHLEY GILDEHAUS  
DEPOSITION (EXCERPTS)



1 A. Mm-hmm.

2 Q. And then you -- why did you lose your  
3 CDL?

4 A. Suspended license.

5 Q. So you lost your CDL because your  
6 license was suspended for --

7 A. There was a time in there my med card  
8 was due. And so I had like 60 days when I got the  
9 notice to get a med card.

10 I went and took the physical for the  
11 med card. And when I went to take it to the license  
12 bureau, my license was suspended.

13 Q. So when you took your med card into the  
14 license bureau, they wouldn't let you submit your  
15 medical card because your noncommercial driver's  
16 license was suspended?

17 A. Correct.

18 Q. Do you recall who you spoke to about  
19 that?

20 A. Somebody in Salem. I don't -- I don't  
21 know.

22 Q. In the Salem DMV?

23 A. Yes.

24 Q. Okay. And when would that have been?

25 A. Sometime mid '18, 2018, somewhere in

1           A.   And then the 800 paid was the attempt  
2   for my first day.   Missed July, lost the stay, did  
3   it again in August.   And then missed September, lost  
4   the stay again.

5           Q.   Okay.   So then the payments -- where  
6   are we at?

7           Okay.   So in December, that 680 --  
8   those 680 payments, was that a different payment  
9   plan?

10          A.   They finally agreed to go to a lower  
11   payment plan after fighting for months.   And I got  
12   it from the 800 to 680.

13          Q.   Okay.   And your license has been -- so  
14   the -- you -- the current stay that you're under  
15   now, when did that -- when did you get that stay?

16          A.   End of August, first part of September,  
17   I believe.

18          Q.   2019?

19          A.   I believe so.

20          Q.   Okay.

21          A.   I've had so many of them.

22          Q.   Okay.   Okay.   So then let's see.   So  
23   taxes in May of 2018 and no payments in January,  
24   February, March, April.

25          Okay.   So this would have been the time

1 this year?

2 A. Yes.

3 Q. Okay. Okay. So back up to 2015. It  
4 looks like you were making regular payments January  
5 through October.

6 Was that an income withholding?

7 A. I worked for Oil States.

8 Q. Oil States. Okay. And then starting  
9 in November -- was that when you left?

10 A. The end of September was when I left.

11 Q. Okay. So there's two; November,  
12 December?

13 A. I was unemployed, and that's what I  
14 could pay.

15 Q. Okay.

16 A. You can see like there in August when  
17 it goes from 306 to 630. And I immediately went  
18 behind.

19 Q. So what happened when the 306 went to  
20 630?

21 A. We have signed mediation papers --  
22 well, I tried to go for an out-of-state parenting  
23 plan because I was living in North Dakota.

24 During -- I started in like '13. '14  
25 the family moved back. I changed the out-of-state

1 parenting plan to basically we live in Missouri, but  
2 I work out of state.

3 We had to do mediation. The mediator  
4 told me that basically what -- have what she wants  
5 because I'm gonna get less if I try to go to court  
6 because I work out of state.

7 **Q. Get less what?**

8 A. Get less time, owe more money, you  
9 know. Because like -- because you work out of  
10 state, you're not here for the child. What she  
11 said, you might as well just agree with. That's  
12 what they told me.

13 **Q. Who's your mediator?**

14 A. One they set me up with in Franklin  
15 County.

16 **Q. You don't know the name?**

17 A. No.

18 **Q. Okay.**

19 A. So we went from every other weekend to  
20 one weekend a month with a 15-day notice, and it  
21 raised child support.

22 We signed that paper in August of 2015.

23 I got laid off in September of '15. And it didn't

24 go to court, I believe it was February of '17.

25 **Q. Okay. So you sign these documents**



1 in -- sorry, tell me the date again.

2 A. Documents signed in August of '15.

3 Q. Didn't go to court till '17?

4 A. And that's where you see -- like in  
5 February I'm \$7,300 owed because they backdated the  
6 half payments.

7 Q. Where are you looking?

8 A. So if you look at January -- or  
9 February of '17.

10 Q. Yep.

11 A. It says month-end balance, 7,318.

12 Q. Okay.

13 A. Because from August of '15 till it went  
14 to court, the judge backdated that \$324 or whatever  
15 it is difference.

16 So even though like I made -- was  
17 trying to make payments that are all roughly around  
18 what I was currently making or paying beforehand,  
19 like the 379, the 423, I was constantly going  
20 backwards because my child support had gone to 630  
21 for those months.

22 Q. Okay.

23 A. Even though the order wasn't in place  
24 yet, he backdated the difference.

25 Q. Okay. So what was the delay between

1 States. So all of these zeroes was just when you  
2 were with Oil States but --

3 A. I started with Oil States and then I  
4 turned in to Missouri where I was working.

5 And because like Missouri couldn't  
6 order Oil States to do it because it was an  
7 out-of-state company, it had to go to North Dakota.  
8 And then it got drug out through North Dakota before  
9 the garnishment finally went into effect through Oil  
10 States.

11 Q. Do you remember when you told Missouri  
12 that you were working with Oil States?

13 A. I believe it was like October or  
14 November.

15 Q. Okay. So before Oil States would have  
16 been when you were with Bessinger Auto?

17 A. Yes.

18 Q. What are those two, that May and June  
19 payment?

20 A. I believe May would have been my -- my  
21 state tax return, and June would have been my  
22 federal.

23 Q. Okay. All right. And then -- so for  
24 May 2011 through April 2012, I see there were no  
25 payments made.

1 A. No.

2 Q. Do you remember why?

3 A. I was homeless and broke.

4 Q. Okay. What is this adjustment in  
5 October of 2011?

6 A. I have no clue.

7 Q. Okay. So let's change gears a little  
8 bit and talk about your expenses.

9 You say in your affidavit -- which I  
10 have a copy of if you want to look at it.

11 A. (The witness shakes his head).

12 Q. No?

13 A. No.

14 Q. Okay. So let's go through what your  
15 monthly expenses are.

16 A. So my house payment is 1,020.

17 Car payment is 450.

18 Between home insurance and auto  
19 insurance is 435, 440. Kind of fluctuates every  
20 month.

21 Cell phone bill is 300.

22 Q. 300 a month just for you?

23 A. That's three phones on it. Or four  
24 phones, sorry.

25 Q. What kind of phones?

1 And I believe -- I believe that's it.

2 **Q. Okay.**

3 A. As far as like the -- I mean our health  
4 insurance, she carries our health insurance. It's  
5 automatically taken out of her check every week, so  
6 I don't --

7 **Q. What about -- you mentioned property**  
8 **taxes.**

9 A. Oh, yeah. Yearly between real estate  
10 and property, it's 13 to 14 hundred. I think it  
11 just went up again this year. So that's a little  
12 over 100 a month put away for that.

13 **Q. Do you own your house?**

14 A. Trying to.

15 **Q. What does that mean?**

16 A. It's on a -- it was on a five-year  
17 owner financed. It was basically a balloon payment  
18 at the end, meaning that I had to get my own  
19 financing.

20 They have extended it twice on me now,  
21 because I can't get the financing because child  
22 support is on my credit. So we're probably going to  
23 lose the house at the first of the year.

24 **Q. The first of 2020?**

25 A. Yeah.

1 hours while I'm trying to work.

2 Q. Okay. Okay. I think those are the  
3 only documents I have that show the back and forth  
4 as far as these stays being entered and -- and where  
5 the suspension being stayed and unstayed.

6 So as far as you -- as far as you can  
7 tell, these -- are there other documents that I  
8 don't have here?

9 A. I believe there's at least one more  
10 stay agreement.

11 Q. Okay. Do you have that document?

12 A. I may have it at home. I don't know.

13 Q. Okay.

14 A. Half the time I see stuff from you guys  
15 and throw it away.

16 Q. Okay. All right. I think that is  
17 about all I have. Is there anything else relevant  
18 to this that you want to tell me?

19 A. I mean the biggest thing is I've got a  
20 wife and two other kids, and I'm trying to provide  
21 for them. I'm also trying to provide for my other  
22 kid.

23 And if I -- I mean yeah, I had a great  
24 job. Yeah, I lost that job and I'm about to lose  
25 everything.

1 Like we've gone through like through  
2 the bottomless point of it. I've tried to pull  
3 ourselves back up it and then I get this, and I  
4 fight this for months.

5 And I fight it for months, not knowing  
6 if I'm gonna even come back home, because I have to  
7 drive to go provide for my family and my kids.

8 It's -- that's our life. That's --  
9 it's cost me money. Like on the other side of it,  
10 not just making a \$680 a month payment when I make  
11 \$353 a week.

12 It's dealing with this, missing work,  
13 to sit on the phone for five hours costs me money.  
14 Not having my CDL, worried about going to jail  
15 because I get caught with suspended license when I'm  
16 trying to make a dollar to pay an electric bill  
17 costs me money.

18 It's -- there's got to be something  
19 else that -- like I can't even see my kid. I  
20 haven't seen my kid in three years.

21 Like I -- I drove down there last  
22 Christmas. I was supposed to have him. Hour and a  
23 half drive. Knock on the door. I talked to them  
24 the night before and said, "I'll see you tomorrow."  
25 Nobody's home, nobody will answer the phone.

ASHLEY GILDEHAUS 11/13/2019

Page 119

1                   And to forcefully take that away from  
2                   us when there's no other help that we can get,  
3                   you're -- you don't know the amount of hours and  
4                   money and time I've spent dealing with that.

5                   It's -- and yeah, I don't remember  
6                   exact dates or something, because it's all a blur.  
7                   It's literally all a blur.

8                   I finally started kind of pulling  
9                   ourselves back up out of it. Now I know I've got  
10                  Christmas. I've got taxes due.

11                  Probably still going to lose my house  
12                  because it's attached to my credit that shows I've  
13                  got \$15,000 in child support.

14                  And there's nothing I can do about it.  
15                  I get like we got to be held accountable, but it's  
16                  not like I just stopped paying.

17                  I got thrown backwards six grand right  
18                  off the bat, lost my job in the meantime, and have  
19                  struggled every bit of the way.

20                  And then like I said, I sat there and I  
21                  get a -- well, I have to go to work tomorrow.  
22                  There's no way I can not go to work. My electric is  
23                  gonna get shut off.

24                  But now I have to drive there knowing  
25                  that if somebody hits me, there's an accident, or

1 anything happens and they pull my license, "Oh,  
2 well, you're suspended. Now you're driving on a  
3 revoked license."

4 And it's just thousands and thousands  
5 of more dollars. I'm constantly being held down  
6 here, not being allowed to get out of it.

7 **Q. So if your driver's license wasn't**  
8 **suspended?**

9 A. If my license wasn't suspended and I  
10 had my CDL, I would be in Texas making a hundred  
11 grand a year, working six months out of the year.

12 Garnishing my -- like that's the thing.  
13 Like, yeah, oil tanked. It fell off. And I was  
14 driving a dump truck. I was working -- you know, it  
15 was the wrong time of the year to be doing it, but I  
16 was doing it.

17 Even with my CDL now, I could go --  
18 when they did a paving project on 44, they were  
19 working 24 hours around the clock.

20 My buddy called, "Hey, you want to  
21 drive a truck over the weekend?" Can't. Could have  
22 been an easy 800 dollars over the weekend, but I  
23 couldn't do it.

24 Yeah, I mean I have the stay now, but  
25 all it takes is one -- one bad week that I get sick



**EXHIBIT 9:  
FORM 14  
INSTRUCTIONS**

CS-14 and CS-14L  
Instructions  
(Rev. 4-19)

**FORM:** CS-14 and CS-14L

**CHILD SUPPORT OBLIGATION COMPUTATION  
WORKSHEET (CS-14) AND CHILD SUPPORT  
OBLIGATION COMPUTATION WORKSHEET — LOW  
INCOME CALCULATION (CS-14L)**

**PURPOSE:**

CS-14: To compute a child support obligation

CS-14L: To compute a second child support obligation when the adjusted monthly gross income of the paying parent and the corresponding number of children fall within the Low Income Schedule. (Ref: Field 5, these instructions)

**REFERENCE:**

[CS Procedural Manual Section VII](#) and [Section XI](#).

**GENERAL PROCEDURES:**

The CS-14 is generated from the *Guideline Calculation Worksheet 3 (GCAL3)* screen or the *Low Income Guideline Calculation* screen from the Missouri Automated Child Support System (MACSS). The CS-14L is generated from the *Low Income Guideline Calculation* screen.

When completing multiple CS-14s or a CS-14 and a CS-14L, the child support specialist (CSS) must print the multiple forms from MACSS so that the forms are stored in OnBase.

Prepare an original and two or three copies of each CS-14 and CS-14L, if applicable, used to determine the presumed child support obligation. The CS-14(s) and the CS-14L, if applicable used to determine the child support obligation must be attached to the Order (CS-612), the *Order Modifying Child Support Order* (CS-614) or the *Proposed Order Modifying Judicial Child Support Order* (CS-614J), as applicable.

**Distribution:**

**Original**/OnBase; **copy**/noncustodial parent (NCP) with the *Child Support Obligation Computation Summary* (CS-14S) and the *Notice and Finding of Financial Responsibility* (CS-600), the *Motion for Modification of Child Support Order* (CS-625), the

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

*Motion for Modification of Judicial Child Support Order (CS-625J), the Review Determination/Second Notice (CS-633A), the Review Determination — Modification Inappropriate (CS-633N), CS-612, CS-614 or CS-614J; copy/custodial parent (CP) with the CS-14S and CS-600, CS-625, CS-625J, CS-633A CS-633N, CS-612, CS-614 or CS-614J; copy/circuit clerk with a copy of the CS-612, CS-614 or CS-614J; copy (if applicable)/prosecuting attorney or the Missouri Office of the Attorney General (AGO) with the Referral for Legal Action (CS-506).*

**INSTRUCTIONS FOR COMPLETION:**

Enter the CP's (if the CP is a parent) information under the heading "Parent Receiving Support." Enter the NCP's information under the heading, "Parent Paying Support."

***Non-parent caretaker relative (NPCR) or Foster Care (FC) case***

Do not enter NPCR or Children's Division information on the CS-14 or CS-14L. Only information related to the parents of the child is used to calculate a child support obligation.

In NPCR and FC cases, complete a separate CS-14 and CS-14L, if applicable, for each parent's case. On the case in which Parent A is the NCP, Parent A's information will appear under the heading, "Parent Paying Support," and Parent B's information will appear under the heading "Parent Receiving Support." Likewise, on the case in which Parent B is the NCP, Parent B's information will appear under the heading "Parent Paying Support," and Parent A's information will appear under the heading, "Parent Receiving Support."

***NPCR or FC Case with Multiple Children with Different Parents***

In NPCR and FC cases with multiple children who have different mothers or fathers, the child support specialist (CSS) must calculate multiple CS-14s and CS-14Ls, if applicable, for each set of parents and their child(ren).

**EXAMPLE:** The grandmother has three children in her household. The Family Support Division (FSD) is attempting to establish an order against the mother. All three children have different fathers.

To calculate the presumed child support obligation to enter on the CS-600 for the example above, the CSS will:

- Complete a CS-14 for the child(ren) whose legal or presumed father has the highest income.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

- Complete a second CS-14 for the child(ren) whose legal or presumed father has the next highest income. Enter the presumed child support amount calculated on the first CS-14 in field 2a of the second CS-14.
- Continue completing CS-14s, giving the parent paying support (the mother) credit for the previously calculated presumed amounts.
- Complete the last CS-14 using the legal or presumed father with the lowest income. If paternity (presumed or legal) is not established on one or more of the children use only the parent paying support (the mother's) income.
- Combine the presumed amounts from each CS-14.

**NOTE:** If the NCP mother's adjusted income from Line 3 of the CS-14 falls within the Low Income Schedule (Ref: Field 5, these instructions), the CSS must complete a CS-14 and a CS-14L for each father. Combine the lowest presumed amounts from each set of calculations to determine the presumed amount.

The resulting presumed amount may appear high compared to the income of the parent paying support. In this situation, staff will request housing and utility expense information from the parent paying support and deviate if the 60% threshold is met. (Ref: Deviation Instructions, A., 6.)

***Split custody***

A split-custody case is one in which there is more than one child and each parent is the primary residence for one or more, but not all of the children. For FSD's purposes, consider a case to be a split-custody case only if:

- Each parent has primary physical custody of one or more but not all of the children; or
- The case involves a custody switch after entry of an administrative order as described in the [CS Procedural Manual, Section VII, Chapter 3, XII.](#)

1. Complete a CS-14 for Parent A as the parent receiving support.
  - a. Complete the CS-14 only for the child(ren) primarily residing in the custody of Parent A. Use all income data and deductions for both parents and disregard the child(ren) primarily residing in the custody of Parent B.
  - b. Include the additional child-rearing costs (i.e., work-related child care costs, health benefit plan costs, uninsured extraordinary medical costs, and/or other extraordinary child-rearing costs) for the child(ren) primarily residing in the custody of Parent A.
  - c. In those instances where one parent is providing the cost of an item (e.g., health benefit plan coverage) for all the children in both households, prorate the cost among all the children, and enter only the proportionate share attributable to the child(ren) primarily residing in the custody of Parent A.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

2. Complete a CS-14 for Parent B as the parent receiving support in the same manner as above.
3. Compare the parents' CS-14s. The parent with the larger presumed child support amount (Field 12) is the parent obligated to pay support.
4. To determine the amount the obligated parent **is to pay**, subtract the lesser presumed child support amount from the greater presumed child support amount (i.e., the obligated parent's presumed amount). The result is the amount the obligated parent is to pay.

**NOTE:** On split-custody cases, do not complete a CS-14L even if the income of the parent paying support falls within the Low Income Schedule.

***Rounding***

Round all amounts entered on the worksheet to the nearest dollar (round \$X.50 upward)

When entering a child support amount using Table I, *Schedule of Basic Child Support Obligations*, if the combined income falls between the \$50 increments listed in Table I, round down for amounts between \$1 and \$24, and round up for amounts of \$25 or more. Accordingly, round down for amounts between \$51 and \$74, and round up for amounts of \$75 or more. Table I is located in the [CS Forms Manual, Volume I](#) with the CS-14 form and instructions and is stored on the *Schedule of Basic Child Support Obligation* (SBCSO) screen in MACSS.

***Prorating***

If the actual per child amount of additional child rearing costs (Fields 6a, 6b, 6c, 6d or 6e) attributable to the child(ren) subject to this proceeding is not available:

1. Divide the total cost incurred by the parent by the number of persons covered; and
2. Multiply the result by the number of children who are subject to the proceeding.

**EXAMPLES**

**Example 1:** Parent A incurs work-related child care costs of \$780 per month for three children. Two children are subject to this proceeding, one child is not. Divide \$780 by 3 (number of children the child care costs cover). Multiply \$260 (the result) by 2 (the number of children subject to this proceeding). Enter the result, \$520, in Field 6a(1).

**Example 2:** Parent B's health benefit plan premium amount of \$200 per month covers him, his spouse, their one child, and the two children subject to this proceeding. Divide \$200 by 5 (number of people covered). Multiply \$40 (the result) by 2 (the number of children subject to this proceeding). Enter the result, \$80, in Field 6c.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

***Minimum Wage***

When imputing income using minimum wage, the CSS will use the federal minimum wage or the minimum wage in the state where the party resides, whichever is higher. To determine the federal minimum wage rate, go to <https://www.dol.gov/whd/minwage/q-a.htm>. To determine a state's minimum wage rate, go to <https://www.dol.gov/whd/minwage/america.htm>.

**CASE INFORMATION FIELD INSTRUCTIONS:**

Fields A through D on the CS-14 and CS-14L must match exactly.

Field A – Enter the CP's name.

Field B – Enter the IV-D case number.

Field C – Enter the number of children included in the support calculation.

Field D – Enter the NCP's name. Mark the appropriate box designating whether the parent paying support is the respondent or the petitioner.

When FSD is establishing an administrative order (i.e., CS-612) or modifying an administrative order (i.e., CS-614), the NCP is the respondent. When FSD is modifying a judicial order (i.e., CS-614J), staff must review the underlying order to determine if the NCP is listed as the petitioner or respondent in the heading of the underlying order and mark the appropriate box.

Field E – Enter the name of the CSS.

Field F – Enter the date the form is completed.

**FIELD INSTRUCTIONS:**

When it is appropriate to complete a CS-14L, Fields 1 through 3 for the parent receiving support will be \$0. The information entered in Fields 1 through 3 on the CS-14L for the parent paying support must match the CS-14 exactly.

Field 1 – **Monthly Gross Income**

Enter each parent's monthly gross income (i.e., one-twelfth of yearly gross income). To convert income paid other than monthly, use the following calculations:

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

<i><b>If income is paid:</b></i>	<i><b>To convert to monthly:</b></i>
Weekly	Multiply by 52 and divide by 12
Bi-weekly	Multiply by 26 and divide by 12
Semi-monthly	Multiply by 2
Quarterly	Divide by 3
Semi-Annually	Divide by 6
Annually	Divide by 12

**Gross income**

“Gross income” includes, but is not limited to, income from salaries, wages, commissions, dividends, severance pay, pensions, interest, trust income, annuities, partnership distributions, Social Security Administration benefits, retirement benefits, Workers’ Compensation benefits, Unemployment Compensation benefits, disability insurance benefits, Social Security Disability (SSD) benefits due to a parent’s disability, veterans’ disability benefits and military allowances for subsistence and quarters.

For income from rent, royalties or self-employment from a sole proprietorship or a business with joint ownership, gross income is gross receipts minus the ordinary and necessary expenses incurred to produce such receipts. Exclude depreciation, investment tax credits and other non-cash reductions of gross receipts from ordinary and necessary expenses.

***Military income***

All FSD CS staff and Level A and B prosecuting attorney staff have access to the Department of Defense (DoD) Entitlement application on the Child Support Portal (CSP). The DoD Entitlement application provides monthly base pay, bonus and entitlement pay information for active military members and reservists. When determining gross income for a parent in the military, CS staff will include all amounts from the DoD Entitlement application listed under taxable amounts and the following non-taxable amounts, if provided:

- Basic allowance for housing differential amount;
- Basic allowance for subsistence amount;
- Overseas cost-of-living allowance amount;
- Family separation amount;
- Overseas housing allowance amount; and
- Basic allowance housing amount

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

***Income from overtime compensation, secondary employment and bonuses***

As a general rule, include overtime, secondary employment and bonus income in the gross income amount. It is the parent's responsibility to dispute the inclusion of such income.

If a parent objects to including one of the above types of income, determine whether to exclude the income, in whole or in part, by considering all relevant factors, including:

1. The parent's ability to continue receiving such income if (s)he exercises periods of temporary physical custody or visitation with the children subject to the proceeding [e.g., the parent can no longer work overtime because of his/her visitation schedule with the child(ren)];
2. The amount of such income received by the parent during the last three years (or other appropriate period);
3. The realistic expectation the parent will continue to receive such income; and
4. The number of additional dependents for whom the parent is financially responsible (regardless of whether or not there is an existing support order under which the parent is paying or receiving support).

***Capital gains income***

Capital gains income is defined as gains from the sale, exchange or conversion of assets such as a home, stocks or bonds. When determining whether to include this type of income, in whole or in part, consider all relevant factors, including:

1. The amount of capital gains income the parent received during the previous three years (or other appropriate period); and
2. The realistic expectation the parent will continue to receive capital gains income.

If uncertain whether to include capital gains income, consult with staff in the Policy Development Unit (PDU).

***Significant employment-related benefits (e.g., stock option benefits, etc.)***

Significant employment-related benefits the parent received may be counted as income. If included as income, employment-related benefits must be converted to gross income through applicable federal and state



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

income tax tables. To determine how to convert these benefits to gross income, contact the local Internal Revenue Service office or call 1-800-829-1040. If uncertain whether to include this type of income, consult with PDU staff.

***Income when a parent is incarcerated***

**NOTE:** If an NCP cannot pay support for the duration of the child's minority because (s)he is incarcerated without a chance for parole, the case may be eligible for case closure. (Ref: [CS Procedural Manual, Section III, Chapter 6](#))

***Parent in County Jail***

When a parent is incarcerated in a county jail:

- Use current income information if the parent is currently employed [e.g., (s)he is on work release]; or
- Impute income using previous work history based on the IMES screen, CS-402s contained in the case record or other sources; or
- Impute income based on the parent's usual occupation; or
- Impute minimum wage when there is no other information with which to impute.

***Parent in a state or federal prison***

When a parent is incarcerated in a state or federal prison:

- Use current income information if the parent is currently employed [e.g., (s)he is on work release] or other assets/income available; or
- Use the amount the parent receives while incarcerated for engaging in work or education programs (i.e., prison stipend); or
- Impute income using previous wage history or minimum wage, if the parent has no actual income.

***Excluded income***

Do not include the following as income: Temporary Assistance for Needy Families benefits; Medicaid benefits; Food Stamps; General Assistance benefits; Supplemental Security Income (SSI) benefits; Social Security Disability (SSD) benefits received on behalf of a child; other public assistance benefits with eligibility based on income; and child support received for other children.

**NOTE:** If the parent has income **other** than the excluded public assistance benefits listed above, complete the CS-14 based on

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

the other income. This includes income a parent receives while participating in a work supplementation program.

If a parent's reasonable work-related child care costs exceed his/her income, do not include that parent's child care costs or income on the CS-14 (i.e., enter \$0 in Field 1 and \$0 in Field 6a or 6b, as appropriate).

**Imputing income**

Although the above excluded income cannot be considered as income when determining a child support obligation, do consider both parents' **abilities to earn**.

**Never impute income to the parent receiving support if doing so results in a greater presumed child support amount for the parent paying support than when no income is imputed to the parent receiving support.** This means the CSS must complete two CS-14s to determine whether it is appropriate to impute income to the parent receiving support: one CS-14 in which the income of the parent receiving support is imputed and one in which the income of the parent receiving support is \$0.

**NOTE:** If the income of the parent paying support falls within the Low Income Schedule (Ref: Field 5, these instructions), staff will complete a CS-14 and a CS-14L. If the income of the parent paying support does not fall within the Low Income Schedule, staff will complete two CS-14s.

***Imputing income with no work history***

Enter income as \$0 for either parent who receives or does not receive public assistance benefits if (s)he **has no** work history **and**:

1. (S)he has a child at home who is under the age of six years; or
2. (S)he is disabled and unable to work; or
3. (S)he has a child at home whose condition or circumstance requires his/her presence in the home (e.g., the child has a chronic illness or a handicap).

If the parent does **not** meet the conditions described above, impute his/her income as follows:

1. If the parent's youngest child at home is age 6 to 12, and the parent **has no** work history, impute part-time (20 hours per week) income at minimum wage; or

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

2. If the parent's youngest child at home is age 13 or older and the parent **has no** work history, impute full-time (40 hours per week) income at minimum wage.

***Imputing income with a work history***

If either parent is unemployed, underemployed or his/her income information is unknown, determine the amount to enter as gross income using the following instructions and the guiding principle that the obligation of the parent paying support should be based on his/her ability to pay.

Enter income as \$0 for either parent who receives or does not receive public assistance benefits if (s)he does not currently have income but **has a previous** work history **and**:

1. (S)he is now disabled and unable to work as a result of the disability; or
2. (S)he now has a child at home whose condition or circumstance requires his/her presence in the home.

*If past earnings information is available*, use that information to impute income for the parent [unless (s)he meets the circumstances in 1. or 2., immediately above]. Obtain past earnings information from sources including, but not limited to: the Division of Employment Security IMES screen, the *Employer Information Request* (CS-402), tax returns, old wage stubs or The Work Number. If the past earnings information is older than 36 months, obtain supervisory approval before imputing income based on that information.

**NOTE:** When imputing income based on past earnings information, do not impute income at a prior wage rate assuming full-time employment if the parent's earnings history indicates part-time or sporadic employment rather than regular, full-time employment.

**EXAMPLE**

- The last employer for the parent paying support completed the CS-402 showing the parent paying support earned \$8.50 per hour. His/her gross monthly income was \$737 per month, indicating (s)he worked an average of 20 hours per week.
- IMES income for the employer is consistent with the CS-402 income.
- If imputing income based on this past earnings information, impute income at \$737 per month. It is not appropriate to impute full-time employment at the \$8.50 per hour wage rate assuming full-time employment.

*If past earnings information is not available*, but information regarding the parent's usual occupation or occupational qualifications is known, calculate

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

child support on a probable earnings level based on the parent's usual occupation, or qualifications, and prevailing job opportunities and wages in the parent's community. Obtain information regarding wages in the parent's community from sources including but not limited to the Department of Economic Development's *Occupation Studies* (Ref: <https://www.missourieconomy.org/OesWage/Default.aspx>), local unions or employers in the area. For instance, if you know a parent is usually employed as a plumber, you **may** contact plumbing contractors or the local union in the parent's community to determine what a plumber earns. You may (with supervisory approval) then use that wage rate to impute income to the parent. **You do not have to employ this method of imputation, but it is an available option.**

*As a last resort*, if other information on which to impute income for a parent is **not available**, impute income at the appropriate minimum wage rate and assume a 40-hour work week. Obtain supervisory approval before imputing income by this method.

**NOTE:** If either parent's actual income is known, enter the actual income in Field 1 even if it is less than full-time income at minimum wage. Do not impute wages to a parent using minimum wage when his/her current income is known. If the parent's current income does not reflect his/her earning potential based on past earnings information, consider the parent's current and past earnings information.

**EXAMPLE**

- The parent paying support has seasonal employment and is currently receiving Unemployment Compensation benefits in the amount of \$244 per week or \$1,057 per month.
- The past earnings history for the parent paying support shows regular periods of unemployment during the winter.
- In addition to the Unemployment Compensation benefits, the parent paying support had income per IMES during the prior two quarters averaging \$1,700 per month.
- Consider the current and past earnings of the parent paying support when determining his/her gross monthly income. (Total income during the last three quarters, including the Unemployment Compensation benefits, equals \$13,371. \$13,371 divided by nine months equals \$1,486 per month.)

**NOTE:** If current income information is not known, but past earnings information is available, use past earnings information to impute income even if it less than full-time income at the appropriate minimum wage rate.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**EXAMPLE**

- The current employer for the parent paying support is unknown.
- Per IMES and The Work Number, the parent paying support had regular, but less than full-time employment, during the last year.
- The gross monthly income for the parent paying support per IMES and The Work Number during the past year was \$646 per month.
- Given the available past earnings information, impute income at \$646 per month rather than imputing income at the minimum wage rate assuming full-time employment.

**Field 1a** – Enter the monthly amount of any court-ordered maintenance (i.e., spousal support) received by the parent, including amounts received on the existing order.

**Fields 2a, 2b, 2c**

To determine whether or not to give credit and the amount of credit to give in Fields 2a and 2b, it may be necessary:

In establishment and modification cases to request that the parents provide:

- Proof of spousal support payments being made; and
- Copies of the parents' other orders for child support or spousal support.

In modification cases to:

- Ask the parent requesting the modification or the circuit clerk to provide copies of the Form 14(s) used to calculate the support at the time the existing order was entered, if FSD did not establish the order; or
- Ask the parent to supply proof (s)he was making spousal support payments at the time the existing order was entered.

**NOTE:** “Existing order” as used in the directions for Fields 2a, 2b, and 2c refers to the order being modified.

The *Financial and Informational Statement* (CS-500), [Case.net](#) and MACSS may contain the information needed to complete these fields. The parents have a responsibility to make information known and to supply documentation necessary to complete the CS-14.

**Field 2a – Adjustment to Gross Income for Other Ordered Child Support**

Enter the monthly amount of any other court or administrative order for child support for any child not the subject of the proceeding.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

Staff will give credit in field 2a for other child support amounts the parent is ordered to pay for his/her other children (not the children of this proceeding).

MACSS will pull obligations recorded in the system into the Other CS Oblg field on the *Guideline Calculation Worksheet 1* (GCAL1) screen. Staff must ensure that the information in this field is accurate and revise the information as necessary.

Staff will include the following child support obligations in field 2a:

**NOTE:** Staff will not include voluntary obligations in field 2a.

1. IV-D child support obligations
2. Child support obligations on an out-of-state order
3. Child support obligations accruing non-IV-D (see abatement exception below)

FSD cannot determine if current support is accruing appropriately on a non-IV-D obligation. Therefore, staff will include obligations accruing non-IV-D including, but not limited to the following situations:

- a. Obligations accruing on an administrative order because the CP closed the case;
  - b. Obligations accruing on a case that was never a IV-D case;
  - c. Obligations accruing as non-IV-D because CS staff determined the child no longer met requirements for current support to continue on a judicial order but neither party terminated the current support obligation with the court.
4. Temporary obligations (e.g., orders of protection that are in effect at the time the CSS is completing the guideline calculation)

CS staff cannot determine how long a temporary order will remain in place or if the parties will renew a temporary order.

5. Cyclical obligations

Staff must add cyclical orders manually to field 2a; MACSS will not automatically pull cyclical obligations. Staff will enter the full amount of the court ordered cyclical obligation. If staff are unsure of the amount to enter for a cyclical obligation, consult with PDU staff through normal supervisory channels.



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**Example**

The parent paying support is ordered to pay \$200 per month from September through May and \$0 per month for June, July, and August. Staff are completing the CS-14 on another case on June 15, 2017. Staff will enter \$200 in field 2a for the parent paying support.

When determining the appropriate obligations to include in field 2a, staff will consider the following special circumstances.

*Multiple Orders*

1. If multiple orders exist for the same child(ren) [child(ren) not the subject of this proceeding], the same obligor, but different payees CS staff must determine which payee the child(ren) resides with and enforce current support on that order only. The parent ordered to pay support will receive credit in field 2a for the order that FSD is enforcing.

This situation may occur when the child(ren) are living with an NPCR or are in foster care and criteria for order-follows-child or change-of-payee procedures are not met and FSD establishes another order. (Ref: [CS Procedural Manual, Section VII, Chapter 3](#))

2. If multiple orders exist for the same CP and NCP with different children on each order, and the CP or NCP requests a modification of one or more of the orders, CS staff will not enter the obligation amount of the parents' multiple orders in field 2a. (Ref: Deviation Instructions B., 5).

*Abatement*

1. Obligated Parent Entitled to Abatement

If abatement of current support is appropriate in accordance with [CS Procedural Manual, Section V, Chapter 11, II](#), staff will enter the parent's court ordered child support obligation in field 2a.

2. Obligated Parent under an Order has Physical Custody Indefinitely

If the parent's obligation is being abated because (s)he has physical custody indefinitely of his/her child(ren) in accordance with [CS Procedural Manual, Section V, Chapter 11, VII](#) [i.e., the IV-D switch on the *Member Obligation Adjustment* (MOBLA) screen is set to Y], staff will not enter the parent's court ordered child support obligation in field 2a. Staff will instead enter the credit for the child(ren) primarily residing with the parent in field 2c.

**In an establishment case**, give either or both parents credit for other ordered child support obligations.

**In a modification case, for the parent not requesting the modification**, give him/her credit for other ordered child support obligations.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**In a modification case, for the parent requesting the modification:**

Determine the lesser of:

1. The amount of the adjustment the parent was entitled to when the existing order was entered. That is, determine the credit the parent received for child support ordered at the time the existing order was entered or credit received for other child(ren) in the home if the parent is now responsible for paying child support on the child(ren) previously in his/her home; or
2. The support amount ordered as a result of a modification (to the “other” order) completed after the entry of the existing order.

Enter the lesser amount.

**NOTE:** If the requesting parent was not entitled to a credit when the existing order was established, (s)he does not receive credit when the same order is being modified (e.g., do not give credit in this field if the order establishing another child support obligation was entered **after** the existing order was established).

**If FSD or a non-parent custodian initiated the modification (i.e., neither parent requested the modification),** give either or both parents credit for the amount of any other court or administrative order for child support.

**EXAMPLE 1**

- Order number CS123 entered on **January 2, 2005**, is being modified. Today is September 15, 2008.
- The parent paying support is ordered to pay child support on two other orders:
  - ➔ Order number CS456 entered on **March 15, 2000**, required the parent paying support to pay \$150 per month and (s)he received credit for \$150 when order number CS123 was entered. Order CS456 was subsequently modified on **March 26, 2008**, and now requires the parent paying support to pay \$350 per month.
  - ➔ Order number CS789 entered on **September 15, 2006**, requires the parent paying support to pay \$225 per month.
- **If the parent receiving support or FSD requested the modification,** enter an adjustment in Field 2a for the parent paying support of \$575 (\$350 + \$225).
- **If the parent paying support requested the modification,** enter \$150 in Field 2A. In this situation, the parent paying support does not receive credit for the \$350 on CS456 because \$150 is the lesser amount. (S)he does not receive credit for the \$225 obligation on order CS789 because the order was entered **after** order number CS123.



CS-14 and CS-14L  
Instructions  
(Rev. 4-19)

EXAMPLE 2

- Order number CS123 entered on **February 1, 2006**, is being modified. Today is September 15, 2008.
- The parent receiving support is ordered to pay child support on another order:
  - ➔ Order number CS456 was originally entered on **October 1, 2004**, and the obligation of the parent receiving support was \$350 per month. The parent receiving support received credit for \$350 on order number CS123. A modification of order CS456 entered on **April 1, 2007**, required the parent receiving support to pay \$450 per month.
- **If the parent receiving support requested the modification**, enter \$350 in Field 2a. In this situation, the parent receiving support does not receive credit for the modified amount of \$450 because (s)he only received a \$350 adjustment when this order was entered. \$350 is the lesser amount.
- **If the parent paying support or FSD requested the modification**, enter \$450 in Field 2a.

EXAMPLE 3

- Order number CS123 entered on **May 10, 2004**, is being modified. Today is September 15, 2008.
- At the time order number CS123 was entered, the mother (the parent receiving support under order number CS123) had custody of a child not subject to this action for whom (s)he received a credit of \$200. This child now lives with his/her father and the mother is ordered to pay child support of \$300.
- **If the parent receiving support requested the modification**, enter \$200 in Field 2a. The parent receiving support is only entitled to the credit received when this order was entered because it is the lesser amount.
- **If the parent paying support or FSD requested the modification**, enter \$300 in Field 2a. Since the parent receiving support did not request the modification she receives credit for what she is ordered to pay on the other child support order.

Field 2b – **Adjustment to Gross Income for Spousal Support Being Paid**

Enter the monthly amount of any court order for spousal support (including amounts on the existing order), to the extent the parent is actually paying toward the spousal support.

**In an establishment case**, give either or both parents credit for spousal support obligations to the extent the parent is actually paying.

**In a modification case, for the parent not requesting the modification**, give him/her credit for amounts (s)he is paying toward spousal support obligations (including amounts paid on the existing order).

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**In a modification case, for the parent requesting the modification:**

1. Give credit for amounts paid on the existing order; and
2. Enter the lesser of:
  - a. The amount of the adjustment the parent was entitled to when the existing order was entered to the extent the parent is actually paying; or
  - b. The amount required to be paid as a result of a modification (to the “other” order) completed after the entry of the existing order to the extent the parent is actually paying.

**NOTE:** If the requesting parent was not entitled to a credit when the existing order was established, (s)he does not receive credit when the order is being modified (e.g., do not give credit in this field if the order establishing a spousal support obligation was entered after the existing order was entered).

**If FSD or a non-parent custodian initiated the modification (i.e., neither parent requested the modification),** both parents will receive credit for the amount of any court order for spousal support, to the extent the parent is actually paying toward the spousal support, including amounts paid under the order being modified.

**EXAMPLE**

- Order number CS123 entered on **July 1, 2006**, is being modified. The parent paying support is ordered and is paying spousal support to the parent receiving support under this order in the amount of \$100 per month. Today is September 15, 2008.
- The parent paying support is also ordered to pay spousal support on another order:
  - ➔ Order number CS456 was originally entered on **October 1, 2004**, and the parent paying support was ordered to pay \$100 for spousal support. (S)he received a \$100 credit at the time order number CS123 was established. A modification of order CS456 on **August 1, 2006**, required the parent paying support to pay \$250 per month spousal support. The parent paying support provides proof (s)he is paying \$250 per month.
- **If the parent receiving support or FSD requested the modification,** enter the Field 2b adjustment for the parent paying support as \$350. [\$100 for the amount being paid on the existing order (order CS123) and \$250 for the amount being paid for order CS456]
- **If the parent paying support requested the modification,** enter an adjustment in Field 2b for the parent paying support of \$200. The parent paying support receives credit for the amount (s)he pays on this order (CS123) and (s)he receives the lesser amount of credit for order CS456.

CS-14 and CS-14L  
Instructions  
(Rev. 4-19)

Field 2c – **Adjustment to Gross Income for Other Children Primarily Residing With a Parent**

Field 2c(1) Enter the number of other natural or adopted children primarily residing with the parent and who are not the subject of this proceeding. **Do not include stepchildren.**

Field 2c(2) Enter the amount from Table I that represents that parent's support obligation for the number of children included in field 2c(1) based only on that parent's gross income (Fields 1 and 1a).

Field 2c(3) Enter the amount that is actually being paid in current child support payments for the other children included in field 2c(1).

Field 2c – **TOTAL Adjustment**

Subtract Line 2c(3) from Line 2c(2) and enter the result. If the amount the parent is actually receiving in child support exceeds the adjustment, enter \$0 in this field.

**In an establishment case**, give either or both parents credit for other natural or adopted children not the subject of this proceeding, if the children have primarily resided with the parent.

**In a modification case:**

- Give either or both parents credit for other natural or adopted children not the subject of this proceeding who were born to or adopted **prior** to the existing order, if the children have primarily resided with the parent.
- Give the parent receiving support credit for children born to or adopted **after** the existing order, if the children have primarily resided with the parent receiving support.

To determine whether to give the parent paying support credit for children born to or adopted **after** the existing order, the CSS will:

1. Complete a CS-14 giving appropriate credit to:
  - a. Both parents for children born to or adopted prior to the existing order; and
  - b. The parent receiving support for children born to or adopted after the existing order.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

2. Compare the presumed child support obligation to the current support obligation in the existing order.
3. If the presumed child support obligation is **less** than the current support obligation in the existing order, no further action is necessary.
4. If the presumed child support obligation is **greater** than the current support obligation in the existing order and the parent paying support has children born to or adopted by the parent **after** the entry of the existing order:
  - a. Calculate another CS-14 giving the parent paying support a line 2c credit for the children born after the entry of the existing order; and
  - b. Compare the presumed child support obligation to the current support obligation in the existing order.
    - (1) If the presumed child support obligation is **greater** than the current support obligation in the existing order, no further action is necessary.
    - (2) If the presumed child support obligation is **less** than the current support obligation in the existing order, FSD will not pursue modification of the child support obligation. However, the CSS will pursue modification to add health benefit plan coverage, if appropriate.

**Field 3 – Adjusted Monthly Gross Income**

Enter the adjusted gross income for each parent (Fields 1 and 1a minus Fields 2a, 2b and 2c). If the amount is less than \$0, enter \$0. Total the adjusted gross incomes of both parents to determine the combined adjusted gross income.

**Field 4 – Proportionate Share of Combined Adjusted Monthly Gross Income**

**When completing a CS-14:**

Enter each parent's percentage share of the combined adjusted gross income by dividing each parent's adjusted gross income in Field 3 by the combined adjusted gross income in Field 3. Enter the percentage to the nearest tenth of one percent.

**When completing a CS-14L:**

Enter 0% for the parent receiving support and 100% for the parent paying support.

**Field 5 – Basic Child Support Amount**

Enter the preliminary child support obligation from Table I using the combined adjusted gross income from Field 3. (See information on *Roundings* located on page 4 of these instructions.)

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

If the adjusted gross income from Field 3 for the parent paying support and the corresponding number of children fall within the Low Income Schedule below, the CSS must complete a CS-14 and a CS-14L.

Complete the CS-14 using both parents' incomes.

Complete the CS-14L using only the income of the parent paying support and \$0 for the income of the parent receiving support.

The lower of the two calculations is the presumed child support amount.

<b>LOW INCOME SCHEDULE</b>						
<b>Adjusted Gross Income</b>	<b>One Child</b>	<b>Two Children</b>	<b>Three Children</b>	<b>Four Children</b>	<b>Five Children</b>	<b>Six Children</b>
0 – 1000	60	60	60	60	60	60
1050	91	94	94	95	95	95
1100	122	127	128	129	130	130
1150	153	161	162	164	164	165
1200	184	194	196	198	199	200
1250	215	228	230	233	234	235
1300	246	261	264	267	269	270
1350	277	295	298	302	303	305
1400	308	328	332	336	338	340
1450		362	366	371	373	375
1500		395	400	405	408	410
1550		429	434	440	442	445
1600		462	468	474	477	480
1650		496	502	509	512	515
1700		529	536	543	547	550
1750			570	578	581	585
1800			604	612	616	620
1850			638	647	651	655
1900			672	681	686	690
1950				716	720	725
2000				750	755	760
2050				785	790	795
2100				819	825	830
2150					859	865
2200					894	901
2250					929	936
2300					964	972
2350					998	1007
2400						1043
2450						1078
2500						1114
2550						1149

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**When it is appropriate to complete a CS-14L, Fields 6a. through 6e** on the CS-14 and CS-14L must match exactly.

Field 6a/b– **Work-Related Child Care Costs**

**Only work-related child care costs are included on the CS-14.** “Work-related” child care costs include costs incurred or to be incurred for child care because the parent works outside the home or searches for a job. It does not include costs incurred, or to be incurred, for child care because the parent attends college or job training.

**Work-related child care costs may be included only** if the gross income earned during the period in which the parent incurs the child care costs was used to determine the parent’s monthly gross income in Field 1. If the child care costs exceed the parent’s income, do not include the income in Field 1 or the child care costs in Field 6a or 6b, as appropriate.

**Work-related child care costs must be verified.** The parent must provide verification of any claimed work-related child care costs. Examples of verification include: copies of canceled checks; receipts; a letter from the child care provider or the provider’s periodic statement of amounts due.

**Work-related child care costs should be reasonable.** Enter the verified amount provided by the parent. It is up to the other parent to dispute whether the child care costs are reasonable.

**If the amount of work-related child care costs fluctuates throughout the year,** calculate the monthly amount by dividing the yearly total by 12.

Field 6a(1)– **Work-related Child Care Costs of Parent Entitled to Receive Support**

Enter the work-related child care costs incurred or to be incurred by the parent receiving support for the child(ren) for whom the child support obligation is being established or modified.

Field 6a(2)– To figure the available child care tax credit, use the gross income figure (from Field 1) of the parent receiving support and his/her work-related child care costs to complete the *Child Care Tax Credit Worksheet* (CS-14A). Enter the child care tax credit in Field 6a(2).

**NOTE:** A child care tax credit is only available if the child for whom the child care costs are incurred is under age 13 or, if not, is disabled and unable to care for himself/herself. If the child is over age 13 and not disabled, the parent receiving support does not receive a



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

child care tax credit. Enter the Field 6a(1) child care cost for the parent receiving support without figuring a child care tax credit.

Field 6a(3)– Subtract the child care tax credit [Field 6a(2)] from the work-related child care costs [Field 6a(1)]. Enter the difference in Field 6a(3).

Field 6b – **Work-Related Child Care Costs of Parent Obligated to Pay Support**

Enter the work-related child care costs incurred or to be incurred by the parent paying support for the child(ren) for whom the child support obligation is being established or modified. (The parent paying support does not receive a child care tax credit.)

The parent paying support only receives credit for work-related child care costs incurred or to be incurred during periods when (s)he has custody of the child(ren). The parent paying support does not have to have court-ordered visitation or custody to receive this credit.

Do not give the parent paying support credit for work-related child care costs, if:

1. The parent receiving support has to pay his/her child care provider during the period the parent paying support exercises visitation or custody of the child(ren); and
2. It is reasonable for the parent paying support to use the child care provider used by the parent receiving support.

Field 6c – **Health Insurance Costs**

Enter the monthly amount of any health benefit plan premium paid, or to be paid, for health benefit plan coverage for the child(ren) who are the subject of the proceeding.

**NOTE:** Include the health benefit plan premium amount on the CS-14 whether or not the parent is ordered to provide health benefit plan coverage.

Premium amounts paid by someone other than the parents (e.g., a parent's spouse) should be included in this field.

The actual premium amount paid for the child(ren) of this order must be verified by the CS-402, wage stub, canceled check, receipt or a call to the employer, union, group or insurance company.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**Fields 6d and 6e**

The parents' agreement to include extraordinary medical or child-rearing costs:

- Must be prepared by the parents (the CSS will not facilitate the agreement process);
- Must be in writing and signed by both parents; and
- Must include information regarding the nature of the extraordinary cost and the amount to include in Fields 6d or 6e.

**Field 6d – Uninsured Extraordinary Medical Costs**

Enter the monthly amount of any uninsured extraordinary medical costs paid, or to be paid, by the parent for the child(ren) subject to this proceeding. Only include this cost if the parents agree to include it or if ordered by the court.

If either or both parents ask for an explanation of “uninsured extraordinary medical costs” in order to decide whether or not they want to include such costs (i.e., enter into an agreement), provide the following information:

- An uninsured extraordinary medical expense should be a recurring medical, dental, mental or psychological condition (such as orthodontic treatment, asthma treatment or physical therapy);
- The uninsured portion of such expenses, including any deductibles and co-payments, exceeds \$250 per year per child; and
- Uninsured medical expenses incurred for single occurrence illnesses or injury should be handled by separate order of the court.

**NOTE:** Extraordinary medical expenses do not apply to Foster Care cases.

**Field 6e – Other Extraordinary Child-Rearing Costs**

Enter the monthly amount of other extraordinary child-rearing costs paid or to be paid by the parent for the child(ren) subject to this proceeding. Only include this cost if the parents agree to include it or if ordered by the court.

Examples include, but are not limited to: the cost of tutoring sessions, special or private schools, tuition, room and board or camps.



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**NOTE:** Extraordinary child-rearing costs do not apply to Foster Care cases.

**Field 7** – **Total Additional Child-Rearing Costs**

When completing a CS-14L, Field 7 on the CS-14 and CS-14L must match exactly.

Enter the total additional child-rearing costs [add the amounts in Fields 6a(3), 6b, 6c, 6d and 6e] for each parent. Total the additional child-rearing costs for both parents to determine the combined additional child-rearing costs.

**NOTE:** The instructions for Field 8 are different for the CS-14 and CS-14L. The CSS must ensure (s)he is following the correct instructions.

**Field 8** – **Total Combined Child Support Costs for the CS-14**

Enter the total child support costs (add the amounts in Field 5 and combined Field 7).

**Field 8** – **Obligor's Calculation for Additional Child-Rearing Costs for the CS-14L**

Calculate the obligor's portion of the total additional child-rearing costs from Field 7.

**Field 8a** – **Obligor's Percentage from CS-14**

Enter the percentage from the CS-14 field 4 for the parent paying support.

**Field 8b** – **Adjustment for Portion of Field 7**

Enter an adjustment for the obligor's portion of the total additional child-rearing costs from Field 7 (multiply the percentage in Field 8a by the combined total additional child rearing costs in Field 7).

**Field 9** – **Each Parent's Support Obligation**

When completing a CS-14:

Enter each parent's portion of the combined child support costs (multiply the amount in Field 8 by each parent's percentage in Field 4).

When completing a CS-14L:

CS-14 and CS-14L  
Instructions  
(Rev. 4-19)

Enter the obligation for the parent paying support (sum of Field 5 and Field 8b).

Field 10 – **Credit for Additional Child-Rearing Costs Paid by the Parent Obligated to Pay Support**

Enter the monthly amount of additional child-rearing costs paid or to be paid by the parent paying support (from Field 7 for the parent paying support).

Field 11 – **Adjustment for a Portion of Amounts Expended by the Parent Obligated to Pay Support During Periods of Overnight Visitation or Custody**

*The parent paying support receives this credit if the overnight visitation/custody is **court ordered and***

- (S)he attempts to exercise his/her overnight visitation/custody, but the parent receiving support prohibits the visitation/custody from taking place; or
- (S)he exercises the overnight visitation/custody. If the parent paying support visits the child(ren) more frequently than allowed by the court order, (s)he only receives credit for the court-ordered periods. If the parent paying support visits the children less than the amount awarded in the court order, (s)he only receives credit for the number of overnights (s)he actually exercises.

**NOTE:** Because administrative orders do not address custody or visitation, this credit will rarely be appropriate when administratively establishing a support order or modifying an existing administrative order.

To determine if the parent paying support is exercising his/her overnight visitation/custody and the number of days for which (s)he should receive credit:

1. Review the court order to find the number of overnights per year the parent paying support was awarded; and
2. Review the *Financial and Informational Statement* (CS-500) to find the number of overnights the parent paying support and parent receiving support state are exercised.
  - a. If both parents provide responses concerning overnight visitation/custody and their responses match or the responses are

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

within the same range on the chart under Field 11(a), use the information provided to determine the amount of the credit.

- b. If only one parent responds to the question concerning overnight visitation/custody on the CS-500, use the information supplied by that parent to determine the amount of the credit.
- c. If neither parent returns the CS-500 or responds to the question concerning overnight visitation/custody, use the total number of overnights awarded by the court to determine the amount of the credit.
- d. If both parents provide information concerning overnight visitation and/or custody, but their responses conflict, attempt to gather additional information to make a decision regarding the amount of credit. It may be necessary to contact the parents to discuss the conflicting information. When discussing the discrepancy in the information, consider asking the parents if they would agree to average the number of days or ask the parents to provide documentation to support their responses. If the conflict cannot be resolved, use the information provided by the parents that will give the parent paying support the largest credit without exceeding the amount of visitation granted in the court order.

*Do **not** give the parent paying support credit if (s)he is otherwise entitled to credit if:*

The adjusted gross income in Field 3 for the parent receiving support is equal to or less than the amounts set forth in the table below for the appropriate number of children.

1 child	2 children	3 children	4 children	5 children	6 children
\$1,400	\$1,700	\$1,900	\$2,100	\$2,350	\$2,550

Exceptions to the above

If the parent paying support is otherwise entitled to visitation credit, give him/her credit even if the adjusted gross income in Field 3 of the parent receiving support is equal to or less than the amounts set forth in the table above for the appropriate number of children if:

- The parent receiving support is unemployed or underemployed because his/her expenses are paid, in whole or in part, by a person with whom (s)he cohabits; or
- The adjusted gross income in Field 3 minus the presumed child support amount in Field 12 for the parent paying support is equal to

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

or less than the amounts in the table above for the appropriate number of children. To determine whether this exception applies, it is necessary to complete the CS-14 (i.e., determine the amount of Field 12) without including the visitation credit.

**EXAMPLE**

The adjusted gross income in Field 3 for the parent paying support is \$1300. The presumed child support obligation for one child, **without** a credit in Field 11, equals \$241.  $\$1300 - \$241 = \$1059$  The parent paying support should receive an overnight visitation/custody credit because the result, \$1059, is less than the amount in the above table for one child.

**Field 11(a)**– Enter the applicable adjustment from the table below.

The adjustment percentage in field 11(a) on the CS-14 and CS-14L must match exactly.

**Overnight Visitation Table:** Determine the number of periods of overnight visitation or custody for the previous 12 months (or other appropriate time period if the order was entered less than 12 months ago), awarded and exercised by the parent paying support. Use the chart below to determine the adjustment the parent paying support receives.

<b>NUMBER OF OVERNIGHTS</b>	<b>ADJUSTMENT</b>
Less than 36	0%
36-72	6%
73-91	9%
92-109	10%
110-115	13%
116-119	15%
120-125	17%
126-130	20%
131-136	23%
137-141	25%
142-147	27%
148-152	28%
153-158	29%
159-164	30%
165-170	31%
171-175	32%
176-180	33%
181-183	34%

If the number of overnight periods exceeds 183, enter 34%.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**NOTE:** The court may deviate from the visitation chart and apply an overnight visitation or custody adjustment over 34% and up to 50% based upon the circumstances of the parties. If the court did apply an adjustment greater than 34% on the underlying order, and the AGO or an attorney of the parties questions why FSD did not give the same credit, consult with the PDU staff through appropriate supervisory channels.

Field 11(b)– Enter an adjustment for the periods of court-ordered overnight visitation or custody by multiplying the basic child support amount in Field 5 by the percentage entered in Field 11a.

The calculation for the CS-14 and CS-14L is the same.

Field 12 – **Presumed Child Support Amount**

Enter the child support obligation for the parent paying support (subtract Fields 10 and 11b from Field 9).

If Fields 10 and 11b, individually or in combination, are greater than or equal to the amount of support in Field 9, enter \$0 in Field 12.

**This is the presumed child support amount. If two calculations were completed (i.e., two CS-14s or a CS-14 and CS-14L), the CSS will use the lower of the two calculations in the support order. If the CSS determines that due to a factor listed below the amount is unjust or inappropriate, the CSS will apply an adjustment according to the Deviation Instructions below.**

Field 13 – If only one CS-14 is completed, enter an X in the checkbox.

If the CSS completes multiple calculations, enter an X in the checkbox of the CS-14 or CS-14L to indicate the calculation the CSS plans to use as the presumed child support amount on the CS-600, CS-625 or CS-625J.

**DEVIATION INSTRUCTIONS**

As stated above, the amount in Field 12 is the **presumed** child support amount. The presumed child support amount can be rebutted (i.e., determined to be incorrect) if relevant factors show the amount is unjust or inappropriate.

- A. For purposes of establishing or modifying an order, it may be appropriate to deviate from the presumed child support amount if one of the below “relevant factors” are verified and documented in the case record. To deviate from the presumed child support amount, the CSS must include the deviation amount and the appropriate

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

reason code on the *Guideline Calculation Worksheet 3* (GCAL3) screen or on the *Low Income Guideline Calculation* screen in MACSS. The *Reason* codes from GCAL3 and *Low Income Guideline Calculation* screen that correspond to the below deviation reasons are provided for your information.

If the CSS completes two calculations (i.e., two CS-14s or a CS-14 and a CS-14L), the CSS will:

- Apply the deviation to the lower calculation only; and
  - If deviating upward, only apply the deviation if the deviated amount is still lower than the other calculation.
1. The child has other income not based on his/her special needs. **(SN OTHER INCOME)**

EXAMPLES
<ul style="list-style-type: none"> <li>• The child receives SSI benefits each month because (s)he has a physical disability. Because that income is tied to the child's special needs, it is <b>not</b> a reason to deviate from the presumed child support amount.</li> </ul>
<ul style="list-style-type: none"> <li>• The child receives SSA benefits due to her stepfather's death. Because that income is not tied to the child's special needs, it <b>is</b> a factor to consider when determining whether to deviate from the presumed child support amount.</li> </ul>

2. A parent has significant, extraordinary verified medical expenses for him/herself or for a relative by blood or marriage other than children subject to the proceeding. **(PE EXT. MED EXP)**
3. A parent is under a Chapter 13 bankruptcy plan. **(13 CHAPTER 13)**
4. The parents' combined income is more than the maximum amount on the guidelines chart. **(MX \$> MAX GUID)**
5. The Children's Division (CD) determines in a Foster Care case that the presumed child support amount is not in the best interest of the child. CD staff must provide the reason in writing (e.g., the child and the parent are in the process of reunifying). **(BI NOT BEST INT)**
6. The parent paying support claims inability to pay the presumed child support amount, and the following equals 60 percent or more of his/her monthly gross income: **(N6 60% OR MORE)**
  - a. The presumed child support amount; plus
  - b. The average of the verified reasonable shelter expenses for rent or mortgage payments, electricity, natural or propane gas, water and basic telephone service for the past six months; less

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**NOTE:** The parent paying support is responsible for providing adequate verification of the specified expenses. If (s)he does not provide adequate verification of the average expenses for the past six months, the CSS will not consider the expenses as the basis for deviating from the presumed child support amount.

- c. One-half of those expenses if the parent paying support has a current spouse or other person residing with him/her who is employed or is capable of being employed.

**EXAMPLE**

The gross monthly income of the parent paying support is \$1475. The gross monthly income of the parent receiving support is \$1000. There are no other applicable adjustments. The presumed child support amount for the four children is \$575.

The parent paying support provides six month's worth of receipts for his expenses for rent, electricity, water and basic telephone service. The average monthly total of these shelter expenses is \$475.

The presumed child support amount (\$575) plus the average monthly shelter expenses (\$475) equals 71 percent of the parent's gross monthly income (\$1050/\$1475). The case qualifies for a deviation of 1 to 25 percent.

**However**, if the parent paying support resides with a spouse that "is employed or is capable of being employed," the parent paying support could only claim **one-half** of the average monthly shelter expenses, or \$237.50 (\$475/2). That amount plus the presumed child support amount equals 55 percent of the parent's gross monthly income (\$812.50/\$1475). In this situation the case would **not** qualify for a deviation of 1 to 25 percent.

- 7. The parent receiving support claims the presumed child support amount is too low, and the following equals 60 percent or more of his/her monthly gross income: **(C6 60% OR MORE)**
  - a. The share of the total child support costs attributed to the parent receiving support from field 9; plus
  - b. The average of the verified reasonable shelter expenses for rent or mortgage payments, electricity, natural or propane gas, water and basic telephone service for the past six months; less



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**NOTE:** The parent receiving support is responsible for providing adequate verification of the specified expenses. If (s)he does not provide adequate verification of the average expenses for the past six months, the CSS will not consider the expenses as the basis for deviating from the presumed child support amount.

- c. One-half of those expenses if the parent receiving support has a current spouse or other person residing with him/her who is employed or is capable of being employed; and less
  - d. The presumed child support amount.
8. The parent paying support claims (s)he incurs significant or unusual expenses in connection with transportation of himself/herself or any child subject to this proceeding for the purpose of exercising periods of overnight visitation or custody. **(VE VISIT EXPENS)**
  9. The number of children subject to this proceeding exceeds six. **(06 > 6 CHILDREN)**
  10. The parent receiving support and parent paying support have multiple children; the support obligations for the children are in different orders (i.e., multiple judicial orders or a combination of judicial and administrative orders) and a modification review is requested. **(MO MULTIPLE ORD)**
  11. A **judicial** support obligation exists for the parent receiving support and parent paying support and some of their children; and the parent receiving support and parent paying support have an additional child(ren) not included in the previously entered judicial order(s). **(CH CHILD NOT IN)**
- B. After documenting any of the above factors, it may be appropriate to find the presumed child support amount is unjust or inappropriate and adjust it as follows:
1. For deviation criteria specified in A. 1.–8., above, adjust the presumed child support amount from 1 to 25 percent.

EXAMPLES	
<ul style="list-style-type: none"><li>• The presumed child support amount is \$200. The CSS documents in the case record that the parent paying support is under a Chapter 13 bankruptcy plan. The CSS may lower the child support amount by as little as \$2 (making it \$198) or as much as \$50 (making it \$150).</li></ul>	
<ul style="list-style-type: none"><li>• The presumed child support amount is \$200. The CSS documents in the case record that the custodial parent must spend a large portion of her income on medical expenses for a child not subject to this proceeding. The CSS may raise the child support amount by as little as \$2 (making it \$202) or as much as \$50 (making it \$250).</li></ul>	



**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

2. For the deviation criterion specified in A., 9., above, add the difference between the child support amounts listed for five and six children for the combined income to the amount indicated for six children.

**EXAMPLE**

- The parents' combined income equals \$3000.
- The child support amount for five children is \$1247 and the child support amount for six children is \$1355, a difference of \$108 ( $\$1355 - \$1247 = \$108$ ).
- The amount for seven children would be \$1463 ( $\$1355 + \$108 = \$1463$ ).

3. For the deviation criterion specified in A., 10., above, the CSS will:

Modify one of the obligations upward or downward so that when all of the obligations for the are added together they equal the presumed amount the parent paying support should pay for all his/her children. To determine the deviated child support amount for the order being modified and to print the appropriate information on the CS-625 or CS-625J, the CSS will:

- a. Complete a CS-14 including all of the parents' children;
- b. Complete a second CS-14 for the children on the order being modified; and

**NOTE:** If the parent paying support and parent receiving support have a judicial order and an administrative order, the CSS will modify the administrative order, when possible. It may be necessary to use the highest order when the result is a downward modification.

- c. Enter a deviation amount on the *Guideline Calculation Worksheet 3* (GCAL3) screen to increase or decrease the presumed child support amount so that the total of the obligations after the modification is complete equals the amount determined in a., above.

**EXAMPLE 1**

- The parent receiving support and parent paying support have three children.
- The presumed child support amount on the CS-14 for all three children equals \$450 per month.
- There is a judicial order for two children for \$400 per month child support and an administrative order for the third child for \$200 per month child support. The total obligation is \$600 per month ( $\$400 + \$200 = \$600$ ).
- The CSS will modify the administrative order downward to \$50 per month ( $\$200 - \$150 = \$50$ ) so that the total obligation for the parent paying support equals \$450.

**CS-14 and CS-14L  
Instructions  
(Rev. 4-19)**

**EXAMPLE 2**

- The parent receiving support and parent paying support have three children.
- The presumed child support amount on the CS-14 for all three children equals \$450 per month.
- There is a judicial order for two children for \$200 per month child support and an administrative order for the third child for \$200 per month child support. The total obligation is \$400 per month ( $\$200 + \$200 = \$400$ ).
- The CSS will modify the administrative order upward to \$250 per month ( $\$200 + \$50 = \$250$ ) so that the total obligation for the parent paying support equals \$450.

4. For the deviation criterion specified in A., 11., above, the CSS will:

Complete a CS-600 for the difference between the presumed child support amount the parent paying support should pay for all of his/her children and the amount in the parents' existing orders. To determine the deviated child support amount to enter on the CS-600 and to print the appropriate information on the CS-600, the CSS will:

- a. Complete a CS-14 including all of the parents' children and calculate the difference between the CS-14 amount and the other obligations;
- b. Complete a second CS-14 for the additional child(ren) not included in the previously entered judicial order(s); and
- c. Enter a deviation amount on GCAL3 so that the "Deviated Presumed Child Support Amount" equals the amount determined in a., above.

**NOTE:** If the presumed child support amount determined in the first CS-14 is lower than the other obligation(s), the CSS will enter a deviation amount on GCAL3 so that the "Deviated Presumed Child Support Amount" equals \$0. The CSS will enter an order for paternity and medical support, as appropriate, and enter a \$0 child support obligation.

- C. The CSS will document the deviation, record the deviation amount, the reason for the deviation and, if appropriate, the percentage on the *Support Order Guidelines Followed* (SORDG) screen. (Ref: [MACSS Quick Reference Guide, Support Orders/Obligations](#))

⑬  Per Missouri Supreme Court guidelines, this calculation used



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
FAMILY SUPPORT DIVISION

**CHILD SUPPORT OBLIGATION COMPUTATION WORKSHEET**

PARENT RECEIVING SUPPORT <b>(A)</b>	PARENT PAYING SUPPORT IS THE <input type="checkbox"/> RESPONDENT <input type="checkbox"/> PETITIONER <b>(D)</b>
CASE NUMBER <b>(B)</b>	CSS NAME <b>(E)</b>
NO. OF CHILDREN ON CASE <b>(C)</b>	DATE <b>(F)</b>

	<u>PARENT RECEIVING SUPPORT</u>	<u>PARENT PAYING SUPPORT</u>	<u>COMBINED</u>
1. MONTHLY GROSS INCOME	\$ <b>(1)</b> _____	\$ <b>(1)</b> _____	
1a. MONTHLY COURT-ORDERED MAINTENANCE BEING RECEIVED	\$ <b>(1a)</b> _____	\$ <b>(1a)</b> _____	
2. ADJUSTMENTS			
2a. OTHER MONTHLY CHILD SUPPORT PURSUANT TO COURT OR ADMINISTRATIVE ORDER	(\$ <b>(2a)</b> _____)	(\$ <b>(2a)</b> _____)	
2b. MONTHLY COURT-ORDERED MAINTENANCE BEING PAID	(\$ <b>(2b)</b> _____)	(\$ <b>(2b)</b> _____)	
2c. MONTHLY SUPPORT OBLIGATION FOR OTHER CHILDREN			
(1) NUMBER OF OTHER CHILDREN PRIMARILY RESIDING IN EACH PARENT'S CUSTODY	----- <b>(2c(1))</b> -----	----- <b>(2c(1))</b> -----	
(2) EACH PARENT'S SUPPORT OBLIGATION FROM SUPPORT SCHEDULE USING THE PARENT'S LINE 1 MONTHLY GROSS INCOME	----- <b>(2c(2))</b> -----	----- <b>(2c(2))</b> -----	
(3) MONTHLY CHILD SUPPORT RECEIVED UNDER COURT OR ADMINISTRATIVE ORDER FOR CHILDREN INCLUDED IN LINE 2c(1)	----- <b>(2c(3))</b> -----	----- <b>(2c(3))</b> -----	
2c. TOTAL ADJUSTMENT [LINE 2c(2) minus LINE 2c(3)]	(\$ <b>(2c)</b> _____)	(\$ <b>(2c)</b> _____)	
3. ADJUSTED MONTHLY GROSS INCOME (sum of lines 1 and 1a, minus lines 2a, 2b and 2c)	\$ <b>(3)</b> _____	+	\$ <b>(3)</b> _____ = \$ <b>(3)</b> _____
4. PROPORTIONATE SHARE OF COMBINED ADJUSTED MONTHLY GROSS INCOME (Each parent's line 3 income divided by combined line 3 income)	_____ <b>(4)</b> %	_____ <b>(4)</b> %	
5. BASIC CHILD SUPPORT AMOUNT (From support chart using combined line 3 income)			\$ <b>(5)</b> _____

PARENT RECEIVING SUPPORT <b>(A)</b>	CASE NUMBER <b>(B)</b>		
PARENT PAYING SUPPORT <b>(D)</b>	DATE <b>(F)</b>		
	<b><u>PARENT RECEIVING SUPPORT</u></b>	<b><u>PARENT PAYING SUPPORT</u></b>	<b><u>COMBINED</u></b>
<b>6. ADDITIONAL CHILD-REARING COSTS OF PARENTS</b>			
6a. CHILD CARE COSTS OF PARENT RECEIVING SUPPORT			
(1) REASONABLE WORK-RELATED CHILD CARE COSTS OF PARENT RECEIVING SUPPORT	(6a(1))		
(2) CHILD CARE TAX CREDIT (SEE CS-14 INSTRUCTIONS)	(6a(2))		
6a. TOTAL ADJUSTED CHILD CARE COSTS [Line 6a(1) minus Line 6a(2)]	\$ (6a(3))		
6b. REASONABLE WORK-RELATED CHILD CARE COSTS OF THE PARENT PAYING SUPPORT		\$ (6b)	
6c. HEALTH INSURANCE COSTS FOR CHILDREN WHO ARE THE SUBJECTS OF THIS PROCEEDING	\$ (6c)	\$ (6c)	
6d. UNINSURED AGREED-UPON OR COURT-ORDERED EXTRAORDINARY MEDICAL COSTS	\$ (6d)	\$ (6d)	
6e. OTHER AGREED-UPON OR COURT-ORDERED EXTRAORDINARY CHILD-REARING COSTS	\$ (6e)	\$ (6e)	
7. TOTAL ADDITIONAL CHILD-REARING COSTS (Enter the sum of lines 6a, 6b, 6c, 6d and 6e)	\$ (7)	+ \$ (7)	= \$ (7)
8. TOTAL COMBINED CHILD SUPPORT COSTS (Sum of line 5 and combined line 7)			\$ (8)
9. EACH PARENT'S SUPPORT OBLIGATION (Multiply line 8 by each parent's line 4)	\$ (9)	\$ (9)	
10. CREDIT FOR ADDITIONAL CHILD-REARING COSTS (Line 7 of parent paying support)		(\$ (10))	
11. ADJUSTMENT FOR A PORTION OF AMOUNTS EXPENDED BY THE PARENT OBLIGATED TO PAY SUPPORT DURING PERIODS OF OVERNIGHT VISITATION OR CUSTODY. (Multiply line 5 by (11a) %)		(\$ (11b))	
<b>12. PRESUMED CHILD SUPPORT AMOUNT</b> (Line 9 minus lines 10 and 11)			\$ (12)

13  Per Missouri Supreme Court guidelines, this calculation used



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
FAMILY SUPPORT DIVISION

**CHILD SUPPORT OBLIGATION COMPUTATION WORKSHEET — LOW INCOME CALCULATION**

PARENT RECEIVING SUPPORT <b>(A)</b>	PARENT PAYING SUPPORT IS THE <input type="checkbox"/> RESPONDENT <input type="checkbox"/> PETITIONER <b>(D)</b>
CASE NUMBER <b>(B)</b>	CSS NAME <b>(E)</b>
NO. OF CHILDREN ON CASE <b>(C)</b>	DATE <b>(F)</b>

	<u>PARENT RECEIVING SUPPORT</u>	<u>PARENT PAYING SUPPORT</u>	<u>COMBINED</u>
1. MONTHLY GROSS INCOME	\$ <u>0</u> <b>(1)</b>	\$ <u>    </u> <b>(1)</b>	
1a. MONTHLY COURT-ORDERED MAINTENANCE BEING RECEIVED	\$ <u>0</u> <b>(1a)</b>	\$ <u>    </u> <b>(1a)</b>	
2. ADJUSTMENTS			
2a. OTHER MONTHLY CHILD SUPPORT PURSUANT TO COURT OR ADMINISTRATIVE ORDER	(\$ <u>0</u> <b>(2a)</b> )	(\$ <u>    </u> <b>(2a)</b> )	
2b. MONTHLY COURT-ORDERED MAINTENANCE BEING PAID	(\$ <u>0</u> <b>(2b)</b> )	(\$ <u>    </u> <b>(2b)</b> )	
2c. MONTHLY SUPPORT OBLIGATION FOR OTHER CHILDREN			
(1) NUMBER OF OTHER CHILDREN PRIMARILY RESIDING IN EACH PARENT'S CUSTODY	<u>0</u> <b>(2c(1))</b>	<u>    </u> <b>(2c(1))</b>	
(2) EACH PARENT'S SUPPORT OBLIGATION FROM SUPPORT SCHEDULE USING THE PARENT'S LINE 1 MONTHLY GROSS INCOME	\$ <u>0</u> <b>(2c(2))</b>	\$ <u>    </u> <b>(2c(2))</b>	
(3) MONTHLY CHILD SUPPORT RECEIVED UNDER COURT OR ADMINISTRATIVE ORDER FOR CHILDREN INCLUDED IN LINE 2c(1)	(\$ <u>0</u> <b>(2c(3))</b> )	(\$ <u>    </u> <b>(2c(3))</b> )	
2c. <b>TOTAL ADJUSTMENT</b> [LINE 2c(2) minus LINE 2c(3)]	(\$ <u>0</u> <b>(2c)</b> )	(\$ <u>    </u> <b>(2c)</b> )	
3. ADJUSTED MONTHLY GROSS INCOME (sum of lines 1 and 1a, minus lines 2a, 2b and 2c)	\$ <u>0</u> <b>(3)</b>	\$ <u>    </u> <b>(3)</b>	= \$ <u>    </u> <b>(3)</b>
4. PROPORTIONATE SHARE OF COMBINED ADJUSTED MONTHLY GROSS INCOME (Each parent's line 3 income divided by combined line 3 income from the first calculation)	<u>0</u> <b>(4)</b> %	<u>100</u> <b>(4)</b> %	
5. BASIC CHILD SUPPORT AMOUNT (From support chart using the obligor's line 3 income. The obligor is 100% responsible for this amount)			\$ <u>    </u> <b>(5)</b>

PARENT RECEIVING SUPPORT (A)	CASE NUMBER (B)
PARENT PAYING SUPPORT (D)	DATE (F)

	<u>PARENT RECEIVING SUPPORT</u>	<u>PARENT PAYING SUPPORT</u>	<u>COMBINED</u>
<b>6. ADDITIONAL CHILD-REARING COSTS OF PARENTS (From the first calculation)</b>			
6a. CHILD CARE COSTS OF PARENT RECEIVING SUPPORT			
(1) REASONABLE WORK-RELATED CHILD CARE COSTS OF PARENT RECEIVING SUPPORT	\$ (6a(1))		
(2) CHILD CARE TAX CREDIT	(\$ (6a(2)))		
6a. <b>TOTAL ADJUSTED CHILD CARE COSTS</b> [Line 6a(1) minus Line 6a(2)]	\$ (6a(3))		
6b. REASONABLE WORK-RELATED CHILD CARE COSTS OF THE PARENT PAYING SUPPORT		\$ (6b)	
6c. HEALTH INSURANCE COSTS FOR CHILDREN WHO ARE THE SUBJECTS OF THIS PROCEEDING	\$ (6c)	\$ (6c)	
6d. UNINSURED AGREED-UPON OR COURT-ORDERED EXTRAORDINARY MEDICAL COSTS	\$ (6d)	\$ (6d)	
6e. OTHER AGREED-UPON OR COURT-ORDERED EXTRAORDINARY CHILD-REARING COSTS	\$ (6e)	\$ (6e)	
7. TOTAL ADDITIONAL CHILD-REARING COSTS (Enter sum of lines 6a, 6b, 6c, 6d and 6e)	\$ (7)	\$ (7)	= \$ (7)
8. OBLIGOR'S CALCULATION FOR ADDITIONAL CHILD-REARING COSTS			
8a. OBLIGOR'S PERCENTAGE FROM FIRST LINE 4 CALCULATION		(8a) %	
8b. ADJUSTMENT FOR PORTION OF LINE 7 (Multiply line 8a by combined line 7)		\$ (8b)	
9. PARENT PAYING SUPPORT OBLIGATION (Enter sum of line 5 and line 8b.)		\$ (9)	
10. CREDIT FOR ADDITIONAL CHILD-REARING COSTS (Line 7 of parent paying support)		(\$ (10))	
11. ADJUSTMENT FOR A PORTION OF AMOUNTS EXPENDED BY THE PARENT OBLIGATED TO PAY SUPPORT DURING PERIODS OF OVERNIGHT VISITATION OR CUSTODY. (Multiply line 5 by (11a) %) (The percentage is the same as used in the first calculation.)		(\$ (11b))	
12. <b>PRESUMED CHILD SUPPORT AMOUNT</b> (Line 9 minus lines 10 and 11)		\$ (12)	

**EXHIBIT 10:**  
**MEMORANDUM RE:**  
**LICENSE SUSPENSION**  
**MARCH 23, 1998**

CSE-#16  
(1998)

DEPARTMENT OF SOCIAL SERVICES  
**DIVISION OF CHILD SUPPORT ENFORCEMENT**

3418 Knipp Drive, Suite F

JEFFERSON CITY, MISSOURI

March 23, 1998

**MEMORANDUM**

**TO: ALL DCSE PROCEDURAL AND FORMS MANUAL HOLDERS**  
**FROM: TERESA L. KAISER, DIRECTOR**  
**SUBJECT: LICENSE SUSPENSION**

**DCSE PROCEDURAL MANUAL REVISION #7.**

SECTION VI ENFORCEMENT REMEDIES  
Index pp 1-7;  
Chapter 10 License Suspension, pp 1-25; and  
Exhibit B Loss of Driving Privilege Notice.

SECTION XII THE HEARING PROCESS  
Chapter 4 Hearing Requests/Other, Attachment 6.

**DCSE FORMS MANUAL REVISION # 7, Volume III.**

Index pp 1-6; CSE-768 (*Credit Report Summary*); CSE-769 (*License Suspension Pre-Notice*); CSE-775 [*Notice of Intent to Suspend License(s)*]; CSE-775A [*Request for Administrative Hearing (License Suspension)*]; CSE-776 (*Driver's License Suspension Order*); CSE-777 (*Hunting and Fishing License Suspension Request*); CSE-777A (*Notice Regarding Hunting and Fishing License*) and CSE-778 [*Order Concerning License(s)*] and all accompanying Instructions.

**DISCUSSION:**

CSE-#59 (1997) introduced child support enforcement (CSE) staff to the first phase of license suspension, which included sending notices to all noncustodial parents (NCPs) and entering into payment agreements. This memorandum implements the second phase — procedures for suspending licenses.



License suspension provides CSE staff with another administrative tool to enforce orders that cannot be enforced through other administrative means (e.g., income withholding). NCPs who are self-employed or for whom it is difficult to determine a source of income may be candidates for license suspension.

When considering action to suspend a license for failure to pay child support, CSE staff must remember the intent of license suspension is to convince parents to enter into payment agreements and pay their support; the intent is not to suspend licenses. This is why the license suspension procedures allow NCPs to work with the Division of Child Support Enforcement (DCSE) before and after a license is suspended.

### **DCSE's philosophy regarding license suspension**

CSE staff will have the ability to issue notices of intent to suspend (CSE-775s) or informational notices (CSE-769s) to NCPs meeting the criteria in Section VI, Chapter 10, IV., A., 1. These notices inform the NCP that DCSE is considering suspending his/her licenses if (s)he doesn't enter into a payment agreement. However, when the next step is issuing a suspension order to the licensing authority (e.g., the NCP fails to respond), CSE staff will consider whether actual suspension is appropriate. DCSE distinguishes between suspending a driver's license and suspending a hunting/fishing license.

Suspension of a driver's license may hinder a person's ability to pay child support and affect his/her subsistence. When a person's driver's license is suspended, it prevents him/her from looking for employment, getting to and from work and possibly visiting his/her child(ren). Suspending a hunting/fishing license does not obstruct the person's ability to make child support payments and does not affect his/her livelihood.

The attached procedures instruct CSE staff to issue a license suspension order to the Drivers License Bureau only if an obligor has the ability to pay his/her child support and fails to pay. CSE staff will issue a license suspension order to the Department of Conservation without regard to the obligor's ability to pay.

When someone fails to comply with a subpoena or an order for genetic testing, CSE staff will issue license suspension orders. A subpoena or order for genetic testing requires the person to provide information or to show up for genetic testing; it does not require an ability to pay.

### **Subpoenas and orders for genetic testing**

DCSE has the authority to suspend licenses for failure to comply with a subpoena or order for genetic testing issued by DCSE. The attached Section VI, Chapter 10, provides procedures to suspend a license when a person fails to comply with a subpoena or order. However, the procedures to issue a subpoena or order for genetic testing are not completed. DCSE staff will not suspend a license for failure to comply with a subpoena or order for genetic testing until procedures for completing these processes are issued.

CSE-#16  
(1998)

### **Use of credit reports**

As discussed above, CSE staff will suspend a driver's license for failure to pay only when the NCP has the ability to pay. To determine whether or not an NCP has the ability to pay, CSE staff will request information from the NCP's credit report. Since credit report information is not available in local CSE offices, staff will send the request to the Special Functions Section (SFS). SFS staff will pull the NCP's credit report and provide the information to the child support enforcement investigator (CSEI).

### **Role of authorized representative**

The authorized representative signing suspension orders (e.g., the Supervisor I) should carefully review all orders to ensure license suspension is appropriate. The attached procedures also require the CSEI's immediate supervisor to review cases in which the NCP requests a stay of the suspension and the CSEI determines a stay is inappropriate.

The CSE-776 and CSE-778 contain fields for the authorized representative to enter an effective date. The effective date becomes significant when suspending a driver's license. Drivers License Bureau staff will enter the effective date of the suspension into their system based on the effective date on the order. It is possible for the Drivers License Bureau to receive an order to suspend or reimpose a suspension **before** the obligor/other person receives his/her copy of the order. DCSE believes it is important to allow time for the obligor/other person to receive the order prior to his/her license actually being suspended.

### **Flowcharts**

In the first phase of license suspension, the Policy Development Unit (PDU), with the help of the Technical Training Unit, provided staff with a *License Suspension (Payment Agreement)* flowchart. Although the flowchart was designed for use with the informational letters, this flowchart still may help staff at any point when entering into a payment agreement. PDU is considering developing additional flowcharts to help staff with the license suspension process.

### **Tracking Log**

CSE staff should complete the *License Suspension Tracking Report* as they take license suspension actions. (Ref: CSE-#3, 1998)

### **NECESSARY ACTION:**

1. Because the technical trainers cannot train license suspension at this time, supervisors should review the attached material with staff.
2. In Section VI of your *DCSE Procedural Manual*:
  - Replace Section VI Index in its entirety with the attached pp 1-7;
  - Replace Chapter 10, pp 1-10 (11-97) with the attached pp 1-25; and

**CSE-#16  
(1998)**

- Insert Exhibit B (*Loss of Driving Privilege Notice*) after Exhibit A (*License Suspension Payment Agreement*) at the end of Section VI, Chapter 10.
3. In Section XII of your *DCSE Procedural Manual*:
- At the end of Chapter 4, insert Attachment 6 after Attachment 5; and
  - Update your Section XII index.
4. In Volume III of your *DCSE Forms Manual*:
- Replace Volume III Index (Rev. 9-97) in its entirety with the attached pp 1-6; and
  - Insert the CSE-768, CSE-769, CSE-775, CSE-775A, CSE-776, CSE-777, CSE-777A and CSE-778 and their accompanying Instructions.
5. Photocopy the attached forms until they are available from the Jefferson City Warehouse (in approximately three weeks). These forms will not be available on DW-370. **NOTE:** Only SFS staff complete the CSE-768. Please do not order this form.
6. DCSE staff should direct their questions/comments to their immediate supervisors; others may contact Nancy Crocker in the Policy Development Unit, Division of Child Support Enforcement, P.O. Box 2320, Jefferson City, MO 65102-2320 [Telephone: (573) 526-5356 or by E-Mail at CROCFDP].

**EXHIBIT 11:**  
**LUMMUS**  
**DECLARATION**

**DECLARATION OF STEPHANIE LUMMUS**

I, Stephanie Lummus, being over the age of 18 and of sound mind and body do solemnly swear and affirm as follows:

1. I am an attorney in good standing in the State of Missouri since admission to the bar in 2012. I am employed by Catholic Legal Assistance Ministry of St. Francis Community Services to assist homeless and at-risk clients and vulnerable veterans with legal issues acting as a barrier to exiting poverty. I have been employed in this position since 2016. Prior to my employment with Catholic Legal Assistance Ministry, I worked as both staff attorney and managing attorney for ArchCity Defenders, Inc. ArchCity Defenders, Inc. is a non-profit dedicated to holistic legal defense. I worked in this capacity from 2013 until 2016.
2. I have worked exclusively with indigent populations on matters of municipal law, driver's license reinstatement, family law including modification of child support, criminal law, and housing law. In these matters, I have personally represented over 200 individuals whose licenses have been suspended due to child support arrearages owed either to the state or the custodial parent. In 2018, I litigated 39 cases involving this issue and our office receives from five to ten requests per month for assistance in this area. I believe this to be a state wide problem as I have represented individuals in different parts of the state who present suspended driver's licenses due to child support. I receive many more requests for service from throughout the state on this issue. Further, in trainings, seminars, and conversations with public defenders throughout the state, this issue presents again and again. My office regularly attends child support dockets in the region where defendants are charged with criminal non-support and civil contempt related to failure to pay child support. My office regularly conducts legal clinics throughout the year at community events, veterans' hospitals, and through community social service agencies where we advise but do not fully represent hundreds more individuals who are also struggling with the issue of a suspended driver's license due to child support. Practicing in the area of child support modification and subsequent suspensions was not an area I expected to gain significant expertise when starting out my public interest career. The knowledge of this practice area emerged due to an overwhelming need brought to me by clients seeking legal services.
3. My direct observations of my clients dealing with driver's license suspension due to child support include an overwhelming sense of despair, defeat, lack of process, lack of justice, and further decline into poverty. My clients' legal obligation is to provide financially for their children. If they fail to do so they face incarceration, contempt proceedings, and loss of driver's license. Generally, the license suspension is the first ramification of falling behind in payments. The client receives a letter in the mail giving 'notice' of the suspension and 60 days to respond. The majority of the time these letters never make it to the client until well after the 60 days have elapsed. FSD then notifies the Department of Revenue of their request to suspend the client's driver's



license due to unpaid child support. Even if the client were to receive the letter in a timely manner, the “hearing” provided is only tasked with ensuring no mistake has been made concerning monetary calculations. The administrative law judges will not allow any testimony concerning inability to pay, financial hardship, disabilities, homelessness, or any other mitigating circumstances other than a “mistake” having been made on the part of financial calculation. I have tried on numerous occasions to introduce this type of evidence and was informed that it was not allowed.

4. Once the license is suspended, my clients’ socioeconomic circumstances devolve. They can no longer drive to visit their children, apply for jobs, drive to work, drive their children to medical appointments or school functions. They often attempt to drive anyway and then receive additional tickets for Driving While Suspended among other traffic violations. The family dynamic begins to break down as my clients’ children and the custodial parents begin to blame the client for not being able to perform these tasks. Once clients become behind on their child support payments, they face criminal charges and contempt proceedings. The Courts and State agencies task these clients with finding a job, reliable transportation, and also paying back any arrearages they owe. However, the State hamstring their ability to do this with suspension of the driver’s license due to delinquent child support owed. Without a driver’s license, these clients are cut off from any jobs in neighboring counties including St. Charles, Jefferson County, Franklin County, and parts of Illinois. Public transportation adds two additional travel hours one way (four hours per day) if traveling within the City of St. Louis.
5. FSD ostensibly offers a “stay” on the suspension if the client begins to make timely payments reflecting their current child support order and any arrears owed. But actually obtaining one of these stays is a nightmare. After submitting requests to lift or stay a suspension to the Director of Family Support Division, my colleagues and I generally would not receive a reply. After a few months we would call FSD to inquire as to our requests, and FSD would insist they did not know what I was talking about. I discovered quickly that attempts to obtain a “stay” on the suspensions were exercises in futility. The process or lack thereof is largely dependent upon which customer service agent answers the phone on any given day. Moreover, FSD removes the stay as soon as the payments lapse or lag, which often happens when clients are struggling financially. I am not aware of any notice that is sent to clients when the stay is removed.
6. It has been my observation that once a client loses their driver’s license, they are more likely to become ensnared in one of the 88 municipal courts within St. Louis County. This often results in quasi-criminal charges related to the initial child support suspension. Clients lose their jobs because they do not have reliable transportation without the ability to drive a car. Once their livelihood is gone, eviction and homelessness soon follow. They no longer have meaningful relationships with their children because the custodial parent decides they are “no good” due to their

diminished income capacity and lack of mobility. It is not uncommon for the custodial parent to deny visitation based on the non-custodial parent's lack of transportation or dependency on public transportation.

7. Once a client manages to secure a job and begin paying regular support, the path toward driver's license reinstatement through Family Support Division is impossible to navigate with or without an attorney. Family Support Division claims to have a process to reinstate one's driver's license. In practical effect, it is a black hole without clear process, clear guidelines, absent communication, and generally a formality without real function or relief. Attorneys have attempted to navigate this system with all of the resources at our disposal and still have no clear picture as to how this system is supposed to work. This is further compounded by Family Support Division's refusal to consistently copy an attorney of record on any correspondence nor any centralized intake point for addressing this issue. Attorneys including myself have walked into the child support offices, filed certified petitions with official offices in Jefferson City, requested hearings we knew were fruitless, spent countless hours on the phone, fax, and email to no avail. I cannot imagine any pro se petitioner being able to navigate the system on their own.
8. Last year, I took my concerns to the Attorney General's office, demanding that they do something to stop the rampant due process violations against my clients who owe child support. In response, and after a personal meeting, FSD set me up with an outreach caseworker specifically to help me move my clients through the process more quickly. This is the type of backdoor workaround that is necessary to obtain some semblance of justice under the current system. My clients are lucky that I have this agreement, but I do not and cannot represent every non-custodial parent who falls behind on their child support payments in the state of Missouri. Other attorneys who do not have this type of arrangement remain at a disadvantage in navigating this system, and pro se individuals have virtually no hope.
9. Finally, non-custodial parents who owe child support and have had their licenses suspended get stuck in this situation for years. Their suspension may have been issued over a decade ago but the harm continues as the holds remain in place many years later. Repeatedly throughout my representation of indigent clients on this issue, the majority of clients' licenses are suspended and have been suspended for a number of years due to a lack of any real process on the part of the state for determination of ability to pay or any clear path to reinstating a driver's license even after payments are being made. The cycle of poverty, despair, and broken families left in the wake of this lack of administrative policy are widespread and devastating. Particularly in working with vulnerable veterans in my legal aid program, the 'black hole' that is the administrative façade pertaining to a fair hearing, competent responses to requests for reinstatement, and an overall lack of accountability robs non-custodial parents of their ability to drive for employment, provide for their children, and secure their families' well-being.

I declare under penalty of perjury that the statements above are true and correct. Executed on this 14 day of March, 2019.

A handwritten signature in black ink, appearing to read "Stephanie Lummus", written over a horizontal line.

Stephanie Lummus



EXHIBIT 12  
STEVEN KISSINGER  
DEPOSITION (EXCERPTS)

Steve Kissinger - Vol. I

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CAMESE BEDFORD, et al.,	)
	) Case No. 4:19-cv-398 RWS
Plaintiffs,	)
	)
vs.	)
	)
FAMILY SUPPORT DIVISION of)	
The Missouri Department of)	
Social Services, et al.,	)
	)
Defendants.	)

DEPOSITION OF STEVEN KISSINGER  
Taken on behalf of Plaintiffs  
February 14, 2020

Steve Kissinger - Vol. I

1 from there. You have to have that conversation to  
2 kind of come up with an amount that they're able to  
3 pay. That's why I keep saying able to pay because  
4 that's what they have.

5 Q. Sure. Do child support specialists have  
6 standardized ability-to-pay guidelines when  
7 determining payment plan amounts?

8 A. We don't have any type of a -- there isn't  
9 anything standardized like that, no.

10 Q. Is there a written set of guidelines  
11 specialists are supposed to use when exercising  
12 discretion?

13 MR. PHILLIPS: Objection.

14 THE WITNESS: I think I talked at length  
15 about the discretion in enforcement activities. Like  
16 I gave an example about income withholding. I gave  
17 an example about the credit letter. I gave an  
18 example of a notice of intent. Based on all of the  
19 facts of the case, whether that action was sent or  
20 not. And that's all based on my training and it was  
21 based on our policy and procedure and good sense by  
22 looking at a history of a paying case and knowing  
23 that you have a timing issue. So all of that came up  
24 not just because I made it up; it came from training,  
25 guidance, procedure manual, forms manual, my

Steve Kissinger - Vol. I

1 MR. PHILLIPS: Objection.

2 THE WITNESS: Not by module. There isn't  
3 a -- there is not a training module for that topic.

4 BY MS. HATTON:

5 Q. Other than a module, is there any other  
6 form or way in which specialists are trained on  
7 inability to pay?

8 MR. PHILLIPS: Objection.

9 THE WITNESS: The training only  
10 includes -- I won't say only -- includes the guidance  
11 that's in the procedure manual for determining  
12 payment agreement amounts.

13 BY MS. HATTON:

14 Q. Okay. Does the procedural manual have  
15 guidance on the concept of ability to pay?

16 A. I am not aware of an area that that is  
17 discussed in the procedure manual.

18 Q. Okay. And just to circle back really  
19 quickly, what is a module?

20 A. Just a training. Like a -- I use the word  
21 "module," but like a training scenario or a, just a  
22 specific topic, a module. A module that is based on  
23 a certain topic.

24 Q. Okay. Are child support specialists  
25 trained on working with people living in poverty?

Steve Kissinger - Vol. I

1 of extreme?

2 A. I could not 100 percent say no.

3 Q. Okay. How common is it for temporary  
4 payment plans to be set at an amount less than 50  
5 percent of current support?

6 A. I would say very common.

7 Q. So do you think that this guidance that  
8 we're looking at right now aligns with what's  
9 actually happening in practice?

10 A. To answer that I'll say that as written,  
11 it's written very strongly to ensure that we are not  
12 quickly compromising the support. I keep referring  
13 to that family behind the child support order. That  
14 we're not quickly jumping to a dollar pay agreement,  
15 that we're keeping in mind that there's that -- I  
16 keep referring to the original order that was entered  
17 as soon as three months ago. Because it's -- you  
18 only have to be three months behind to get a notice  
19 of intent and there was a judge that said, This  
20 person's going to pay 850. And three months later  
21 you're going to do a dollar payment agreement? You  
22 really need to take in the whole case circumstances  
23 to determine what you're -- what you're -- what  
24 you're about to do.

25 So it's written strongly for a reason, to

Steve Kissinger - Vol. I

1 let the person, the child support specialist know  
2 that you really need to have a good reason for going  
3 less than 50 percent.

4 Q. Okay. So I guess I'm just trying to  
5 reconcile two different things here. One is the word  
6 "extreme" which you've said is, you know, rare and  
7 then the other is that you've said it's fairly common  
8 for specialists to depart from the 50 percent payment  
9 plan and go downward. So I'm trying to figure out if  
10 what's happening in reality is what's written on this  
11 piece of paper or if what's happening in reality is  
12 some other policy that involves discretion.

13 MR. PHILLIPS: Objection.

14 BY MS. HATTON:

15 Q. So would you say that this written on this  
16 paper represents the policy that most specialists are  
17 following when they're setting payment plan amounts?

18 MR. PHILLIPS: Objection.

19 THE WITNESS: We are -- to answer the  
20 question, when a specialist is already looking at  
21 doing a temporary, we've already made a decision that  
22 we're not going to do current. So I've already -- so  
23 they've already said, We're going to go lower because  
24 of your circumstance. We use the word "extreme"  
25 because now I'm even going to -- now I've gone -- now

Steve Kissinger - Vol. I

1 Q. Okay. Based on this notice, how would a  
2 person know if they are able to enter into a payment  
3 plan they can afford?

4 MR. PHILLIPS: Objection.

5 THE WITNESS: The notice does not -- only  
6 gives the past due amount. It doesn't give any other  
7 details about why the support's not paid or what  
8 their -- what they could afford under a payment  
9 agreement.

10 BY MS. HATTON:

11 Q. Okay. Based on this notice would a person  
12 have any clue as to what payment plan amounts are  
13 available to them?

14 MR. PHILLIPS: Objection.

15 THE WITNESS: Can you -- can you repeat  
16 that question again? I'm trying to answer it.

17 BY MS. HATTON:

18 Q. No problem. Based on this notice, would a  
19 person have any clue as to what payment plan amounts  
20 are available to them?

21 MR. PHILLIPS: Objection.

22 THE WITNESS: Not on this form.

23 BY MS. HATTON:

24 Q. Okay. Is there any indication on this  
25 notice that someone will have payment agreement plans

Steve Kissinger - Vol. I

1 set at a rate that they can afford?

2 A. Not on this form.

3 Q. Is there any indication on this notice  
4 that someone will have a payment agreement plan that  
5 is reasonable?

6 MR. PHILLIPS: Objection.

7 THE WITNESS: No. There is no wording to  
8 that effect.

9 BY MS. HATTON:

10 Q. Okay. Is there any indication on this  
11 notice that someone can have hardship taken into  
12 account to avoid license suspension?

13 A. The word "hardship" is not used.

14 Q. Is there any indication on this notice  
15 that someone could have their ability to pay taken  
16 into account to avoid license suspension?

17 A. No. We do not use the term "ability to  
18 pay."

19 Q. Other than the explicit words "ability to  
20 pay," is there anything on this notice that might  
21 indicate to someone that they could have their  
22 ability to pay taken into account?

23 MR. PHILLIPS: Objection.

24 THE WITNESS: The notice states, You may  
25 enter into an agreement by contacting us.



EXHIBIT 13  
JOHN GINWRIGHT  
DEPOSITION (EXCERPTS)

John Ginwright

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CAMESE BEDFORD, et al.,	)	
	)	Case No. 4:19-cv-398 RWS
Plaintiffs,	)	
	)	
vs.	)	
	)	
FAMILY SUPPORT DIVISION,	)	
et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF JOHN GINWRIGHT  
TAKEN ON BEHALF OF PLAINTIFFS  
February 13, 2020

John Ginwright

1 point they contact us and say that they want to enter  
2 into a stay we would allow them the opportunity to enter  
3 into a payment agreement or tell us where they're  
4 working at and then we'll issue the stay.

5 Q. Okay. So I'm going to go through that  
6 chronologically.

7 A. Uh-huh.

8 Q. You said a child support specialist reviews  
9 the case to determine if they want to proceed with the  
10 actions?

11 A. Uh-huh.

12 Q. What criteria go into the decision of deciding  
13 whether to proceed with the action or not?

14 A. Each case is different. They look at the case  
15 history to see if it is a vehicle that we've used before  
16 and if so what was the outcome there or if there's any  
17 special circumstances surrounding the cases. They look  
18 at notes from the call center to see if there's anything  
19 going on where they would possibly not want to take the  
20 action. They look at all previous communications. They  
21 look at pay histories. Basically they review the case  
22 to see if they believe it will be an appropriate  
23 enforcement tool. They have discretion to act  
24 accordingly.

25 Q. When you say they have discretion, you mean

John Ginwright

1 A. Sure.

2 Q. Can you think of other circumstances that  
3 would be relevant to the reasonable to pay inquiry?

4 A. It would be an individual who would have very  
5 high current support obligation for some reason and is  
6 in a totally different situation; that probably we would  
7 also suggest going down the road of modification but  
8 prior, you know, because the withholding of the payment  
9 plan would have to be done prior to the modification.  
10 So we would probably want to go down and if they had a  
11 \$900 order and they weren't working, then okay, we'll  
12 take it down a lot lower than that.

13 We've had situations where it was an attorney  
14 and, you know, they're a practicing attorney, okay, you  
15 can still make that money. So we don't want to take  
16 that situation and apply it to somebody that just got  
17 laid off at a warehouse when there's nothing else going  
18 on.

19 Q. That makes sense. So you've said that you  
20 like discretion to be used in these cases because they  
21 vary case by case. **Is there anywhere laid out a**  
22 **standard set of criteria that child support specialists**  
23 **should be taking into account when they're determining a**  
24 **payment amount?**

25 A. **Not that I can think offhand, no.**

John Ginwright

1 Q. So some of these things that you've named for  
2 me like the type of profession someone may have or how  
3 high their total support amount is or whether they have  
4 multiple cases, are those things that your staff would  
5 know they should take into account or are those things  
6 just coming off the top of your head?

7 A. They're coming off the top of my head because  
8 those are the things that would be the triggers that the  
9 open line of communication should have open with. So if  
10 the individual who calls or contacts us, we're looking  
11 for reasons why they can't pay the current support or  
12 what affects their ability to earn a certain amount that  
13 is court ordered. So those are the types of  
14 informations that the noncustodial parent would give us  
15 but not necessarily that we would go through a checklist  
16 on the other side, because we're not really asking the  
17 specialist to communicate with themselves about an  
18 individual, we're asking that the individual contact us  
19 so they can communicate with our specialist.

20 Q. what type of training are the specialists  
21 given on this discretionary aspect of payment amount  
22 setting?

23 A. Very little training on using discretion,  
24 using I guess a common sense factor. The training that  
25 is given is related to the policy. This is what happens

John Ginwright

1 A. No.

2 Q. Okay.

3 A. Although I believe the statute says plan and  
4 our policy and procedures are agreement. So I guess I  
5 don't but if you really get technical, I think the  
6 statute specifically says payment plan. When we talk  
7 about, it's a payment agreement.

8 Q. Do the written payment plans say anything  
9 about an obligor's rights with respect to renegotiating  
10 a payment plan or options to negotiate?

11 A. I don't have -- I can't -- I know it's a lot  
12 of words on that form. So I don't really know. I think  
13 it may say something to the effect contact us if there's  
14 something comes up but I don't know.

15 Q. Okay. I think I may have already asked this,  
16 but bear with me. **Are there standardized guidelines to  
17 help child support specialists make determinations about  
18 payment plan amounts?**

19 A. No. **That goes back to my answer about the  
20 discretions.**

21 Q. Okay. What about payment plan frequency? Is  
22 that up to the discretion of the child support  
23 specialist?

24 A. Frequency being how often payments should come  
25 in?

John Ginwright

1 issues license suspension stays?

2 A. Just like we issue a stay we issue -- I mean,  
3 suspension, we issue a stay. Then the issuing agency,  
4 which is Department of Revenue, notates it on to their  
5 system.

6 Q. If a person has a stay, is their license still  
7 technically suspended?

8 A. That is a question that you would need to  
9 really get from the Department of Revenue. They can  
10 legally drive on that stay; but as far as the legal  
11 status of that license, you probably would need to  
12 verify that with Department of Revenue.

13 Q. what are the criteria for issuing a stay?

14 A. Normally they would have to either enter into  
15 a payment agreement or have an income withholding order,  
16 tell us where they're working at, have an income  
17 withholding order or that would probably encompass the  
18 majority of the stays.

19 Q. Can an unemployed person get a stay?

20 A. All employed people should have a stay issued.

21 Q. An unemployed person.

22 A. Unemployed. I'm sorry. An unemployed person  
23 that enters into a payment agreement could get a stay,  
24 yes.

25 Q. And how if someone has no income, what type of

John Ginwright

1 A. Uh-huh.

2 Q. Okay. I'm going to read that paragraph. It  
3 says the amount will be less than the NCP's actual  
4 current support amount, but as a general rule, should  
5 not be less than 50 percent of the current support  
6 amount. However, under extreme circumstances, the CSS  
7 may determine that an amount less than 50 percent of  
8 current support is warranted. Did I read that  
9 correctly?

10 A. I believe so.

11 Q. Okay. Is it your understanding that the  
12 general rule is that a payment plan amount should be 50  
13 percent or more of the current support amount?

14 A. It's my understanding that that is what is on  
15 the form and what you read.

16 Q. Does this form reflect what actually happens  
17 in practice?

18 A. Probably not.

19 Q. Okay. Explain that to me if you would.

20 A. I think that -- And that's one thing that when  
21 I'm dealing with staff, because I'm like the policy  
22 driver or maker, and what I do is I would look at what  
23 the statutes and the regs says versus what our policy,  
24 our forms say, and I try to impress on my staff that **the**  
25 **ability for us to change a form if it's within federal**



John Ginwright

1 and state statutes is very easy. So we're constantly  
2 looking for ways to provide better customer service to  
3 provide the families better services. So if it's within  
4 the state and federal regulations, we can change our  
5 form, change our administrative policies. So to that  
6 effect under some circumstances where we have moved away  
7 from the extreme circumstance language that's on here  
8 that's still on this form that was written probably back  
9 in the '90s, that would not be the common process.

10 Q. Okay. And do you see at the top of this  
11 document in bold it's the top right-hand side it says  
12 CSE-773, which I assume is the name of this document  
13 Instructions and it says Revised 6-09.

14 A. Uh-huh.

15 Q. Do you think that that means that this  
16 document is current as of 2009?

17 A. That's when the last revision was made, but  
18 that's not the inception of the form. For example,  
19 statute may have changed at some point or where the  
20 payment needs to be sent to may have changed. So that  
21 doesn't mean that that was the creation date of the form  
22 but just it could have been just one small thing on the  
23 form needed changed and so that's the revision date.  
24 That's the last time we revised the form, but that's not  
25 the implementation date.

John Ginwright

1 Q. Do you think it's reasonable for it to be the  
2 general rule that support is set at 50 percent of  
3 current support amounts for parents who are unemployed?

4 A. The general rule as I stated earlier, I really  
5 don't -- that terminology on general rule is kind of  
6 hard to grasp, but I think that if you're going to start  
7 somewhere you start with 50 percent and then see if it  
8 meets circumstances that that shouldn't apply to.

9 Q. Okay. So if it was up to you to define  
10 extreme circumstances in the context of this paragraph  
11 that we're looking at right now, what would you define  
12 as extreme circumstances meriting a departure from the  
13 general rule of 50 percent?

14 A. Once again, we're talking about a payment  
15 agreement so we're talking about two people  
16 communicating with each other. So the extreme  
17 circumstances would be the circumstances that the other  
18 party has told us that are extreme or they believe to be  
19 extreme and then us looking at that and determining  
20 whether or not we should adjust the way that we're  
21 thinking towards from what they're giving us, the back  
22 and forth on the communication. So it still goes back  
23 to that original you contact us, you communicate with  
24 us, we try to get somewhere where everybody can live  
25 with it.

John Ginwright

1 do this. So the coercion would be them picking up the  
2 phone, contacting us, trying to set up a payment plan so  
3 that we don't do that action. When you use that  
4 particular word, I would say there probably is only two  
5 actions that are coercive and that would be license  
6 suspension and referral to the prosecutor. I guess I  
7 could look at either side to see which one is more  
8 effective. They both have their effectiveness.

9 Q. Okay. That makes sense. I'll use a different  
10 word. That was a very helpful answer. Thank you. So  
11 how effective are driver's license suspensions at  
12 securing payment of child support?

13 A. I don't want to nitpick and I'm not trying to  
14 get on your nerves or anything here, but the actual  
15 driver's license suspension is not effective at all.  
16 What is effective is the process until we get to the  
17 suspension. That's the effective part. The effective  
18 part is not suspending. The effective part is doing  
19 that notice of intent, trying to open up communications,  
20 trying to get the payment. Once it gets to the point  
21 where the 60 days have passed and we're suspending the  
22 driver's license, the effectiveness is little or none  
23 because the results should have been initiated through  
24 the last 60 or 90 days when we were going through the  
25 process because once we suspend the driver's license

John Ginwright

1 A. I guess it would kind of like the same way  
2 that we're seeking to suspend your driver's license. It  
3 hasn't already been suspended. I would think seeking  
4 would mean that it hasn't already been done.

5 Q. Where are you looking right now?

6 A. Let's see. The second box.

7 Q. Where it reads if FSD is seeking to suspend  
8 your license because you owe past-due support, the only  
9 issues that may be determined in a hearing are?

10 A. Yes.

11 Q. Okay.

12 A. And it says under the note if you enter into a  
13 payment agreement as discussed above, a hearing may not  
14 be necessary. So I think that would kind of tip me off  
15 that either if I enter into a payment agreement or a  
16 hearing, I'm not going to have my license suspended  
17 until after the hearing.

18 Q. Okay. Do you see anywhere on this notice  
19 where it says explicitly you can avoid license  
20 suspension?

21 A. Explicitly, no.

22 Q. Based on this notice, would a person have any  
23 idea as to what payment plan amounts are available to  
24 them?

25 A. No.

John Ginwright

1 Q. Based on this notice, would someone have  
2 noticed that they can have payment plans set at a rate  
3 that they can afford?

4 A. No, but I mean, that is the good thing about  
5 what we're doing and what we're looking at, because this  
6 form is not rooted or is not anything that we can't  
7 change. So what we do is we look at and get suggestions  
8 on changes to be made to forms and that's something that  
9 we would definitely look at changing I think. Through  
10 this process that we're going through now we've looked  
11 at these forms and there are suggestions and changes  
12 that we feel comfortable making. As I said earlier, all  
13 changes, we're open to all changes. So this is not  
14 anything that, you know, if it needs to read better we  
15 can make it read better.

16 Q. When you say going through this process, do  
17 you mean this lawsuit or is FSD going through its own?

18 A. No, the process right here today and, you  
19 know, looking at things what we went through late  
20 December when we sat down at the table.

21 Q. Okay. So the process kind of initiated by  
22 this lawsuit?

23 A. This lawsuit, the topic in general, but this  
24 is one of -- you know, we have different inquiries on  
25 license suspension process, different legislation that

John Ginwright

1 Q. All right. So based on this notice, is there  
2 any indication that someone could have their financial  
3 hardship taken into account to avoid the license  
4 suspension?

5 A. No.

6 Q. Is there anything in this notice that would  
7 put someone on notice that they can have their inability  
8 to pay taken into account to avoid license suspension?

9 A. No.

10 Q. Is there anything in this notice that would  
11 put someone on notice that they can have their poverty  
12 taken into account to avoid license suspension?

13 A. No.

14 Q. Does the notice mention nonmonetary  
15 alternatives to license suspension?

16 A. No.

17 Q. Does the notice mention reduced payment plans?

18 A. No.

19 Q. Does the notice mention any inability to pay  
20 protections?

21 A. No.

22 Q. Where on this notice can someone find their  
23 option to seek a stay of their suspension?

24 A. It's not on here, but I don't see why it would  
25 be.

John Ginwright

1 Q. why is that?

2 A. Because your license isn't suspended yet.

3 Q. Got it. Okay. All right. This may seem like  
4 a very obvious question, but surprisingly I have not  
5 asked it yet. What is the purpose of suspending  
6 driver's licenses for unpaid child support?

7 A. To open up the lines of communication.

8 Q. So is that the purpose of sending the notice  
9 or the purpose of the suspension itself?

10 A. Well, the purpose of the enforcement tool is  
11 to open up communications. The last ditch effort of  
12 suspending a license is to hopefully okay, now we're  
13 serious, please call us. So it would still be we're  
14 still trying to get in touch, we're still trying to get  
15 payments and we still want to communicate. We  
16 definitely don't want this to go into the judicial realm  
17 where it's heading.

18 Q. So I know people have the option to contact  
19 you and get in contact with you.

20 A. Uh-huh.

21 Q. But just for argument sake let's pretend like  
22 they didn't. Do you think someone should have their  
23 license suspended for failing to pay child support when  
24 they can't afford the child support?

25 A. It's not all or nothing. I think that's where

EXHIBIT 14  
LAJUANA RICHARDS  
DEPOSITION (EXCERPTS)



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CAMESE BEDFORD, ASHLEY )  
GILDEHAUS, and LISA MANCINI, )  
on behalf of themselves and )  
others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. ) Case No. 4:19-cv-398 RWS  
 )  
FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social )  
Services; MICHAEL PARSON, in )  
his official capacity as )  
Governor of Missouri; JENNIFER )  
TIDBALL, in her official )  
capacity as Acting Director of )  
the Department of Social )  
Services; REGINALD MCELHANNON, )  
in his official capacity as )  
Interim Director of the Family )  
Support Division; KENNETH )  
ZELLERS, in his official )  
capacity as Acting Director of )  
the Department of Revenue; )  
JOSEPH PLAGGENBERG, in his )  
official capacity as Director )  
of the Motor Vehicle and )  
Driver Licensing Division, )  
 )  
Defendants. )

VIDEO CONFERENCE DEPOSITION OF LAJUANA RICHARDS  
ON BEHALF OF THE PLAINTIFFS  
MARCH 4, 2020

CERTIFIED ORIGINAL TRANSCRIPT

1 garnishments, which --

2 Q. Okay.

3 A. -- is issuing an income withholding  
4 order, whether it's for a lump sum or an employer or  
5 Social Security or unemployment compensation.

6 Q. Okay. Out of all the cases of  
7 noncustodial parents that you handle, what percentage  
8 would you say the enforcement action used is income  
9 withholding?

10 A. Probably I will say about -- I'm  
11 thinking of the numbers. Probably about 48.

12 Q. Okay. And then what are the next most  
13 common form of enforcement that you use with respect  
14 to noncustodial parents?

15 A. That would be license suspension, and  
16 that probably falls under about 25 percent.

17 Q. Okay. And then after income withholding  
18 and license suspension, what would be the most common  
19 method of enforcement?

20 A. Prosecuting attorney referrals.

21 Q. Okay. And about what percentage of  
22 noncustodial parents do you use that enforcement  
23 mechanism for?

24 A. About 20 percent.

25 Q. In your opinion, what enforcement

1 temporary payment agreement for whatever amount they  
2 give me starting what the date that I give them, and  
3 I let them know please continue to make sure they  
4 make their payments every month and not to miss a  
5 monthly payment.

6 Q. Okay. And so so long as someone gives  
7 you an amount of at least a dollar, that's what you  
8 enter as their temporary payment plan installment  
9 amount?

10 A. Yes.

11 Q. Okay. Are there any other factors that  
12 you consider when creating an installment plan other  
13 than what someone says they're able to pay?

14 A. No. At that point, if they're not  
15 working, I just take what they say as face value  
16 because there's no way for me to determine what they  
17 can afford and what they can't afford.

18 Q. Does FSD have a formal set of factors  
19 that you're supposed to take into consideration when  
20 creating an installment payment plan?

21 A. No.

22 Q. Is there any written guidance at all as  
23 to what you should take into consideration when  
24 creating an installment payment plan?

25 A. No, there's not like take into

1 and see if they follow up from that, and if not, then  
2 we have to take the next action, and that's a  
3 consideration, you know, sending a letter because in  
4 actuality is I really should be taking the next  
5 action.

6 Q. Okay. So if someone is not paying on  
7 their payment plan, there's not necessarily any  
8 intermediary steps to determine why they're not  
9 paying before it goes through enforcement?

10 A. Nope.

11 Q. Okay. All right. So I want to look  
12 back at the paragraph that we were looking at  
13 earlier, Field 8 of Exhibit 2.

14 A. Okay.

15 Q. Do you still have that in front of you?

16 A. Yes.

17 Q. Okay. So I'm looking at the sentence  
18 that follows the one that I read earlier and starts  
19 with the word "However." Do you see that?

20 A. Yes.

21 Q. Okay. It says, "However, under extreme  
22 circumstances, the CAS -- CSS may determine that an  
23 amount less than 50 percent of current support is  
24 warranted." (As read.)

25 Did I read that correctly?

1 under extreme circumstances. Is that the policy that  
2 you are currently using when you set payment plan  
3 agreements?

4 A. No. I don't -- I -- I don't follow  
5 that, that it should be -- there's a general rule it  
6 should not be less than 50 percent of current support  
7 unless it's extreme circumstances, no.

8 Q. Okay. Do you take extreme circumstances  
9 into account at all when you are entering into  
10 payment plan agreements?

11 A. I wouldn't even know what the extreme  
12 circumstances are. Now, if a client comes in to me  
13 and says that -- which I've had a few -- that they  
14 have a medical condition, they haven't been working  
15 because they have some medical issues going on -- I  
16 had one man had open-heart surgery and different  
17 things like that. Now, I will consider that an  
18 extreme circumstance, but I can't say that FSD would,  
19 but at that time, yeah, I -- even if he didn't tell  
20 me he had open-heart surgery, I still would take into  
21 consideration of entering into a payment agreement  
22 less than 50 percent because he's not working, but in  
23 that instance where he's saying that he had  
24 open-heart surgery, then, yeah, I'm going to take  
25 that into consideration when he tells me that I only

1 can pay \$5, and then at that point, I'm going to  
2 inquire that if he's applied for Social Security  
3 because at this point it's beyond to me, and beyond  
4 the child support, so...

5 Q. Is there any standardized guideline as  
6 to what FSD considers to be extreme circumstances?

7 A. No.

8 Q. Okay. When you first start to come up  
9 with a payment plan amount for someone, is there a  
10 default number or percentage that you use as a  
11 starting point?

12 A. Well, as I stated before, I ask them  
13 first what are they able to pay, and I don't know.  
14 Just say, for instance, their current support amount  
15 is a thousand dollars a month, and they say, "I can  
16 pay \$5," and in my opinion, I'm like, "That is very  
17 low." I'm like, "Uh, that's a little low," so I'll  
18 ask them. I'm like, "Can you at least do 25 percent  
19 of current support?" and if they say, "Well, no, I  
20 can't do 25 percent. I can't pay \$250," then I'll --  
21 I'll throw out 25 percent, but if they can't do that,  
22 of course, we'll go for an amount below the  
23 25 percent, but I'll throw that out there.

24 Q. Okay. And is that 25 percent starting  
25 point an office-wide policy, or is that just your

EXHIBIT 15  
RASHAD HIBBLER  
DEPOSITION (EXCERPTS)

In the Matter of:

**CAMESE BEDFORD, et al.**

v.

**FAMILY SUPPORT DIVISION, et al.**

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**RASHAD HIBLER**

*March 04, 2020*

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Rashad Hibler

1 THE WITNESS: The inability -- I can't --  
2 I can't say that specifically, no, ma'am. I can't  
3 say I was trained on inability to pay. I can say we  
4 were provided information on certain reasons people  
5 may not pay child support if you're talking about  
6 them being disabled or having specific things that  
7 hindered them from working. Is that -- I'm really --  
8 I understand what you're asking me, but specifically  
9 with the inability to pay, no.

10 BY MS. HATTON:

11 Q. Okay. Were -- do you recall any reasons  
12 that came up in your training other than being  
13 disabled that might lead someone to not pay their  
14 child support?

15 A. Definitely not having a job, criminal --  
16 criminal background.

17 Q. Anything else that you can recall?

18 A. No, ma'am.

19 Q. Okay. During your basic training for  
20 child support enforcement, were you trained on  
21 working with people living in poverty?

22 MR. PHILLIPS: Objection; form.

23 THE WITNESS: Living in poverty, yes.

24 BY MS. HATTON:

25 Q. Okay. What does that training consist of?

Rashad Hibler

1 a payment agreement to do that; we would just  
2 supervise the garnishment. But if someone is  
3 employed, they're not able to determine what their  
4 payment is or what the garnishment amount is unless  
5 it's with the arrears payment.

6 Q. Okay. And is there a set of standardized  
7 guidelines to help you determine how much to set the  
8 arrears payments at?

9 A. No, ma'am.

10 Q. Okay. So what do you consider when you're  
11 setting arrears payments?

12 A. When I'm looking into the arrears payment,  
13 I'll look to see if someone has more than one child  
14 support case and then I'll also look at what their  
15 current amount is. Because if they're not able to  
16 meet their current amount, then nothing's going to  
17 apply towards the arrears anyway.

18 So with the arrears payment we look -- we  
19 definitely look to see if they have multiple child  
20 support cases, multiple garnishments. And then also,  
21 you know, if all the cases have current support due  
22 and how much this person is making. Because if  
23 they're not able to have the either weekly or  
24 biweekly or monthly amount withheld from their wages,  
25 then they wouldn't have any amount applying toward

Rashad Hibler

1 Q. Okay. What are extreme circumstances  
2 under FSD's vernacular?

3 A. I cannot remember all of them off the top  
4 of my head, but not having an employer is included in  
5 them.

6 Q. Okay. So is your office following this  
7 policy that under extreme circumstances, an amount  
8 can be less than 50 percent of the current support?

9 A. Yes, ma'am.

10 Q. Other than someone being unemployed, can  
11 you think of any other circumstances that your office  
12 or your department uses and considers as extreme  
13 circumstances?

14 A. If they have multiple child support cases.

15 Q. Anything else?

16 A. No, ma'am.

17 Q. Okay. In this practice of considering  
18 extreme circumstances as, among other things maybe  
19 that you can't recall, being unemployed or having  
20 multiple child support cases, is that an FSD-wide  
21 policy, or is that just your department that takes  
22 those things into consideration?

23 A. This is FSD.

24 Q. Okay. And is that a formalized policy to  
25 take into account unemployment and multiple child

Rashad Hibler

1 support cases?

2 A. Yes, ma'am.

3 Q. Okay. Do you know where that formalized  
4 requirement is written?

5 A. In the Family Support Division policy  
6 manual.

7 Q. Are there any factors that would cause you  
8 to enter a payment plan higher than 50 percent of the  
9 current support order?

10 A. No, ma'am. Unless the person paying the  
11 support wanted the payment agreement for that amount.

12 Q. Other than in the policy manual, does FSD  
13 have formal guidance on what constitutes extreme  
14 circumstances to lower a payment plan below 50  
15 percent of current support?

16 A. Outside of the manual, I'm not -- I'm not  
17 sure.

18 Q. Okay. Is there any negotiation that goes  
19 on between child support specialists and noncustodial  
20 parents in coming up with the payment plan amount?

21 A. Within my department, no, ma'am.

22 Q. So I know you said you weren't, in your  
23 department you weren't following the general rule  
24 of 50 percent or more. When you first start to come  
25 up with a payment plan for someone, is there any

Rashad Hibler

1 default number or percentage that you use as a  
2 starting point?

3 A. No, ma'am.

4 Q. Okay. So what is the very first step that  
5 you take in coming up with a payment plan with  
6 someone?

7 A. I'll ask the client I'm working with what  
8 they're reasonable as having a payment agreement  
9 amount.

10 Q. Okay. And what happens after they say  
11 their payment -- their desired payment amount?

12 A. And if -- if the person is currently  
13 unemployed and we don't show any active income, then  
14 I'll go and enter into a payment agreement in the  
15 Missouri Automated Child Support System, and I'll  
16 mail it to them to sign and return.

17 Q. Okay. So the child support specialist  
18 doesn't have any negotiating power in creating the  
19 payment plan amount?

20 MR. PHILLIPS: Objection to form.

21 THE WITNESS: I do -- I do have that, but  
22 I don't determine what someone else's -- what they  
23 have the ability to pay or what they consider as  
24 reasonable if we're talking about the temporary  
25 agreement. I ask them -- everyone the same, you

Rashad Hibler

1 percent?

2 MR. PHILLIPS: Objection; form.

3 THE WITNESS: It's -- yeah. If  
4 someone -- if someone is unemployed or they don't  
5 have any income, we don't show income on file, I  
6 consider that an extreme circumstance.

7 BY MS. HATTON:

8 Q. Okay. What options exist for someone who  
9 cannot afford to pay any installment plan amount?

10 A. Options -- options regarding?

11 Q. (Phone cut out) -- license suspension.

12 COURT REPORTER: I'm sorry, Ms. Hatton,  
13 could you repeat that?

14 BY MS. HATTON:

15 Q. Options to avoid license suspension.

16 A. They would have to enter into some type of  
17 agreement, not with our department, but just in  
18 general. Because I haven't suspended a license. We  
19 don't take actions against license suspension in my  
20 department.

21 Q. Okay. And why not?

22 A. Because we provide enforcement relief.

23 Q. Okay. Can you explain the concept of  
24 enforcement relief to me?

25 A. So if there's an administrative action or

Rashad Hibler

1 Q. What about wage garnishment as it relates  
2 to the child support order itself, do you have  
3 discretion over that?

4 A. No. It has to be set at whatever the  
5 current support amount is.

6 Q. Do child support specialists have  
7 discretion over placing liens on individuals as an  
8 enforcement mechanism?

9 MR. PHILLIPS: Objection to form.

10 THE WITNESS: No, ma'am.

11 BY MS. HATTON:

12 Q. Do child support specialists have  
13 discretion to use license suspensions as an  
14 enforcement mechanism?

15 A. Yes, they can.

16 Q. Okay. Is there a standard set of  
17 guidelines support specialists are supposed to use  
18 when exercising discretion?

19 MR. PHILLIPS: Objection to form.

20 THE WITNESS: For child support?

21 BY MS. HATTON:

22 Q. Yes.

23 A. The threshold of when its appropriate to  
24 take the action?

25 Q. Sure.

**EXHIBIT 16:  
TEMPORARY  
PAYMENT  
AGREEMENT  
INSTRUCTIONS**



**CSE-773  
Instructions  
(Rev. 6-09)**

**FORM:** **CSE-773**

**TEMPORARY PAYMENT AGREEMENT**

**PURPOSE:**

To formalize the actions the noncustodial parent (NCP) must fulfill to avoid suspension or stay suspension of a license. The child support specialist (CSS) enters into a temporary payment agreement with an NCP when (s)he is:

- Unable to pay his/her current child support obligation; and
- Self-employed or unemployed.

**If the NCP has more than one order with the same custodial parent/custodian (CP), the CSS will complete one agreement for each order.**

**REFERENCE:**

CSE Procedural Manual, Section VI, Chapter 10.

**GENERAL PROCEDURES:**

This form is generated from the *Available Diary Activities* (DIARA) screen in the Missouri Automated Child Support System (MACSS).

The NCP and CSS complete this form during an in-person conference or phone conference with the NCP. (Ref: CSE Procedural Manual, Section VI, Chapter 10)

Distribution for NCP's signature:

**Original**/NCP with a *Notice of Payment Agreement* (CSE-770) and a *Work Search Log* (CSE-774), if appropriate.

Distribution after NCP and CSS sign the agreement:

**Original**/*Forms and Correspondence Section* of the case record; **copy**/NCP; **copy**/custodial parent with a *Notice of Case Action Taken* (CSE-219).

**INSTRUCTIONS FOR COMPLETION:**

Field 1 – Enter the NCP's name.

**CSE-773  
Instructions  
(Rev. 6-09)**

- Field 2 – Enter the NCP’s complete address.
- Field 3 – Enter the CP’s name.
- Field 4 – Enter the IV–D case number.
- Field 5 – Enter the court order number on which the payment agreement is based.
- Field 6 – Enter the NCP’s name.
- Field 7 – Check this box if the CSS and NCP agree the NCP will pay toward his/her current support. Complete Fields 8–9.
- Field 8 – Enter the amount and the payment frequency of current support the CSS and the NCP agree the NCP will pay. The amount will be less than the NCP’s actual current support amount, but as a general rule, should not be less than 50 percent of the current support amount. However, under extreme circumstances, the CSS may determine that an amount less than 50 percent of current support is warranted.
- Field 9 – Enter the date the NCP is to begin paying the amount in Field 8.
- NOTE:** The CSS must check Field 10 or 11 **or** a combination of both fields.
- Field 10 – Check this box if the CSS and NCP agree the NCP’s order is eligible for a modification review.
- Field 11 – Check this box if the CSS and NCP agree the NCP must seek employment or additional employment
- Field 12 – The NCP signs and dates the payment plan here.
- Field 13 – The CSS signs and dates the payment plan here after the NCP signs the payment plan.



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 FAMILY SUPPORT DIVISION  
**TEMPORARY PAYMENT AGREEMENT**

**CASE IDENTIFYING INFORMATION**

NONCUSTODIAL PARENT NAME (LAST, FIRST, MIDDLE) ①	CUSTODIAL PARENT/CUSTODIAN NAME (LAST, F RST, MIDDLE) ③
ADDRESS (STREET, CITY, STATE, Z P) ②	
IV-D CASE NUMBER ④	COURT ORDER NUMBER ⑤

**AGREEMENT INFORMATION**

I, ⑥, am making this agreement with the Family Support Division (FSD).

I acknowledge that I owe past-due support equal to at least three months of current support or \$2,500. Because I owe past-due support, my license(s) is/are subject to suspension.

**To avoid suspension or stay suspension of a license:**

⑦  I agree to pay \$ ⑧ per ⑧ for current support beginning ⑨. All or a part of this payment may be withheld from my wages or other income.

The amount I am agreeing to pay is less than the amount I am ordered to pay. I understand I still owe the full amount of current support ordered and the full amount of past-due support that will accrue under my order. I further understand this payment agreement is temporary and is solely for the purpose of avoiding license suspension.

⑩  I request a modification review of my child support order. I agree to cooperate with FSD's review of my order by providing requested information, including financial information. Once the review is completed, I agree to pay the modified child support amount plus an amount toward the past-due support that is due under this order. I understand the result of the review may show that my support amount should increase, decrease or remain the same.

⑪  I agree to look for employment or additional employment that will help me pay my current and past-due support obligation. I agree to keep a record of my search for employment by completing the *Work Search Log* and returning it to FSD. I understand that I must contact at least three different employers every week. If I become employed, I will inform FSD immediately. If I am not employed within three months, I must continue my search for employment.

- I understand that, unless I make prior arrangements with FSD, failure to comply with this agreement will result in action to suspend my license(s).
- I understand this agreement will remain in effect for not more than six months. At the end of the six months, FSD will review the agreement. If my ability to pay or my order changes, FSD has the right to review and modify this agreement before the six-month period ends.
- I understand this agreement does not prevent FSD from using other legal means to collect my current and past-due support amount. I understand that this agreement remains in effect even if FSD uses other collection actions to collect my support, unless FSD terminates the agreement.
- I understand I must write the IV-D case number and court order number, shown on page 1, on all payments. I understand payments must be made by personal check, cashier's check or money order and sent to the Family Support Payment Center, PO Box 109002, Jefferson City, MO 65110-9002.

PARENT'S SIGNATURE → (12)	DATE (12)
APPROVAL SIGNATURE (CSS) (13)	DATE (13)

**EXHIBIT 17:  
FAMILY SUPPORT  
DIVISION 30(b)(6)  
DEPOSITION**

**Deposition of:**

**Family Support Division Designee: Steven Kissinger**

**Case:**

**Nathan Wright, et al.**

**v.**

**Family Support Division, et al.**

**Date:**

**09/26/2019**



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1 under 50 percent of current.

2 So when we read extreme circumstance, what  
3 we're trying to -- you know, these are documents  
4 that are referred to on a regular basis by staff.  
5 It gives the Specialist some additional insight into  
6 what would you consider an extreme circumstance.  
7 So -- and that's where some discretion comes in and  
8 when we have trained employees to be able to make  
9 these type of decisions.

10 Q Can you give me an example of what would  
11 constitute an extreme circumstance?

12 A That would most likely be something like  
13 life changing. When I hear extreme, maybe it's  
14 rare. House just burned down. So everybody's house  
15 isn't burning down every day, but this person's  
16 house just burned down. Come on, let's have a  
17 little compassion. You know, he's going to be out  
18 of work for a while or something like that. Or like  
19 an extreme circumstance.

20 So extreme would be maybe something that's  
21 not going to last, you know, forever, or it's just  
22 outside of the normal scope. So if somebody said,  
23 my child is sick. Okay, does it fit the -- is it  
24 reasonable to say that that's extreme? But my child  
25 is going through some chemo treatments and I'm only

1 examples of job loss that would not be extreme  
2 circumstances, if you're working at McDonald's and  
3 are able to work at Burger King the next day.

4 A Yeah. I'm not saying it was a great  
5 example.

6 Q So what would be an example of job loss  
7 that would constitute an extreme circumstance?

8 A Well, as this is written, an extreme  
9 circumstance would be probably something out of the  
10 ordinary. And that's the intent here, is to -- is  
11 this an ordinary situation or is it an extreme  
12 circumstance that you need to consider less than --  
13 so what we're talking about here is just going less  
14 than 50 percent of -- when we try to come to an  
15 amount, that the amount that we're -- so we try to  
16 have a template. Okay, let's start here. If it's  
17 \$300, so we're at 150. 150 is half. The  
18 circumstance is more than ordinary and so there's a  
19 little bit more reason to go lower. So it's going  
20 to be -- it's going to be very -- it's going to be  
21 very specific to the individual's circumstance.

22 Q You testified earlier, I believe, that job  
23 loss could be an extreme circumstance. What would  
24 be an example of job loss as an extreme  
25 circumstance?



1           A       If it was -- I think when I was using it  
2       was maybe somebody builds homes, for example, and  
3       he's employed by a contractor and he loses his right  
4       arm.   That would be extreme.   So compared to a guy  
5       that's working for a contractor and that contractor  
6       goes out of business.   So he's going to go find  
7       another person to build homes with or, you know, get  
8       work in his line of -- you know, based on his  
9       skills.

10                   So when you say -- when you're looking at  
11       individual circumstances, just job loss alone, the  
12       situation may not be extreme.   So it's just  
13       something that -- it's just something that's out of  
14       the ordinary.   It's not an ordinary job loss.

15           Q       So in the example of the contractor going  
16       out of business, his employees are not in an extreme  
17       circumstances.   Is that right?

18                   MS. ROBB:   Object as to form.

19           A       Yeah, I was just trying to give you -- so  
20       where I live, in a rural area, there are a lot of  
21       general contractors.   And the guys move around a  
22       lot.   My brother-in-law is a general contractor.  
23       And sometimes he has jobs and sometimes he doesn't.  
24       And he tells the guys, hey, after this job, I don't  
25       have anymore jobs.   So, you know, they start looking

1           A       I don't -- we don't send that notice and  
2 we don't get a copy of that notice. I've seen the  
3 notice before, but just from memory, sitting here, I  
4 don't know if it uses the word stay. I assume that  
5 it gives them a number to call if they have  
6 questions.

7           Q       How do people know that stays are  
8 available?

9           A       By contacting our agency.

10          Q       What does it mean for a suspension to be  
11 terminated?

12          A       A termination occurs when suspension is no  
13 longer appropriate, meaning the case closes. So  
14 there could have been a judgment entered that we  
15 received that says no support is due, all the  
16 arrears are zero, no further action required. So  
17 that would be a case closing situation.

18                   If the total past due arrears are paid  
19 off, that would result in a termination of a  
20 suspension. If current support is still due and the  
21 arrears are paid in full, then that would result in  
22 a termination.

23                   We could get a hearing decision that says  
24 we were not -- it was not appropriate -- we were not  
25 authorized to send a notice of intent -- so let me

1 back up. Their suspension hasn't occurred yet, so  
2 not a hearing decision. I got ahead of myself.

3 So those are it. The arrears paid in  
4 full, case closes, a judgment says that support is  
5 no longer due. Those are the reasons for  
6 termination.

7 Q Can you think of any other reasons for  
8 termination?

9 A Well, outside of the reason, the policy  
10 reasons for termination -- it would have to be  
11 something outside of the entire process that the  
12 agency would receive. But then I'm back to a court  
13 order, so I've already said we've received something  
14 from the court. Usually those are the reasons for  
15 termination.

16 Q So you can't think of any circumstances  
17 other than a court order, case closing, or arrears  
18 being paid off in which a license suspension could  
19 be properly terminated. Is that right?

20 A Properly terminated, no, I can't think of  
21 anything.

22 Q What is the process for terminating a  
23 suspension?

24 A We would issue a new order, and that order  
25 is -- it's form 778. And it is termination of

**EXHIBIT 18:**  
**NOTICE OF INTENT TO**  
**SUSPEND LICENSE(S)**



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 FAMILY SUPPORT DIVISION  
**NOTICE OF INTENT TO SUSPEND LICENSE(S)**

TO:	IV-D CASE NUMBER:
	SUPPORT ORDER NUMBER:
	SOCIAL SECURITY NUMBER:

**NOTICE: FSD INTENDS TO SUSPEND YOUR LICENSE(S)**

Sections 454.1000 to 454.1027, Revised Statutes of Missouri (RSMo), authorize the Director of the Family Support Division (FSD) to suspend a driver's license or recreational (hunting and fishing) license when an individual:

- Owes at least \$2,500 in past-due support; or
- Owes a past-due support amount equal to three months of current support; or
- Fails to comply with a subpoena related to child support; or
- Fails to comply with an order to submit to genetic testing.

**REASON FOR SUSPENSION ACTION**

According to FSD's records, as of \_\_\_\_\_ you owe \$ \_\_\_\_\_ in past-due support.

**To avoid license suspension** you must, within 60 calendar days from the date you receive this notice, **contact the FSD office** listed below and **enter into a payment agreement or provide your current employer so FSD can issue an income withholding order**. You may also:

- Pay the entire past-due amount stated above; or
- Request an administrative hearing.

Instructions for entering into a payment agreement or requesting a hearing are on page 2 of this notice.

You did not comply with a subpoena or an order to submit to genetic testing.

**To avoid license suspension**, you must, within 60 calendar days from the date you receive this notice:

- Comply with the subpoena or order; or
- Request an administrative hearing.

Instructions for requesting a hearing are on page 2 of this notice.

If you have questions or do not understand this notice, contact the Family Support Division, PO Box 6790, Jefferson City, MO 65102-6790

Telephone (\_\_\_\_\_) \_\_\_\_\_ For the hearing impaired: (TDD) 1-800-735-2966

**ADDITIONAL NOTES**

1. **If you do not respond to this notice within 60 calendar days from the date you receive the notice, FSD has the authority to suspend your license(s) without further notice.**
2. An attorney may advise you or represent you at any time.
3. FSD may request a copy of your credit report from consumer reporting agencies (credit bureaus) to determine your ability to make child support payments.
4. FSD believes that your Social Security number and address are as stated above. Pursuant to section 454.413, RSMo, you must provide FSD with your Social Security number, address, telephone number, driver's license number and your employer's name and address. Also, if any of this information changes, you must notify FSD within 30 calendar days of the change.

## ENTERING INTO A PAYMENT AGREEMENT

If FSD is pursuing suspension of your license(s) because you owe past-due support, you may enter into a payment agreement by contacting the FSD office listed on page 1 of this notice.

If you enter into a payment agreement and then fail to comply with the terms of the agreement, FSD has the authority to suspend your license(s) without further notice. **If you fail to comply, you will not receive another notice.**

## REQUESTING A HEARING

If you wish to request a hearing, send a written request to: Family Support Division  
PO Box 6790  
Jefferson City, MO 65102-6790

On the request, include your name, complete address, daytime telephone number, IV-D case number (found on the first page of this notice) and explain why you want a hearing.

If FSD is seeking to suspend your license(s) because you owe past-due support, the only issues that may be determined in a hearing are:

- Whether you are the correct person;
- Whether the amount of your past-due support is greater than or equal to three months of support payments or \$2,500, whichever is less, by the date of service of this notice; or
- Whether you entered into a payment agreement.

**NOTE:** If you enter into a payment agreement as discussed above, a hearing may not be necessary.

If FSD is seeking to suspend your license(s) because you did not comply with a subpoena or order to submit to genetic testing, the only issues that may be determined in a hearing are:

- Whether you are the person ordered to submit to genetic tests;
- Whether you are the person named on the subpoena; or
- Whether you complied with the subpoena or submitted to genetic tests.

**NOTE:** If you wish to comply with the subpoena or order, contact the FSD office listed on page 1. A hearing may not be necessary.

Pursuant to section 454.475, RSMo, a hearing officer employed by the Missouri Division of Legal Services will conduct the hearing. If you are granted a hearing, the hearing officer will notify you of the date, time and place of the hearing.

If you are granted a hearing, you have the right to submit evidence and examine witnesses as provided for in Chapter 536, RSMo.

EXHIBIT 19  
EXPERT REPORT OF DR.  
HEATHER HAHN

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

\_\_\_\_\_  
NATHAN WRIGHT, CAMESE )  
BEDFORD, ASHLEY GILDEHAUS, )  
and LISA MANCINI, on behalf of )  
themselves and others similarly situated, )

Plaintiffs, )

v. )

FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social Services; )  
MICHAEL PARSON, in his official )  
capacity as Governor of Missouri; )  
JENNIFER TIDBALL, in her official )  
capacity as Acting Director of the )  
Department of Social Services; )  
REGINALD MCELHANNON, in his )  
Official capacity as Interim Director of the )  
Family Support Division; )  
KENNETH ZELLERS, in his official )  
capacity as Acting Director of the )  
Department of Revenue; )  
JOSEPH PLAGGENBERG, in his official )  
capacity as Director of the Motor Vehicle )  
and Driver Licensing Division, )

Defendants. )  
\_\_\_\_\_ )

Case. No. 4:19-cv-398 RLW

CLASS ACTION  
JURY DEMANDED

**AFFIDAVIT OF HEATHER HAHN**



**Table of Contents**

Nature of the Assignment ..... 4

Opinions ..... 4

Qualifications ..... 4

Materials Reviewed ..... 6

Prior Testimony ..... 6

Statement of Compensation ..... 6

Discussion ..... 6

I. Parents Often Cannot Afford Their Child Support Payments ..... 6

    A. Lack of Consideration of Ability to Pay in Establishing or Modifying Child Support Orders ..... 6

        i. Initial Orders ..... 6

        ii. Modifying Orders When Incomes Change ..... 7

    B. Inability to Pay Leads to Noncompliance ..... 8

    C. Debt Accumulates with Interest ..... 8

II. Fathers Want to Support Their Children and May Support Them Informally ..... 11

III. Suspending the Driver’s Licenses of Parents Who Cannot Afford to Pay Child Support Has a Negative Impact on Parents’ Ability to Pay Child Support and on Their Ability to Maintain Meaningful Relationships with Their Children ..... 13

    A. Driver’s License Suspension Is Part of a Counterproductive System of Penalties ..... 13

    B. Driver’s License Suspension Negatively Affects Employment Opportunities and Economic Status ..... 13

    C. Driver’s License Suspension Negatively Affects Credit Scores, Housing, and the Ability to Carry out the Responsibilities of Everyday Life ..... 14

    D. Driver’s License Suspension Negatively Affects Psychological Wellbeing ..... 14

    E. Driver’s License Suspension Negatively Affects Family Dynamics ..... 15

Conclusion ..... 16

Appendix A: Works Cited ..... i  
Appendix B: Curriculum Vitae ..... iv

### **Nature of the Assignment**

1. I am submitting this affidavit to summarize the body of research on parents who are unable to pay child support and the effects of suspending the driver's licenses of parents who are unable to pay child support.

### **Opinions**

2. Based on my own research and my in-depth knowledge of the body of research that exists on the subject, my expert opinion is that parents often cannot afford to pay their child support.
3. Based on my own research and my in-depth knowledge of the body of research that exists on the subject, my expert opinion is that the majority of parents want to support their children even when they do not have custody of the children, and that support is often informal.
4. Based on my own research and my in-depth knowledge of the body of research that exists on the subject, my expert opinion is that suspending the driver's licenses of parents who cannot afford to pay child support has a negative impact on parents' ability to pay child support and on their ability to maintain meaningful relationships with their children.

### **Qualifications**

5. My name is Heather Hahn. I am a senior fellow at the Urban Institute, which I joined in 2010.
6. I graduated from Brandeis University with a Bachelor's Degree in Philosophy and a Certificate in Women's Studies; from the Duke University Sanford Institute of Public Policy with a Master's of Public Policy degree; and from Stanford University with a Master's and PhD in Political Science.
7. I have previously held professional positions as a social policy researcher at the Centre for the Analysis of Social Policy at the University of Bath (1994-95), and at the U.S. Government Accountability Office (1999-2010). In addition to my current employment with the Urban Institute, I was employed at Urban as a summer research associate during the summers of 1996 and 1997.
8. For more than twenty years I have conducted nonpartisan research on the wide range of issues related to the well-being of children and families, with a focus on the government programs and policies intended to promote their economic mobility. I am a nationally recognized expert on the Temporary Assistance for Needy Families (TANF) block grant and the cash assistance it offers very low-income families. I also study SNAP, Medicaid, child care assistance, child support, and other programs.

9. I frequently conduct in-depth interviews with federal, state, and local officials administering government support programs, with community organizations helping low-income families, and with low-income people themselves.
10. In the past decade, I have led several federally contracted studies describing or evaluating the implementation of TANF as well as numerous foundation-funded studies on the broader range of programs for low-income families. I co-led the Work Support Strategies initiative, a five-year, six-state initiative to support states in designing, implementing, and testing approaches to delivering key work supports — Medicaid, SNAP, child care assistance, and TANF — to low-income families. I currently co-lead the From Safety Net to Solid Ground initiative, which offers timely insights into how potential changes to federal safety net programs might affect the well-being of people striving to cover their basic needs and analyzes how states manage these changes and respond to new administrative flexibility, as well as how programs need to adapt to labor market shifts to continue creating the opportunity for all people to thrive and live with dignity.
11. In the past few years, my work has increasingly focused on child support. Supporting the U.S. Partnership on Mobility From Poverty, funded by the Bill and Melinda Gates Foundation, I co-authored with renowned sociologist and ethnographer Kathryn Edin a paper on transforming child support into a family-building system. That project involved extensive review of the peer-reviewed literature and policy analyses on child support and intensive interaction with key child support stakeholders, including federal, state, and local child support program administrators; researchers; a child support judge; programs supporting noncustodial parents;<sup>1</sup> and parents with experience with the child support system.
12. Most recently, I completed an independent multi-method evaluation of a pilot in San Francisco that eliminated the child support debt parents owed to the government. We evaluated the effects of the debt relief on the parents' compliance with current child support orders, employment, financial stability, relationships with their children and coparents, and other aspects of well-being. To evaluate the effects of the debt relief, we compared administrative data for the pilot participants and a statistically-matched comparison group; surveyed pilot participants; and conducted in-person focus groups with pilot participants.
13. In the past year, I have further contributed to policy and legal discussions about changes to the child support program by giving keynote addresses at both the California Child Support Director's Association Symposium and the annual Child Support Training Conference of the Judicial Council of California, a required training for all child support judges and related personnel in the state. I also spoke on a nationally webcast Aspen Institute panel on child support.
14. I have provided a copy of my curriculum vitae attached as Appendix B of this document.

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<sup>1</sup> “Noncustodial parent” can be a misleadingly limiting term. In some cases the parent with child support debt in fact has custody of the child and owes back child support for an earlier time. Nonetheless, this report uses the term for convenience.

**Materials Reviewed**

15. In preparing this report, I reviewed Plaintiffs' Amended Complaint (ECF No. 22) and the declarations of the named plaintiffs attached thereto.

**Prior Testimony**

16. I have not provided prior expert testimony.

**Statement of Compensation**

17. I am being compensated at the rate of \$275 per hour for my preparation of this affidavit and testimony.

**Discussion**

**I. Parents Often Cannot Afford Their Child Support Payments**

**A. Lack of Consideration of Ability to Pay in Establishing or Modifying Child Support Orders**

**i. Initial Orders**

18. Research shows that judges frequently set unrealistically high child support orders for parents with low and unstable earnings, such that low-income parents cannot consistently afford to meet their child support obligations and still have sufficient resources for self-care or financial support of children in their custody.
19. Studies of child support obligations and low-income fathers<sup>2</sup> have found that low-income noncustodial fathers are required to pay a greater share of their income than fathers with higher incomes. Fathers whose incomes are in the bottom fifth of income distribution typically have child support obligations that exceed 25 percent of their income, while most other noncustodial fathers' have child support obligations amounting to less than 20 percent of their income. States may garnish up to 65 percent of the wages of a noncustodial parent. (Huang, Mincy and Garfinkel 2005; Hahn, Edin and Abrahams 2018; Meyer, Ha and Hu 2008).
20. Some noncustodial parents' employment prospects and economic capacity may be hindered by insufficient education, drug and alcohol addiction, mental health challenges, or criminal records (Edin and Nelson 2013; Waller 2002). Ignoring these challenges when

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<sup>2</sup> Of course, not all noncustodial parents (or parents who owe child support) are fathers. My research has included both mothers and fathers who owe child support, though the majority have been fathers. Both mothers and fathers participated in the San Francisco pilot program, though only fathers volunteered for the focus groups.

establishing child support orders can lead to unrealistically high orders that parents are unable to pay.

21. Some noncustodial parents have multiple child support orders for children with multiple partners, leading to total child support obligations that consume a significant share of their wages (Cancian, Meyer and Han 2011).
22. Among parents owing child support who participated in focus groups I led, all of the parents had been unable to afford their child support orders at some point, leading to their accumulating child support arrears (Hahn et al. 2019).

## **ii. Modifying Orders When Incomes Change**

23. Child support orders often become unaffordable when parents' incomes change because of unemployment, disability, incarceration, college attendance, or the typical income fluctuations of low-income workers, but processes for modifying child support orders do not accommodate frequent changes (Hahn et al. 2019).
24. Significant income and employment volatility are common in low-wage occupations. Economic analyses show "most people with low education levels are working, and most of those are working a substantial amount. However, their earnings are low. Their employment prospects from one year to the next are volatile. Among those who work a substantial amount in one year, the next year is likely to be worse, as they revert to the mean outcome among workers with low levels of education" (Butcher and Schanzenbach 2018). This research also shows that income volatility results primarily from the job characteristics, not the workers' actions or choices.
25. Several fathers in my focus groups experienced fluctuating income and employment, affecting their ability to pay child support. As we reported, "John<sup>3</sup> fell behind in payments when his sales job slumped and he earned smaller commissions than he had in the boom years on which his child support order was based. Sam, who was formerly incarcerated, had difficulty finding jobs. 'After I get out,' Sam said, 'nobody wanna hire me. I [had] no job [to] pay my child support... Sometimes I was paying, sometimes not paying, sometimes I pay half, next month I cannot pay.' ...\$krilla fell behind when he had no income during college. When he finished college and started working, he still couldn't afford the payments, the majority of which were owed to pay back public assistance. 'Once I did start getting a job and start working after graduation, they were just taking a lot [\$990 a month] out of my check, more than I can afford.'" (Hahn et al. 2019).
26. Processes for modifying child support orders do not readily accommodate the frequent changes in financial circumstances that are typical among people working low-wage jobs. Research shows that child support orders are rarely adjusted, even when parents' financial situations change significantly (Ha, Cancian and Meyer 2010; Hahn, Edin and Abrahams 2018; Waller and Plotnik 2001).

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<sup>3</sup> The names of fathers in the focus groups are pseudonyms.

27. Missouri allows for reviews of child support orders only every three years unless special circumstances apply, and then only upon request.<sup>4</sup> In my opinion, based on my research involving income volatility, Missouri's restrictions on child support modifications ensure that parents will often be unable to afford their child support because of changes in their financial circumstances.
28. In Missouri, incarceration does not qualify as a special circumstance that would allow a review in less than three years, nor is incarceration considered an involuntary decrease in a parent's income. If an incarcerated parent qualifies for a three-year review, their order may be modified but cannot be modified to \$0. Further, Missouri does not have any programs to help incarcerated parents with their child support.<sup>5</sup>
29. Further, though parents may request to reduce future child support payments, they are unable to change what they already owe (Hahn et al. 2019).<sup>6</sup>
30. In Missouri, a modification review cannot be requested for child support arrearages.<sup>7</sup>

### **B. Inability to Pay Leads to Noncompliance**

31. Research shows that among low-income parents, those whose child support orders require them to pay a greater share of their income are less likely to pay their full child support (Huang, Mincy and Garfinkel 2005). Similarly, research shows that when child support orders exceed a parent's ability to pay, they are less likely to comply with the order (Meyer, Ha and Hu 2008), setting up a domino effect of negative consequences.
32. Among the parents participating in the San Francisco debt relief pilot, all had failed to pay their full child support at some point because they did not have enough income to pay for both child support and their own basic needs. Though each had unique circumstances that led to their owing child support debt to the government, as we report, most had fallen behind while their children were receiving public assistance "and had never been able to catch up with the missed payments and interest" (Hahn et al. 2019).

### **C. Debt Accumulates with Interest**

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<sup>4</sup> "Intergovernmental Reference Guide," Office of Child Support Enforcement, Missouri state profile items K1-2, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

<sup>5</sup> "Changing a Child Support Order in Your State (Missouri)," Office of Child Support Enforcement, accessed November 4, 2019, [https://www.acf.hhs.gov/sites/default/files/programs/css/mo\\_cs\\_order.pdf](https://www.acf.hhs.gov/sites/default/files/programs/css/mo_cs_order.pdf).

<sup>6</sup> "Modifying Support Orders: Child Support and the Judiciary Bench Card," HHS, ACF, Office of Child Support Enforcement, May 15, 2012, <https://www.acf.hhs.gov/css/resource/modifying-support-orders>.

<sup>7</sup> "Changing a Child Support Order in Your State (Missouri)," Office of Child Support Enforcement, accessed November 4, 2019, [https://www.acf.hhs.gov/sites/default/files/programs/css/mo\\_cs\\_order.pdf](https://www.acf.hhs.gov/sites/default/files/programs/css/mo_cs_order.pdf).

33. If parents miss a child support payment or do not pay the full amount, they begin to accrue debt, which grows in Missouri with 1 percent monthly interest. Child support debt increases quickly, making it difficult to catch up. When parents in Missouri cannot pay, their driver's and recreational licenses can be suspended, up to 50 percent of their paycheck can be garnished, and they can be jailed.<sup>8</sup> These consequences can further inhibit their ability to pay child support and get out of debt.
34. Missouri charges interest at a rate of 1 percent per month simple interest on all delinquent child support payments.<sup>9</sup> Only three other states have interest rates as high as Missouri's, and 15 states do not charge interest for child support arrears.<sup>10</sup>
35. Research suggests that parents with no income or low incomes owe the largest portion of arrears (Sorensen et al. 2003; Sorensen, Sousa and Schaner 2009).
36. For parents who were unable to afford their child support orders, the accumulation of interest on top of their arrears creates a situation in which they may never be able to pay off the debt. Nearly all of the parents in the San Francisco child support debt relief pilot were in this situation (Hahn et al. 2019).<sup>11</sup>
37. Jeff, a parent in the San Francisco pilot, accumulated \$3,000 in child support debt during a two-year period when he was unauthorized to work. When he was authorized to work again, he consistently paid his current child support as well as making additional payments toward the arrears. He contacted the child support office when he thought he had paid off the \$3,000 debt, only to learn that instead his debt had grown to nearly \$8,000 because his payments had not even been covering the growing interest on the debt. By the time of the debt relief pilot, he estimated he had paid about \$20,000 toward the arrears, "but that money just kind of vaporized," he said. "It wasn't going anywhere" (Hahn et al. 2019).
38. \$krilla, another father in the San Francisco pilot, accumulated about \$1,000 in child support debt while he was in college and not working. At the time of the debt relief pilot, his government-owed debt had grown six-fold to over \$6,000. Similarly, Artie owed over \$7,000 in child support debt to the government for his three-and-a-half-year-old son, despite paying \$700 a month in child support and arrears except for a few months when he

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<sup>8</sup> "Intergovernmental Reference Guide," Office of Child Support Enforcement, Missouri state profile, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

<sup>9</sup> "Revisor of Statutes," State of Missouri, accessed November 4, 2019, <http://revisor.mo.gov/main/OneSection.aspx?section=454.520&bid=25266&hl= and> "Intergovernmental Reference Guide," Office of Child Support Enforcement, Missouri state profile, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

<sup>10</sup> "Interest on Child Support Arrears," National Conference of State Legislatures, April 8, 2019, <http://www.ncsl.org/research/human-services/interest-on-child-support-arrears.aspx>.

<sup>11</sup> California charges 10 percent annual simple interest on child support debt. Missouri's 1 percent per month simple interest on child support debt is equivalent to 12 percent annual simple interest, which is higher than California's interest rate. Parents in Missouri will accumulate greater interest on their child support debt than parents in California with the same amount of debt.



was between jobs. Joe, by the time of the debt relief pilot, had been paying child support for 24 years, since the first of his four children was born. He was unsure of the exact amount of his government-owed child support debt but estimated it was over \$50,000 and said, “It was a number that I could never see the end of.” (Hahn et al. 2019).

39. Describing the difficulty of paying off child support arrears that are accruing interest, pilot participant Tim said, “It’s on top of you trying to pay your regular child support, and then on top of that, you’re trying to pay your back child support [to the government], and then on top of your back child support, you’re trying to pay that interest. It’s like where do I get a relief at?” (Hahn et al. 2019).
40. Owing child support debt triggers penalties that can further limit the parent’s ability to pay child support. Missouri allows for the following consequences, among others, for child support arrears:<sup>12</sup>
  - withholding up to 50 percent of disposable income (including wages, unemployment compensation benefits, retirement benefits and disability benefits);
  - placing liens on real property and personal property, financial accounts, workers’ compensation benefits, and other proceeds;
  - freezing and seizing financial assets;<sup>13</sup>
  - offsetting federal and state income tax refunds;
  - denying passports; and
  - suspending driver’s licenses and recreational licenses.
41. When a parent owes \$1,000 or more in past-due child support, Missouri reports this information to all the major credit bureaus.<sup>14</sup>
42. Missouri may also enforce child support obligations through judicial means, including civil contempt and criminal non-support.<sup>15</sup>

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<sup>12</sup> “Intergovernmental Reference Guide,” Office of Child Support Enforcement, Missouri state profile, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

<sup>13</sup> Missouri may freeze and seize financial assets when the arrears exceed \$500. There is no minimum amount of time of delinquency required prior to proceeding with the freeze and seize. There is no maximum percentage of the obligor’s financial assets eligible for freeze and seize. All of the obligor’s financial assets are eligible for seizure, but the account must have a balance of at least \$100 to be eligible for freeze and seize action. Freeze and seize is a centralized process once the financial lien is issued. If the child support case and account type meet selected criteria, liens are system-generated, but staff make the final determination as to whether or not the lien is issued. (See “Intergovernmental Reference Guide,” Office of Child Support Enforcement, Missouri state profile, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.)

<sup>14</sup> “Intergovernmental Reference Guide,” Office of Child Support Enforcement, Missouri state profile, item J14, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

<sup>15</sup> “Intergovernmental Reference Guide,” Office of Child Support Enforcement, Missouri state profile, item J8, accessed November 4, 2019, <https://ocsp.acf.hhs.gov/irg/>.

43. A recent pilot program in San Francisco eliminated the child support debt a group of parents owed to the government. My independent multi-method evaluation of the pilot found that eliminating the government-owed child support debt contributed to numerous positive changes in parents' lives that may also have positive spillover effects for their children (Hahn et al. 2019).
44. Debt relief in the San Francisco pilot resulted in more consistent child support payments. As we reported, "parents who participated in the debt relief pilot consistently made their monthly child support payments on time. Their payment consistency was 18 to 28 percent higher, depending on the month, than for similar parents who had not received complete debt relief. This runs counter to a primary argument for charging interest on government-owed child support debt: the assumption that it incentivizes parents to pay on time. The pilot showed that debt relief—not accumulating debt—resulted in more consistent timely payments." (Hahn et al. 2019).
45. My research with the San Francisco pilot found that the elimination of the debt, and its associated penalties and stress contributed to reduced barriers to employment and improved credit scores, housing status, and feelings of control over finances. Participants also reported improved relationships with their children, their coparents, and the child support system. (Hahn et al. 2019). In my expert opinion, there is no reason that this finding would not hold true for noncustodial parents across the country who have child support debt, including in Missouri.
46. The federal Office of Child Support Enforcement (OCSE) has given increased emphasis in recent decades to improving parents' ability to pay. OCSE has encouraged states to refer parents to debt management programs and job counseling or training (GAO 2011). Some state and local child support programs have also focused on improving parents' ability to pay child support and improving their relationships with their children (Hahn, Edin and Abrahams 2018).

## **II. Fathers Want to Support Their Children and May Support Them Informally**

47. Despite stereotypes of fathers needing to be coerced or forced to provide support for their children, research shows that most low-income noncustodial fathers care deeply about their roles as fathers, want to support their children, and "are eager to contribute to their children's material needs" (Edin and Nelson 2013; Hahn, Edin and Abrahams 2018; Ruhland et al. 2016).
48. The child support system reflects social context of 1950's-1970's that saw noncustodial fathers as willfully deserting their responsibilities to their children (Edin et al. 2019; Thornton, Ocasio, and Lounsbury 2012). The logical institutional response to this perception was to impose strict sanctions for failure to pay child support. However, recent research reveals that both this perception and the institutional response to it are outdated (Edin 2018; Edin and Nelson, 2013).
49. Among the fathers in the San Francisco focus groups, several were supporting their children outside of the formal child support system while accumulating child support debt.

For example, Shawn and his girlfriend lived together as a family with their two children, but after they separated “Shawn suddenly was responsible for government-owed back child support for the time that the family was living together and receiving public assistance. Because he hadn’t participated in the formal child support system and had not kept records of his everyday household contributions, he could not prove that he had been supporting his family. ‘But you don’t think about keeping receipts,’ Shawn said” (Hahn et al. 2019).

50. Some fathers in the San Francisco focus groups chose to use their limited income to support their children directly rather than pay the formal child support when payment of child support debt, in addition to current child support orders, was unaffordable, or when child support payments went to the government and not directly to the family. For example, Shawn said, “There was a point in time I actually stopped paying the child support [to the government]. I just felt like there was no point in me doing both, paying both... It was I either do child support and my kids don’t get to see me bringing them gifts and stuff like that ‘cause I’m short and I have to pay child support... You either gotta pay the child support or support for your kids” (Hahn et al 2019). Sam, who had the same situation as Shawn, explained it to the child support judge: “When I talked to the judge...he [told] me, ‘Don’t pay anything, even clothes, even candy for your kids and pay the child support.’” However, the parents understood that repaying child support to the government would diminish their financial capacity to support their children and come at the expense of their relationships with their children and their ability to provide for their needs (Hahn et al. 2019).
51. It is primarily *informal* support, not child support paid through the formal system, that has been found to have positive effects on child well-being (Edin et al 2019; Argys et al. 1998). In addition, one study (Nepomnyaschy et al. 2012) found increased behavioral problems in children who received formal support, which Edin (1995) suggests may result from the animosity between parents that participation in the formal child support system can generate.
52. Fathers do not view their contributions through the formal child support system as providing for their children or strengthening their bonds with their children, according to analyses of in-depth interviews with a diverse group of 429 low-income non-resident fathers. Rather, they see it as punitive and diminishing their power and autonomy. In contrast, fathers see the informal support they provide directly to their children as constituting provision and enhancing their bonds with their children. (Edin et al. 2019).
53. The perceived illegitimacy of the formal child support system is especially acute for noncustodial parents whose children receive public assistance and who do not receive the full amount of child support paid on their behalf, and for parents who owe back child support for a time when their children received public assistance, and whose children will not receive any of their child support payments (Hahn, Edin and Abrahams 2018).
54. My research with San Francisco fathers indicated that it is common for noncustodial parents to provide informal support to their children and that sometimes, noncustodial parents prefer to provide informal support rather than going through the formal child

support system. In my expert opinion, there is no reason that this finding would not hold true across the country, including in Missouri.

**III. Suspending the Driver’s Licenses of Parents Who Cannot Afford to Pay Child Support Has a Negative Impact on Parents’ Ability to Pay Child Support and on Their Ability to Maintain Meaningful Relationships with Their Children**

**A. Driver’s License Suspension Is Part of a Counterproductive System of Penalties**

55. Parents in Missouri are subject to driver’s license suspensions when they have child support arrears. The driver’s license suspension is just one of several simultaneous penalties facing a parent with child support arrears.
56. Imposing penalties on parents who are unable to afford their child support orders can be counterproductive. The combined effect of unaffordable child support orders, insufficient reserves for meeting one’s own basic needs, threat of incarceration, and imposition of numerous penalties, including seizing assets and suspending driver’s licenses, diminishes both a parent’s motivation and capacity to pay child support (Edin 2018; Hahn, Edin, and Abraham 2018; Insight et al. 2019).
57. Punitive policies like driver’s license suspensions contribute to a climate in the child support system of treating noncustodial parents as “paychecks, not parents” (Edin 2018). Sociologist and child support researcher Kathryn Edin argues, “the current system is built on the widely shared assumption that these absent fathers feel no responsibility for their offspring and must therefore be forced to provide” (Edin 2018).
58. My research with parents subject to penalties for child support arrears in San Francisco found that the child support debt itself, coupled with the related penalties, was a source of enormous stress in the lives of parents who could not afford to pay child support. In my expert opinion, there is no reason that this finding would not hold true for parents across the country, including in Missouri.
59. Most of the fathers in the pilot focus groups had experienced driver’s license suspension, often not learning of the suspension until they were pulled over in a routine traffic stop. Driving with a suspended license put them at risk of additional penalties.

**B. Driver’s License Suspension Negatively Affects Employment Opportunities and Economic Status**

60. Several fathers participating in the San Francisco pilot discussed the effects of driver license suspensions on their employment opportunities (Hahn et al. 2019). For example, John said, “If your job requires you to drive, obviously you need a car, and if your license is suspended then it kinda puts you out of the game.” One of the fathers lost his delivery job with a bakery after his license was suspended. The fathers talked about the numerous other car-dependent job opportunities, such as Instacar, Uber, Lyft, and Door-dash, that are

out of reach for people without a valid driver's license or who have multiple previous driver license suspensions.

61. A suspended driver license also affects the employment opportunities for parents whose job does not directly involve driving. "You know why?" Sam said, "Because sometimes you need your driver's license to drive around to find a job" (Hahn et al. 2019).
62. In my expert opinion, there is no reason to believe that these effects on employment opportunities and economic status would not hold true for parents across the country, including in Missouri.

**C. Driver's License Suspension Negatively Affects Credit Scores, Housing, and the Ability to Carry out the Responsibilities of Everyday Life**

63. The San Francisco debt relief pilot illustrated that child support debt and the related penalties had diminished their credit scores, which reduced their access to housing, car loans, credit cards, and employment (Hahn et al. 2019). Their lack of housing and transportation in some cases limited their ability to share custody and visit their children. In my expert opinion, there is no reason to believe that these effects would not hold true for parents across the country, including in Missouri.

**D. Driver's License Suspension Negatively Affects Psychological Wellbeing**

64. Fathers in the San Francisco focus groups described being "haunted" by the child support debt and related penalties, including driver's license suspensions. They worried about not having a license, which threatened their employment and ability to pay child support, rent, or for food. They felt stressed, confused, and unprepared for the rough situation in which they found themselves. "It seems like you'll never get out of that debt because it was always there," Joe said. "The interest would always build up no matter what. You keep trying and trying to pay it off, but it was always there. The interest would make it just go back up higher. So, it was quite a struggle. It was hard." (Hahn et al. 2019).
65. Survey respondents in the San Francisco pilot indicated increased feelings of control over their health and lives after the debt was relieved and they no longer faced the related penalties. As we reported, "Among the parents responding to the survey, most indicated before the debt relief that they had at most some control over their health, with two reporting little or no control. After the debt relief, none of the parents rated their control as little to none, and most reported feeling much to very much control over their health. Similarly, rating the amount of control they had over their 'problems, success, and other things that happen in your life,' three parents indicated that before the debt relief they felt little to no control, but none of the parents rated their control that low after the debt relief. Joe said, 'I felt more free, like I was starting a new beginning in life. Like life was starting over for me.'" (Hahn et al. 2019).
66. Other experimental research with parents owing child support also found that psychological wellbeing is affected by the approach taken to child support enforcement (Marczak, Galos et al. 2015; McHale, Salman-Engin and Coovert 2015). In contrast to

fathers who experienced the typical, punitive approach to child support enforcement, fathers who completed a Minnesota coparenting program that engaged them constructively in supporting their children, “reported a significantly improved sense of getting along in the world and how they were doing in terms of education and employment” (Hahn, Edin and Abrahams 2018; Marczak, Becher et al. 2015).

67. In my expert opinion, there is no reason to believe that parents in Missouri would not be subject to similar effects on their psychological wellbeing as a result of child support enforcement. In fact, plaintiff Ashley Gildehaus’s testimony regarding his depression, his fear of losing everything, and his feeling that he would never get out of the situation is consistent with my research on the psychological effects of child support debt.

**E. Driver’s License Suspension Negatively Affects Family Dynamics**

68. Research shows that fathers who do not live with their children care deeply about their roles as fathers and want to support their children both materially and meaningfully (Edin and Nelson 2013; Hahn, Edin and Abrahams 2018; McHale, Salman and Coovert 2015; Ruhland et al. 2016).
69. In a study of unmarried parents, nearly all (85 to 98 percent) fathers and mothers reported wanting the father to be more involved with their children (Edin 2018; England and Edin 2007). At the time of the child’s birth, about 80 percent of fathers had already contributed financially and planned to continue to do so (Edin 2018).
70. When noncustodial fathers are able to make reasonable child support payments and have some control over how they support their children, they are more likely to spend time with their children and have better relationships with them (Hahn, Edin and Abrahams 2018; Marczak, Becher, et al. 2015; Marczak, Galos, et al. 2015).
71. Children benefit both immediately and in the long term from their parents’ financial and emotional support (Hahn et al. 2019). Research shows that children of all ages benefit academically, economically, behaviorally, and emotionally from their fathers’ supportive involvement (Cabrera, Shannon and Tamis-LeMonda 2007; Carlson 2006; Flouri and Buchanan 2010; Harris, Furstenburg and Marmer 1998).
72. Parents participating in the San Francisco pilot reported that their child support debt and the related penalties, including driver license suspension, created conflict between coparents. For example, Jeff said, “When this was all happening, it was very stressful. And sometimes we would get in a fight because I was always stressed because I knew I didn’t have the money, and my license was suspended...” (Hahn et al. 2019). In my expert opinion, there is no reason to believe that child support debt and driver’s license suspensions in Missouri would not cause similar conflict among coparents and families.
73. My own research with noncustodial parents in San Francisco, including both focus groups and a survey, found that child support debt and the related penalties negatively affected their effectiveness as parents and their relationships with their children (Hahn et al. 2019). In my expert opinion, there is no reason to believe that these findings would not hold true



for Missouri parents and children. As we reported, “Fathers who participated in the focus groups already had strong relationships with their children and expressed love and concern for them. However, despite their underlying enjoyment of fatherhood, the stress of public assistance payback debt affected the fathers’ moods, which they reported affected their children as well—a situation that reversed after the debt was relieved. For example:

- a. Jeff said that having government-owed child support debt “puts you in a bad situation with yourself and with the other party, and in the middle is the kid.”
  - b. \$krilla said, “I think the parent’s mood rubs off on the kids a lot. It’s how they’re raised, they copy everything, they soak everything in. And I think if you have that burden of you can’t provide or do certain stuff for them, you might have a down mood.”
  - c. Sam reported that while he was facing penalties for government-owed child support debt he sometimes avoided spending time with his daughter because he knew he would be unable to afford to buy her things she might request. After receiving debt relief, he reported talking with her more. (Hahn et al. 2019).
74. After their child support debt and the threat of penalties like driver license suspension were eliminated, parents in the San Francisco pilot reported improved relationships with coparents. Shawn explained that since the debt relief he had been happier, less stressed, and more patient, which had allowed him to work things out better with his children’s mother and to work more cooperatively with her in parenting their children. John explained, “It benefits the kid if you have a good relationship with the parent.” (Hahn et al. 2019).

### Conclusion

75. Based on my own research and my in-depth knowledge of the body of research that exists on the subject, my expert opinion is that (1) parents often cannot afford to pay their child support; (2) the majority of parents want to support their children even when they do not have custody of the children, and that support is often informal; and (3) suspending the driver’s licenses of parents who cannot afford to pay child support has a negative impact on parents’ ability to pay child support and on their ability to maintain meaningful relationships with their children.
76. Though suspending the driver licenses of parents who are behind in making child support payments may seem superficially like an effective incentive for encouraging payment of support, research shows that when parents lack the ability to fully comply with child support orders, suspension of driver’s licenses and other punitive measures are counterproductive and risk harming both the parents and their children.
77. The punitive consequence of driver’s license suspension for failure to pay is counterproductive in increasing compliance with child support orders. Fathers in focus groups shared stories of the stress and punitive consequences of carrying public assistance payback debt and the reverberations in their ability to maintain employment, secure housing and transportation, access credit and manage their finances, and ultimately support their children. They described how it negatively affected their relationships with their

children and coparents. In my expert opinion, there is no reason to believe that parents in Missouri would not report the same difficulties as a result of license suspension.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

HEATHER HAHN, PH.D.

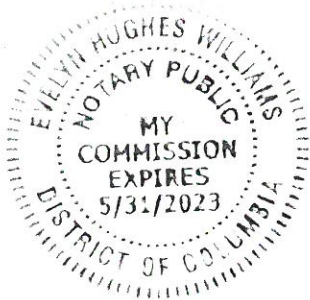
Heather Hahn

Acknowledged before me this 14<sup>th</sup> day of November, 2019, by Heather Hahn.

My commission expires: May 31, 2023

Evelyn Hughes Williams

Notary Public





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## Appendix B: Curriculum Vitae

### Heather McCallum Hahn

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Urban Institute  
Phone: 202-261-5736; E-mail: [hhahn@urban.org](mailto:hhahn@urban.org)  
Website: <https://www.urban.org/author/heather-hahn>

#### EDUCATION

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- 1999 PhD (MA 1997) Political Science, Stanford University  
Dissertation: *The Political and Ideological Foundations of Welfare Reform*
- 1995 Master of Public Policy, Sanford Institute of Public Policy, Duke University
- 1993 BA, summa cum laude, Phi Beta Kappa, Philosophy; Certificate in Women's Studies, Brandeis University

#### CAREER BRIEF

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Dr. Hahn is a national TANF expert with two decades of experience conducting nonpartisan research on the wide range of issues related to the well-being of children and families, including TANF, SNAP and other supports for low-income families. She co-leads both the Urban Institute's *Safety Net to Solid Ground* initiative, providing timely, rigorous analyses of state and federal policy changes, and the *Kids' Share* project examining federal spending and tax expenditures on children. She co-led the Work Support Strategies evaluation of state efforts to modernize families' access to nutrition assistance, child care and Medicaid. Before joining the Urban Institute, she was an Assistant Director for Education, Workforce and Income Security issues at the U.S. Government Accountability Office (GAO). Dr. Hahn has extensive experience leading projects and designing and conducting implementation case studies related to supports for low-income families. She has authored dozens of reports and has considerable experience disseminating research to diverse audiences. She has testified before Congress and has been interviewed and quoted by major print and radio media, including NPR, the *Washington Post*, the *New York Times*, *The Economist*, *National Review*, and the *Atlantic*.

#### PROFESSIONAL POSITIONS

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- Urban Institute**, Center on Labor, Human Services and Population, Washington, DC 2010 – Present  
*Senior Fellow (2015-present), Senior Research Associate (2010-2014);  
Research Associate, Income and Benefits Policy Center (Summers 1996, 1997)*
- U.S. Government Accountability Office**, Washington, DC 1999-2010  
*Assistant Director: Education, Workforce, and Income Security (2006-2010); Senior Social Policy Analyst (2001-2006); Evaluator (1999-2001)*
- Centre for the Analysis of Social Policy**, University of Bath, Bath, England 1994-95  
*Visiting Postgraduate Researcher*

#### SELECTED PROJECT EXPERIENCE

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**Co-lead, From Safety Net to Solid Ground Initiative (Robert Wood Johnson Foundation and others; 2017 to present)** From Safety Net to Solid Ground offers timely insights into how potential changes to federal safety net programs might affect the well-being of people striving to cover their basic needs and

analyzes how states manage these changes and respond to new administrative flexibility, as well as how programs need to adapt to labor market shifts to continue creating the opportunity for all people to thrive and live with dignity.

**Principal Investigator, Evaluation of the San Francisco Child Support Debt Relief Pilot (Tipping Point; 2017-19)** Directed multi-method evaluation of the pilot program eliminating parents' child support debt owed to the government. Worked closely with City of San Francisco officials to design a pilot that could be evaluated. Led focus groups and designed survey of pilot participants; oversaw team member's quantitative analysis of state administrative data on pilot participants and matched comparison group. Authored report, blog, and presentations.

**Principal Investigator, Intersection of Low-wage Work and Public Assistance in Minnesota (Robert Wood Johnson Foundation; 2017-19)** Directed qualitative study of the experiences of Minnesotans who had recently left or lost jobs. Worked closely with the Minnesota Department of Human Services and community organizations to design and implement study. Led focus groups; directed team analysis and writing process; coauthored report. Convened Minnesota community stakeholders and government officials for targeted discussions of report findings and policy implications.

**Principal Investigator, Experiences of Mothers Receiving Cash Assistance in the District of Columbia (Robert Wood Johnson Foundation; 2017-18)** Conducted qualitative study of the experiences of families receiving TANF assistance in the District of Columbia. Managed research team and led interviews and focus groups with women receiving TANF for more than five years. Used community-based participatory research design to engage people receiving TANF in the research process.

**Principal Investigator, Identifying Issues and Options to Understand TANF-Compatible Outcome Measures for Employment Services (HHS/ACF/OPRE; 2016-18)** Developed analyses and insights to assist HHS/ACF in understanding the issues and options related to developing an employment outcome performance measurement system for TANF. Led identification of state TANF agencies measuring employment outcomes and oversaw interviews with TANF administrators and performance measurement experts.

**Co-Principal Investigator, Project Evaluation, Work Support Strategies Initiative (Ford Foundation; Open Society Foundations, Annie E. Casey Foundation, Kresge Foundation, and JPMorgan Chase; 2010-17)** Co-led the \$5 million evaluation of five-year, six-state initiative to support states in designing, implementing, and testing approaches to delivering key work supports—Medicaid, SNAP, child care assistance, and TANF—to low-income families. Co-designed overall evaluation plan and co-managed a team of 8 researchers working with state staff to design evaluations of their state-specific projects, including developing logic models and data collection plans. Oversaw the design and carrying out of the implementation study for all six states and was the state lead for two states, developing protocols and conducting interviews of staff and focus groups of customers during annual site visits. Led the implementation data analysis using NVivo software. Oversaw collection and analysis of individual-level and aggregate state administrative program data. Co-led the design, implementation, and analysis of three state-level surveys of public benefit program customers. Authored numerous reports, briefs, blogs, and presentations.

**Principal Investigator, Explaining Variation in State TANF Policies (Annie E. Casey Foundation; 2016-17)** Led multi-method analyses of state variation in TANF policies and factors that explain these variations. Analyzed state TANF policies included in the Welfare Rules Database and other state characteristics. Co-authored report.

**Task Leader, Implementation Study, Assets for Independence Program Randomized Evaluation (HHS/ACF/OPRE; 2011-16)** Led the implementation study for this randomized evaluation of the Assets for Independence (AFI) program, a federally supported individual development account (IDA) grant program. Conducted onsite observations, qualitative interviews with program staff, and focus groups with program participants to identify contextual factors and developments at each site that influenced study enrollees and the delivery of project services to treatment group members. Co-authored report.

**Principal Investigator, Assisting Two-Parent Families Through TANF (HHS/ACF/OPRE; 2014-16)** Directed a mixed-methods study examining the characteristics of two-parent TANF families, state policy choices and service delivery, and families' experiences with TANF to understand how HHS can better serve two-parent families and meet program goals. Recommended state TANF programs for site visits; obtained OMB approval; analyzed state TANF policies; interviewed state TANF administrators, staff, and community organizations; and recruited and conducted focus groups and interviews with TANF recipients and other low-income individuals. Led implementation data analysis using NVivo software. Oversaw microsimulation and other analyses of federal and state survey and administrative data. Led and co-authored final report and related blog.

**Principal Investigator, A Descriptive Study of County- versus State-Administered Temporary Assistance for Needy Families Programs (HHS/ACF/OPRE; 2012-15)** Led this study of state-supervised, county-administered TANF programs, providing detailed information on TANF administration in selected counties, differences between county- and state-administered TANF programs and technical assistance needs of county-administered programs. Recommended sites; obtained OMB approval; conducted site visits in 4 states with county-administered TANF programs, designed and conducted online survey of state-administered TANF programs, and analyzed secondary data. Led and co-authored final report.

**Principal Investigator, A Descriptive Study of Tribal TANF Programs (HHS/ASPE; 2011-13)** Led implementation study of Tribal TANF programs, including analyses of program implementation, operations, outputs and outcomes in 4 Tribal TANF programs. Identified and consulted team of expert Tribal advisors. Identified and recommended sites for inclusion in the study. Oversaw the design and carrying out of the implementation study for all sites, including developing protocols, and led site visits to 2 sites, conducting interviews of staff. Led the implementation data analysis using NVivo software. Led and co-authored final report.

#### TESTIMONIES

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"Research on Work Requirements, Access and Alignment of Supports for Low-Income Families." Testimony before the U.S. House Subcommittee on Higher Education and Workforce Development, March 15, 2018. <https://www.urban.org/research/publication/research-work-requirements-access-and-alignment-supports-low-income-families>

"Addressing the 'Benefits Cliff' and Encouraging Work for Welfare Recipients." Testimony before the Vermont House Committee on Human Services, February 26, 2014. <http://www.urban.org/publications/904616.html>

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#### **VIDEO**

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#### **PODCASTS**

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[Critical Value](#) #16: 'The Children Are Our Future': Trends In Public Spending On Kids. August 15, 2018.

Critical Value #4: Budget 2019. February 14, 2018.

#### **PRESENTATIONS**

“The Role of Dignity in Service Delivery and Economic Success.” Workshop for the 2019 National TANF State Directors’ Meeting. Office of Family Assistance, Administration for Children and Families, U.S. Department of Health and Human Services. September 19, 2019.

“Transforming Child Support Services; Transforming Lives.” Keynote Address for the 23rd Annual Child Support Training Conference. Judicial Council of California. Burbank, CA. August 28, 2019.

“Building the Future for a Changing Nation,” Peter G. Peterson 2019 Fiscal Summit panel discussion. Washington, DC. June 11, 2019.

“Babies in the Budget – Federal Spending on Infants and Toddlers,” Congressional Baby Caucus Briefing. Capitol Hill, May 8, 2019.

“The Payback Problem: Why Child Support Does Not Go Where It’s Needed Most.” Aspen Institute panel discussion. Washington, DC. April 24, 2019. <https://www.aspeninstitute.org/events/the-payback-problem-why-child-support-does-not-go-where-its-needed-most/>

“Transforming Services; Transforming Lives.” Keynote Address for the Child Support Director’s Association Symposium. Sacramento, CA. March 13, 2019.

“Budgeting for the Next Generation: A Conversation on Children and Federal Policy.” Capitol Hill panel discussion hosted by Committee for a Responsible Federal Budget. October 23, 2018.

“Measuring Employment Outcomes in TANF.” Presentation at a Forum on Strengthening the Employment and Training Components of WorkFirst New Jersey. New Brunswick, NJ. September 29, 2017.

“Supporting TANF Families’ Child Care Needs.” Presentation at the National Association for Welfare Research and Statistics Annual Workshop. Pittsburgh, Pennsylvania. August 2, 2017.

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Keynote address. “Beyond the Work Participation Rate.” Wisconsin Department of Children and Families Work Programs Conference: Building Relationships, Improving Performance. Elkhart Lake, Wisconsin. October 3, 2016.

“Highlights from Kids’ Share 2016.” Panel discussion for “Is Spending on Children Part of the Public Conversation? Discussion of Kids’ Share 2016 Results.” Urban Institute. Washington, DC. September 20, 2016.



“Black Families Matter: Challenges and Opportunities.” Panel discussion at the Congressional Black Caucus Foundation, 46<sup>th</sup> Annual Legislative Conference, Child Welfare Brain Trust. Washington, DC. September 16, 2016.

“Reducing Poverty and Increasing Opportunity: Envisioning the Next 20 Years.” Panel discussion. Urban Institute. Washington, DC. September 13, 2016.

“The Personal Responsibility and Work Opportunity Reconciliation Act: Success, Failure, or Incomplete?” Panel discussion. Cato Institute. Washington, DC. August 22, 2016.

“Making Government Programs Work for Families.” Panel discussion. Urban Institute. Washington, DC. June 28, 2016.

“Improving Service Delivery for Low Income Families through Policy, Technology and Business Process Changes: Findings from the Work Support Strategies Evaluation.” Presented at the ACF/OPRE Research and Evaluation Conference on Self-Sufficiency. Washington, DC. June 3, 2016

“Assisting Two-parent Families through Temporary Assistance to Needy Families.” Presented at the ACF/OPRE Research and Evaluation Conference on Self-Sufficiency. Washington, DC. June 2, 2016.

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“Improving Business Processes for Delivering Work Supports for Low Income Families: Findings from the Work Support Strategies Evaluation” Idea Lab during the Gateway to Opportunity national convening. Invited by the Office of Family Assistance, Administration for Children and Families, U.S. Department of Health and Human Services. Washington, D.C. September 2, 2015.

“Innovations in TANF and Implications for Reauthorization.” Presentation at the National Association for Welfare Research and Statistics Annual Workshop. Atlanta, Georgia. August 26, 2015.

“Findings from the WSS Evaluation of Business Process Improvement Efforts.” Presentation at the National Association for Welfare Research and Statistics Annual Workshop. Atlanta, Georgia. August 25, 2015.

“Kids’ Share: Tracking Federal, State and Local Expenditures on Children.” Presentation for the Society for Research in Child Development Policy Fellows of the American Association for the Advancement of Sciences. Washington, DC. October 14, 2014.

“Practical Tips for Conducting High-quality Implementation Studies.” NAWRS Research Academy Session. Providence, Rhode Island. August 19, 2014.

“A Descriptive Study of County versus State Administered TANF Programs.” Presented at ACF/OPRE Welfare Research and Evaluation Conference. Washington, DC. May 29, 2014.

“Work Support Strategies: Early Lessons.” Presentation at the Stewards of Change Institute’s 8<sup>th</sup> Annual Symposium, “Achieving Interoperability: Implementing solutions to connect health and human services.” Baltimore, Maryland. June 10, 2013.



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“Kids’ Share: Tracking Federal, State and Local Expenditures on Children.” Presentation for the Society for Research in Child Development Policy Fellows of the American Association for the Advancement of Sciences. Washington, DC. October 5, 2012.

“Understanding the Current Research Agenda and Its Impact on State TANF Programs.” Panelist on an interactive researchers’ roundtable at the Strategic Collaborations Workshop for the HHS, Administration for Children and Families, Office of Family Assistance, Regions I, II, and III. Philadelphia, Pennsylvania. September 18, 2012.

“Energy for Innovation: What States Might Do with Waivers.” Plenary presentation at the National Association for Welfare Research and Statistics 51<sup>st</sup> Annual Workshop. Baltimore, Maryland. August 20, 2012.

“Five States’ Approaches to the TANF Block Grant.” Presentation at the National Association for Welfare Research and Statistics Annual Workshop. Baltimore, Maryland. August 20, 2012.

“TANF Work Participation and Engagement Strategies.” Session moderator. ACF/OPRE 15<sup>th</sup> Annual Welfare Research and Evaluation Conference. Washington, DC. June 1, 2012.

“A Descriptive Study of Tribal TANF Programs.” Presentation in session on Engaging Tribal Communities in Research at ACF/OPRE 15<sup>th</sup> Annual Welfare Research and Evaluation Conference. Washington, DC. May 31, 2012.

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“Improving State TANF Performance Measures.” Presentation at the ACF/OPRE 14<sup>th</sup> Annual Welfare Research and Evaluation Conference. Washington, DC. June 3, 2011.

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“Implications of Legislative and Economic Changes to TANF.” Presentation at the National Association for Welfare Research and Statistics 50<sup>th</sup> Annual Workshop, Los Angeles, California. September 29, 2010.

"Achieving Post-DRA TANF Work Requirement in the Great Recession." Presentation at a roundtable at the National Association for Welfare Research and Statistics 50<sup>th</sup> Annual Workshop, Los Angeles, California. September 28, 2010.

"The Push and Pull of Getting the Right People in the Food Stamp Program." Presentation at the 2008 Annual Meeting of the American Political Science Association, Boston, Massachusetts. August 28, 2008.

"The Push and Pull of Getting the Right People in the Food Stamp Program." Presentation at the 29th Annual Association for Public Policy Analysis and Management Research Conference. Washington, D.C. November 8, 2007.

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"Supports for Low-Income Families: States Serve a Broad Range of Families Through a Complex and Changing System." Presentation of GAO report at the 2004 American Political Science Association Annual Meeting. Chicago, Illinois. September 2-5, 2004.

"Welfare Reform: Former TANF Recipients with Impairments Less Likely to Be Employed and More Likely to Receive Federal Supports" Presentation of GAO report at the 2003 American Political Science Association Annual Meeting. Philadelphia, Pennsylvania. August 28-31, 2003.

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"Ideological Foundations of the TANF Welfare Laws." Presentation at the University of Wisconsin Women's Studies Consortium 23rd Annual Women's Studies Conference. October 29-31, 1998.

"From the Halls of Congress to the Neighborhoods of our Nation: A Discussion on Welfare Policy." Panelist. Haas Center for Public Service, Stanford University. February 20, 1998.

"Explaining the Gap: Experiences in Political Structure and Welfare Policy in Europe and the United States." Presentation to the Heller School for Social Welfare, Brandeis University. March 1995.

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## WEBINARS

“Assisting Two-parent Families through Temporary Assistance to Needy Families.” HHS/ACF/Office of Family Assistance webinar: “ASPIRE: Serving Two-Parent Families in the TANF system.” February 26, 2019.

“Supporting TANF Families’ Child Care Needs.” Office of Family Assistance Peer TA Webinar on *Possibilities for Coordination Between TANF, Child Care, and Workforce Development*. July 26, 2017.

“Federal Expenditures on Children: What Budget Policy Means for Children’s Policy.” Webinar for the University-Based Child and Family Policy Consortium, in collaboration with the Society for Research in Child Development, November 23, 2015.

#### **PROFESSIONAL ACTIVITIES**

National Association for Welfare Research and Statistics  
Co-Chair, Annual Workshop Conference Program, 2014  
Member, Program Committee, 2015, 2017

Referee: *Journal of Policy Analysis and Management*; *Social Service Review*; *Evaluation Review*

Co-chair, Urban Institute Diversity and Inclusion Steering Committee, Research Content and Communications Team, 2016-present.

Co-chair, Urban Institute Communications Review Committee, 2015-16.

Frequent participant in invited discussions and roundtables. For example, recent invitation-only discussions on work requirements, children in the budget, and other related issues, were hosted by a range of organizations from the Georgetown Law Center on Poverty and Inequality to the Mercatus Center to the Committee for a Responsible Federal Budget.

#### **CONTRACTS AND GRANTS**

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U.S. Department of Health and Human Services/Administration for Children and Families/Office of Planning Research and Evaluation; Foundation for Child Development; First Focus; Annie E. Casey Foundation; Atlantic Philanthropies; Peter G. Peterson Foundation; Bipartisan Policy Center; Robert Wood Johnson Foundation.

#### **BOARDS**

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President, Library of Congress Child Care Association (Little Scholars Child Development Center), 2010, 2012; Vice President, 2009, 2011.

#### **SELECTED MEDIA CITATIONS**

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The Atlantic, Chicago Tribune, CityLab, CNN Money, CQ News, The Economist, Fiscal Times, Indian Country Today, National Review, NBC News, New York Times, NPR, The Root, Texas Tribune, USA Today, Washington Examiner, and Washington Post.

EXHIBIT 20  
EXPERT REPORT OF  
ROBERT PUENTES

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NATHAN WRIGHT, CAMESE  
BEDFORD, ASHLEY GILDEHAUS,  
and LISA MANCINI, on behalf of  
themselves and others similarly situated,

Plaintiffs,

v.

FAMILY SUPPORT DIVISION of the  
Missouri Department of Social Services;  
MICHAEL PARSON, in his official  
capacity as Governor of Missouri;  
JENNIFER TIDBALL, in her official  
capacity as Acting Director of the  
Department of Social Services;  
REGINALD MCELHANNON, in his  
Official capacity as Interim Director of the  
Family Support Division;  
KENNETH ZELLERS, in his official  
capacity as Acting Director of the  
Department of Revenue;  
JOSEPH PLAGGENBERG, in his official  
capacity as Director of the Motor Vehicle  
and Driver Licensing Division,

Defendants.

Case. No. 4:19-cv-398 RLW

CLASS ACTION  
JURY DEMANDED

**AFFIDAVIT OF ROBERT PUENTES**

**Table of Contents**

Nature of the Assignment ..... 3

Opinion ..... 3

Qualifications ..... 3

Materials Reviewed ..... 3

Prior Testimony ..... 4

Statement of Compensation ..... 4

Discussion ..... 4

I. Nearly All of Missouri Has Limited or Nonexistent Public Transportation Infrastructure ..... 4

II. Depriving Low-Income People of Their Driver’s Licenses Significantly Impairs Their Mobility and Their Access to Employment Opportunities ..... 4

III. Driving Remains by Far the Most Common Way that Americans Commute to and from Work ..... 5

IV. Over Half of Jobs in the Nation’s Largest Metropolitan Areas Are Located More Than 10 Miles Outside of Downtowns ..... 7

V. There Are Numerous Industries and Jobs for which Having a Valid Driver’s License Is Essential ..... 8

Conclusion ..... 9

### **Nature of the Assignment**

1. I am submitting this affidavit to offer my expert opinions regarding the effects of driver's license suspensions on economic opportunities.

### **Opinion**

2. I have an opinion regarding the Missouri Family Support Division's driver's license suspension policy. I hold that opinion to a reasonable degree of certainty in my field of expertise. The Missouri Family Support Division's driver's license suspension policy deprives workers of economic opportunities not only by hindering their spatial mobility, but also by effectively barring them from certain kinds of employment.

### **Qualifications**

3. My name is Robert Puentes. I am President and CEO of the Eno Center for Transportation, and have additionally worked for nineteen years (most recently and presently as a non-resident senior fellow) at the Brookings Institution.
4. I have a M.A. in Urban Planning from the University of Virginia.
5. I have published widely and given presentations on transportation and infrastructure, urban planning, finance, smart cities, and sustainability.
6. A more detailed listing of my experience is included in my curriculum vitae, which is attached as Appendix B.
7. I am familiar with research and literature on the role that possession of driver's licenses plays in facilitating mobility and access to employment opportunities.
8. Additionally, I have been involved in authoring studies related to this topic. These studies include Puentes, R., "A Bridge to Somewhere: Rethinking American Transportation for the 21<sup>st</sup> Century." Brookings Institution (2016); Tomer, A., Kneebone, E., Puentes, R., & Berube, A. "Missed Opportunity: Transit and Jobs in Metropolitan America." Brookings Institution (2011); and Puentes, R., "Commuting," in "State of Metropolitan America: On the Front Lines of Demographic Transformation." Brookings Institution (2010), among others.
9. The opinions given in this report are all expressed within a reasonable degree of scientific certainty.

### **Materials Reviewed**

10. In preparing this report, I reviewed Plaintiffs' Amended Complaint (ECF No. 22) and the declarations of the named plaintiffs attached thereto.

**Prior Testimony**

11. I have previously provided expert testimony in *Stinnie v. Holcomb*, 355 F. Supp. 3d 514 (W.D. Va. 2018). A complete list of my previous testimony is included in my curriculum vitae.

**Statement of Compensation**

12. I am being compensated at a rate of \$300 per hour for my preparation of this affidavit and testimony.

**Discussion**

**I. Nearly All of Missouri Has Limited or Nonexistent Public Transportation Infrastructure**

13. I have an opinion regarding the availability of public transportation options in Missouri. I hold that opinion to a reasonable degree of certainty in my field of expertise. More particularly, nearly all of Missouri, including Missouri's rural and suburban areas, has limited or nonexistent public transportation infrastructure.
14. As of 2011, metropolitan Kansas City (including parts of Kansas) ranked 90th out of the largest 100 metropolitan areas in terms of job access by public transportation. Tomer, A., Kneebone, E., Puentes, R., & Berube, A. "Missed Opportunity: Transit and Jobs in Metropolitan America." Brookings Institution (2011), at 39.<sup>1</sup>
15. Only 47% of working-age residents in the Kansas City metropolitan area (including parts of Kansas) had access to public transportation. *Id.* at 36.
16. Metropolitan St. Louis (including parts of Illinois) ranked 68th out of the largest 100 metropolitan areas in terms of job access by public transportation. *Id.* at 37.

**II. Depriving Low-Income People of Their Driver's Licenses Significantly Impairs Their Mobility and Their Access to Employment Opportunities**

17. I have an opinion regarding the effects of driver's license suspensions on low-income people. I hold that opinion to a reasonable degree of certainty in my field of expertise. More specifically, depriving low-income people of their driver's licenses significantly impairs their mobility and their access to employment opportunities for which they otherwise may qualify.

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<sup>1</sup> [https://www.brookings.edu/wp-content/uploads/2016/06/0512\\_jobs\\_transit.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0512_jobs_transit.pdf)



18. Only 18% of all jobs in the Kansas City metropolitan area (including parts of Kansas) were accessible by the typical resident from their neighborhood of residence within 90 minutes on public transportation. Id. at 36.
19. Only 24% of all jobs in the metropolitan St. Louis (including parts of Illinois) region were accessible by the typical resident from their neighborhood of residence within 90 minutes on public transportation. Id at 37.
20. Even neighborhoods that are connected to transit commonly suffer from infrequent service, especially in off-hours and on weekends when many low-income workers may need transit access to and from their jobs.
21. As St. Louis' East-West Gateway Council of Governments itself noted in 2019, “[U]nderserved population groups are concentrated in the central part of the region—the city of St. Louis, St. Louis County, and St. Clair County. A major challenge facing the transportation system is providing affordable, effective transportation options from these areas to opportunities throughout the region.” East-West Gateway Council of Governments, “State of the System Report,” at 40.<sup>2</sup>
22. Outside of large cities, including in suburban and rural areas, public transportation infrastructure is less developed or nonexistent.
23. As the Kansas City Area Transportation Authority itself noted in 2011, “[T]oo much of the region is without transit access. This is particularly true in our suburbs. Too few citizens have a viable choice to ride transit, and too few jobs are located in those areas that have transit.” Kansas City Area Transportation Authority, “KCATA Responds To Brookings Institution Report.”<sup>3</sup>

### **III. Driving Remains by Far the Most Common Way that Americans Commute to and from Work**

24. I have an opinion regarding the reliance on driving as a primary source of transportation. I hold that opinion to a reasonable degree of certainty in my field of expertise. More particularly, driving remains by far the most common way that Americans commute to and from their jobs.

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<sup>2</sup><https://www.ewgateway.org/wp-content/uploads/2019/08/StateOfTheSystem-FinalDraft-082819.pdf>

<sup>3</sup> [https://www.kcata.org/news/kcata\\_responds\\_to\\_brookings\\_institute\\_report/](https://www.kcata.org/news/kcata_responds_to_brookings_institute_report/)

25. The latest data from the Census Bureau finds that over 76 percent of Americans drive alone to work every day. Tomer, A., “America’s Commuting Choices,” Brookings Institution (October 3, 2017).<sup>4</sup>
26. Much of the reason for this is that workers in many metropolitan areas simply do not have any alternatives to driving to work. Puentes, R., “Commuting,” in “State of Metropolitan America: On the Front Lines of Demographic Transformation.” Brookings Institution (2010), at 153.<sup>5</sup>
27. Over 82% of Missourians travel to work by car; only 1.3% travel to work by public transportation. U.S. Department of Transportation, “Missouri: Transportation by the Numbers,” April 2019, at 2.<sup>6</sup>
28. In the city of Kansas City, Missouri, 82.6% of commuters drive alone to work; only 2.2% travel by public transportation. Data USA, “Kansas City, MO.”<sup>7</sup>
29. In the city of St. Louis, Missouri, 72.0% of commuters drive alone to work; only 8.2% travel by public transportation. Data USA, “St. Louis City, MO.”<sup>8</sup>
30. In the city of Springfield, Missouri, 79.5% of commuters drive alone to work; only 1.1% travel by public transportation. Data USA, “Springfield, MO.”<sup>9</sup>
31. In the city of Independence, Missouri, 87.1% of commuters drive alone to work; only 0.6% travel by public transportation. Data USA, “Independence, MO.”<sup>10</sup>
32. Outside of large cities, including in suburban and rural areas, very few workers take public transportation to work.
33. In St. Louis County, Missouri, 82.2% of commuters drive alone to work; only 2.6% travel by public transportation. Data USA, “St. Louis County, MO.”<sup>11</sup>
34. In St. Francois County, Missouri, 84.2% of commuters drive alone to work; only 0.1% travel by public transportation. Data USA, “St. Francois County, MO.”<sup>12</sup>

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<sup>4</sup><https://www.brookings.edu/blog/the-avenue/2017/10/03/americans-commuting-choices-5-major-takeaways-from-2016-census-data/>

<sup>5</sup> [https://www.brookings.edu/wp-content/uploads/2016/06/metro\\_america\\_report.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/metro_america_report.pdf)

<sup>6</sup> <https://www.bts.gov/sites/bts.dot.gov/files/legacy/missouri.pdf>

<sup>7</sup> <https://datausa.io/profile/geo/kansas-city-mo>

<sup>8</sup> <https://datausa.io/profile/geo/st.-louis-city-mo>

<sup>9</sup> <https://datausa.io/profile/geo/springfield-mo>

<sup>10</sup> <https://datausa.io/profile/geo/independence-mo>

<sup>11</sup> <https://datausa.io/profile/geo/st.-louis-county-mo>

<sup>12</sup> <https://datausa.io/profile/geo/st.-francois-county-mo>

35. In Dent County, Missouri, 80.7% of commuters drive alone to work; only 0.3% travel by public transportation. Data USA, “Dent County, MO.”<sup>13</sup>
36. In Jasper County, Missouri, 84% of commuters drive alone to work; only 0.4% travel by public transportation. Data USA, “Dent County, MO.”<sup>14</sup>

**IV. Over Half of Jobs in the Nation’s Largest Metropolitan Areas Are Located More Than 10 Miles Outside of Downtowns**

37. I have an opinion regarding the relationship between modes of transportation and access to job opportunities. I hold that opinion to a reasonable degree of certainly in my field of expertise. More particularly, research has shown that over half of jobs in the nation’s largest metropolitan areas are located more than 10 miles outside of downtowns. Puentes, R., “A Bridge to Somewhere: Rethinking American Transportation for the 21st Century.” Brookings Institution (2016), at 15.<sup>15</sup> As economies and opportunities decentralize, and the working poor remain disproportionately centralized, there is a “spatial mismatch” between jobs and people in metropolitan areas that disproportionately burdens poor families who have a harder time accessing these opportunities. *Id.* at 33.
38. Between 2000 and 2012, the number of jobs within the typical commute distance for residents in metropolitan St. Louis (including parts of Illinois) fell by 15 percent. During that same time in metropolitan Kansas City (including parts of Kansas) the number of jobs within the typical commute distance fell by 12 percent. Kneebone E. and Holmes, N., “The Growing Distance Between People and Jobs in Metropolitan America,” Brookings Institution (2015).<sup>16</sup>
39. In suburbs, entry-level jobs abound in manufacturing, wholesale trade, and retailing—and hold out opportunities for people with basic education and skills. However, the absence of viable transportation options—combined with persistent residential racial segregation and a lack of affordable suburban housing—effectively cuts many inner-city workers off from regional labor markets. Often, inner-city workers, hobbled by poor information networks, do not even know these jobs exist. Katz, B., Puentes, R., and Bernstein, S., “Getting Transportation Right for Metropolitan America,” in *Taking the High Road: A Metropolitan Agenda for Transportation Reform*, Katz, B. and Puentes, R., eds., Brookings Institution Press, 2005.

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<sup>13</sup> <https://datausa.io/profile/geo/dent-county-mo>

<sup>14</sup> <https://datausa.io/profile/geo/jasper-county-mo>

<sup>15</sup> [https://www.brookings.edu/wp-content/uploads/2016/06/06\\_transportation\\_puentes\\_report.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/06_transportation_puentes_report.pdf)

<sup>16</sup> Data available online: <https://www.brookings.edu/research/the-growing-distance-between-people-and-jobs-in-metropolitan-america/>

40. Moreover, residents of low-income suburban neighborhoods can reach just over one-in-five middle- or low-skill industry jobs in their metropolitan areas (23 and 22 percent, respectively)—the types of jobs for which they may be most likely to qualify. “Missed Opportunity” at 19.
41. For residents of urban areas generally, even among that small percentage of jobs that can be accessed within 90 minutes by public transit, the majority tend to be “high skill” or “middle skill” jobs, rather than “low skill” jobs. *Id.* at 18.
42. Thus, while public transit tends to provide only limited access to jobs, this problem is particularly acute for people living in poverty or who otherwise may lack the advanced education or training, or work history, to qualify for better-paid jobs. Even for poor people living in central cities who do have access to public transit, that transit tends to connect them primarily to jobs they may not be able to obtain.

**V. There Are Numerous Industries and Jobs for which Having a Valid Driver’s License Is Essential**

43. I have an opinion regarding drivers’ licensing requirements for certain job fields. I hold that opinion to a reasonable degree of certainty in my field of expertise. More particularly, there are numerous industries, and many individual occupations, for which having a valid driver’s license is essential.
44. According to the Bureau of Labor Statistics, 30 percent of civilian jobs required driving a passenger vehicle or some other type of vehicle while on the job. “30 Percent of Civilian Jobs Require Some Driving in 2016,” Bureau of Labor Statistics (June 27, 2017).<sup>17</sup>
45. Moreover, America’s infrastructure sector faces an enormous workforce shortage. For example, as of 2015, there was a shortage of nearly 50,000 truck drivers nationwide, and the shortage could grow to 175,000 by 2024. “Shortage of Truck Drivers and Air Traffic Controllers a Challenge and Opportunity for Many Regions,” Brookings Institution (October 22, 2015).<sup>18</sup> Several individual transportation occupations, including truck drivers, have among the greatest number of projected job openings across the country. “As Summer Construction Winds Down, Transportation Jobs Challenge Still Looms Large,” Brookings Institution (September 3, 2015).<sup>19</sup>

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<sup>17</sup> <https://www.bls.gov/opub/ted/2017/30-percent-of-civilian-jobs-require-some-driving-in-2016.htm>

<sup>18</sup> <https://www.brookings.edu/blog/the-avenue/2015/10/22/shortage-of-truck-drivers-and-air-traffic-controllers-a-challenge-and-opportunity-for-many-regions/>


<sup>19</sup> <https://www.brookings.edu/blog/the-avenue/2015/09/03/as-summer-construction-winds-down-transportation-jobs-challenge-still-looms-large/>

**Conclusion**

46. The Missouri Family Support Division's driver's license suspension policy deprives workers of economic opportunities not only by hindering their spatial mobility, but also by effectively barring them from certain kinds of employment.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

ROBERT PUENTES, M.A.

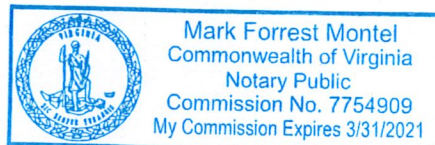


Acknowledged before me this 14 day of November, 2019, by Robert Puentes.

My commission expires: 3-31-21



Notary Public





**Robert J. Puentes**

July 2019

A national expert in transportation and infrastructure, urban planning, finance, smart cities, and sustainability. Provides senior-level leadership in strategic planning, fundraising, project management, and organizational decisions.

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***Primary Contact Information***

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Washington, DC 20006

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@rpuentes

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***Recent Professional Experience***

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**Eno Center for Transportation, Washington, DC**  
President/CEO, 2016-present

**Brookings Institution, Metropolitan Policy Program, Washington, DC**  
Non-Resident Senior Fellow, 2016-present  
Director, Metropolitan Infrastructure Initiative and Senior Fellow, 2008-2016  
Fellow, 2004-2008  
Senior Research Manager, 2000-2004

**Intelligent Transportation Society of America, Washington, DC**  
Director, Infrastructure Programs, 1998-2000  
Senior Planner, 1996-1998

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***Education***

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M.A., University of Virginia, Urban Planning, 1998 • B.S., Old Dominion University, Political Science, 1990

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***Select Local Activities***

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- Chair, Executive Steering Committee, Washington Regional Bus Study Project, 2018-present
- Planning Commissioner, City of Falls Church, Virginia, 2018
- Champions Council, Coalition for Smart Growth, 2018-present
- Appointed Member, District of Columbia Infrastructure Finance Task Force, 2015-2016
- Appointed Member, Northern Virginia Transportation Authority Technical Advisory Committee, 2008-2013
- Advisory Council, Tysons Tomorrow, 2008-2012
- Planning Commissioner, City of Falls Church, Virginia, 2004-2008
- Appointed Member, Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for Washington's Metro, 2004-2005
- Advisory Board, University of Virginia School of Architecture, 2002-2008
- Appointed Member, Falls Church City Center Redevelopment Task Force, 2002-2006
- Member/Chair, Falls Church Advisory Committee on Transportation, 1999-2003
- Member, Virginia Chapter, American Planning Association, 1998-2010; Legislative Committee, 2005-2010

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*Select Professional Activities*

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- Advisory Council, Northwestern University Transportation Center, 2018-present
- Board of Directors, Jobs to Move America, 2017-present
- Board of Directors, Infrastructure Week, 2017-present
- Advisory Board, Los Angeles Metro Office of Extraordinary Innovation, 2017-present
- Board of Directors, Shared Use Mobility Center, 2016-present
- Appointed Member, Federal Advisory Committee on Transportation Equity, 2016-2017
- Subject Matter Expert, Edmonton Smart Transportation Action Plan, 2016-2017
- Advisory Board, Brookings Institution Moving to Access Initiative, 2016-2017
- Advisory Board, UCLA Institute of Transportation Studies, 2016-present
- Advisory Board, Young Professionals in Transportation, 2016-present
- Evaluation Panelist, MacArthur Foundation 100&Change Competition, 2016
- Voting Jury Member, Port Authority of New York & New Jersey International Design + Deliverability Competition, 2016
- Strategic Implementation Assessment Team, New York Regional Economic Development Council, 2015
- Advisory Board, National Conference of State Legislatures on Transit Funding, 2014
- Advisory Group, The Transportation Transformation Project, 2014-2015
- Appointed Member, New York City Transportation Reinvention Commission, 2014
- Advisory Board, West Coast Infrastructure Exchange, 2013-2017
- Appointed Member, New York State 2100 Infrastructure Commission, 2012-2014
- Advisory Committee, National Building Museum Intelligent Cities, 2010-2013
- Advisory Board, Congressional Livable Communities Task Force, 2010-2012
- Editorial Board, *Housing Policy Debate*, 2007-2011, *Urban Affairs Review*, 2010-2016
- Instructor, Rutgers University, Bloustein School of Planning and Public Policy, 2007-2008
- Adjunct Assistant Professor, Georgetown University, Public Policy Institute, 2007-2008
- Member, First Tier Suburbs Council, National League of Cities, 2004-2010
- Advisory Board, Transportation and Civil Rights, Harvard Civil Rights Project, 2003-2007

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*Select Congressional/Legislative Testimony*

---

- "Rebuilding and Reinvesting in Infrastructure in an Age of Fiscal Constraint," U.S. Congress, Joint Economic Committee, July 2013.
- "Strengthening the Federal/State Partnership on Passenger Rail," U.S. House of Representatives, Committee on Transportation and Infrastructure, May 2013.
- "Transformative Infrastructure to Boost Exports and Manufacturing," U.S. Congress, Joint Economic Committee, November 2011.
- "Creating Banks for Infrastructure," U.S. House of Representatives, Committee on Ways and Means, May 2010.
- "Supporting Integrated Planning and Decision Making by Joining Up Housing and Transportation," U.S. House of Representatives, Appropriations Subcommittee on Transportation, Housing and Urban Development and Related Agencies, March 2009.
- "Creating Livable Communities: Housing and Transit Policy in the 21st Century," U.S. Senate, Committee on Banking, Housing and Urban Affairs, September 2008.
- "Options for Metropolitan Transit Funding," New York State Commission on Metropolitan Transportation Authority Financing, September 2008.
- "Strengthening the Ability of Public Transportation to Reduce Our Dependence on Foreign Oil," U.S. Senate, Committee on Banking, Housing and Urban Affairs, September 2008.

- "Beginning Again: A Metropolitan Transportation Vision for the 21st Century," U.S. House of Representatives, Committee on Transportation and Infrastructure, April 2008.
- "Key Policy Considerations for Surface Transportation Investment Needs," U.S. House of Representatives, Committee on the Budget, October 2007.
- "Critical Issues: Metropolitan Competitiveness and Governance Reform," New York State Commission on Local Government Efficiency and Competitiveness, October 2007.
- "Housing: The Critical Issue for Virginia's Future, Virginia General Assembly," Housing Commission, December 2005.
- "Keeping Metro on Track: The Federal Government's Role in Balancing Investment with Accountability at Washington's Transit Agency," U.S. House of Representatives, Committee on Government Reform, July 2005.

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*Recent Policy Studies and Publications (since 2009)*

---

- "A Fast-Moving Mobility Landscape," Eno Center for Transportation, February 2019.
- "Transportation at the Ballot Box 2018," Eno Center for Transportation, November 2018.
- "The Implications of the Federal Ban on Chinese Railcars," with Jeff Davis, Eno Center for Transportation, September 2018.
- "Deal or No Deal: Prospects for Airport Privatization in the United States," with Paul Lewis, Eno Center for Transportation, August 2018.
- "Taxing New Mobility Services: What's Right? What's Next?" with So Jung Kim, Eno Center for Transportation, July 2018.
- "Time for Reform – Delivering Modern Air Traffic Control," with Rui Neiva, Eno Center for Transportation, February 2017.
- "What the Presidential Candidates Need to Know about Infrastructure," with William Galston, Brookings, November 2016.
- "Opportunities for Infrastructure Reform: Improving America's Procurement System," with Patrick Sabol, Brookings, September 2015.
- "Global Goods Trade and Metropolitan Economies," with Adie Tomer, Brookings, June 2015.
- "Expanding Opportunity Through Infrastructure Jobs," with Joseph Kane, Brookings, May 2015.
- "Building Better Infrastructure Better Bonds, with Patrick Sabol," Brookings, April 2015.
- "Driving in the 21st Century: Current Trends and Future Needs," with Adie Tomer and others, Brookings, April 2015.
- "Delivering on the Promise of India's Smart Cities," with Amy Liu, Brookings, January 2015.
- "Private Capital Public Good: Drivers of Successful Infrastructure Public-Private Partnerships," with Patrick Sabol, Brookings, December 2014.
- "The Way Forward: A New Economic Vision for America's Infrastructure," with Bruce Katz and others, Brookings, May 2014.
- "Beyond Shovel-Ready: The Extent and Impact of U.S. Infrastructure Jobs," with Joseph Kane, Brookings, May 2014.
- "Getting Smarter About Smart Cities," with Adie Tomer, Brookings, April 2014.
- "Metro Freight: The Global Goods Trade that Moves Metro Economies," with Adie Tomer, Brookings, October 2013.
- "Cut to Invest: Revive Build America Bonds to Support State and Local Investments," with Patrick Sabol and Joseph Kane, Brookings, September 2013.
- "Invest But Reform: Establish a National Infrastructure Bank Capitalized by a Repatriation Tax Holiday," with Patrick Sabol and Joseph Kane, Brookings, August 2013.
- "A New Alignment: Strengthening America's Commitment to Passenger Rail," with Adie Tomer and Joseph Kane, Brookings, March 2013.



- "Have Americans Hit Peak Travel? A Discussion of the Changes in US Driving Habits," Organization for Economic Cooperation and Development Conference, Paris, November 2012.
- "Strengthen Federalism: Establish a National PPP Unit to Support Bottom-Up Infrastructure Investment," Brookings, November 2012.
- "Cut to Invest: Exempt Private Activity Bonds (PABs) from the Alternative Minimum Tax," with Joseph Kane, Brookings, November 2012.
- "Global Gateways: International Aviation in Metropolitan America," with Adie Tomer and Zachary Neal, Brookings, October 2012.
- "Banking on Infrastructure: Enhancing State Revolving Funds for Transportation," with Jennifer Thompson, September 2012.
- "The Role of Freight and Logistics in Boosting Miami's Economic Future," with Adie Tomer, Brookings, June 2012.
- "The Intersection of Place and the Economy," with Peter McFerrin, Brookings, May 2012
- "The Ports of Los Angeles and Long Beach in Global Context," Brookings, December 2011.
- "Moving Forward on Public Private Partnerships: U.S. and International Experience with PPP Units," with Emilia Istrate, Brookings, December 2011.
- "Missed Opportunity: Transit and Jobs in Metropolitan America," with Adie Tomer, Elizabeth Kneebone, and Alan Berube, Brookings, May 2011.
- "State Transportation Reform: Cut to Invest in Transportation to Deliver the Next Economy," Brookings, February 2011.
- "Moving Past Gridlock: A Proposal for a Two-Year Transportation Law," Brookings, December 2010.
- "Developing a National Strategy for Goods Movement," Brookings, September 2010.
- "Commuting," in *State of Metropolitan America: On the Front Lines of Demographic Transformation*, with Emilia Istrate and Adie Tomer, Brookings, May 2010.
- "Growth Through Innovation: It Will be Metropolitan-Led," Brookings, May 2010.
- "Investing in the Nation's Infrastructure: Obama's Plans to Rebuild American Prosperity," with Bruce Katz, Brookings, January 2010.
- "Investing for Success: Examining a Federal Capital Budget and a National Infrastructure Bank," with Emilia Istrate, Brookings, December 2009.
- "Expect Delays: An Analysis of Air Travel Trends in the United States," with Adie Tomer, Brookings, October 2009.

#### *Articles, Chapters, and Books*

- "Time for Rebuilding America's Infrastructure," *Milken Institute Review*, January 2018.
- "Infrastructure Issues and Options for the Trump Administration," with William Galston in Brookings Big Ideas for America, M. O'Hanlon, ed. Brookings, January 2017.
- "Governance in the United States and the Metropolitan Priority: Lessons from Transportation," in *Governing Territories: Antagonisms and Partnerships Between Public Actors*, G. Bettoni, ed. Paris: Institute for Public Management and Economic Development, 2011.
- "A New Transportation Program for the 21st Century," in Transportation Infrastructure: The Challenges of Rebuilding America, American Planning Association, 2009.
- "Land-Use Regulations as Territorial Governance in U.S. Metropolitan Areas," with Rolf Pendall in *Journal of the Association of Spanish Geographers*, Vol. 26, No. 1: 2008.
- "Comment on Bruce Seely's 'The Secret is the System'" *The Wilson Quarterly*, Summer, 2008.
- Book Review: All Roads Lead to Congress: The \$300 Billion Fight Over Highway Funding, *Journal of the American Planning Association*, Vol. 74, No. 2: 2008.
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- "Land, Rail, and Sea: How U.S. Equipment Manufacturers and Their Partners Depend on Infrastructure," Moderator: Association of Equipment Manufacturers, Washington, May 2018.
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- "Airport Privatization in the United States," Japan International Transport Institute, Washington, February 2018.
- "Transportation in America: Why it Matters Today," International Bridge, Tunnel and Turnpike Association, Washington, February 2018.
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**Radio:**

Numerous including: The Diane Rehm Show, Marketplace Morning Report, Marketplace Money, On Point with Tom Ashbrook, The Takeaway, The Kojo Nnamdi Show, Federal News Radio, NPR News & Notes, Smart City Radio, HearSay with Cathy Lewis, German Public Radio. Many local outlets.

**Television:**

ABC News Primetime, NBC Nightly News and News Channel, CNN Newsource and Paula Zahn NOW, C-SPAN/Washington Journal, PBS Nightly Business Report, Dow Jones Investment Banker, Bloomberg News, Reuters TV, NewsChannel 8 NewsTalk, the Weather Channel Your Weather Today.

EXHIBIT 21  
EXPERT REPORT OF  
STEVEN PETERSON



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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NATHAN WRIGHT, CAMESE )  
BEDFORD, ASHLEY GILDEHAUS, )  
and LISA MANCINI, on behalf of )  
themselves and others similarly situated, )

Plaintiffs, )

v. )

FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social Services; )  
MICHAEL PARSON, in his official )  
capacity as Governor of Missouri; )  
JENNIFER TIDBALL, in her official )  
capacity as Acting Director of the )  
Department of Social Services; )  
REGINALD MCELHANNON, in his )  
Official capacity as Interim Director of the )  
Family Support Division; )  
KENNETH ZELLERS, in his official )  
capacity as Acting Director of the )  
Department of Revenue; )  
JOSEPH PLAGGENBERG, in his official )  
capacity as Director of the Motor Vehicle )  
and Driver Licensing Division, )

Defendants. )

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Case. No. 4:19-cv-398 RLW

CLASS ACTION  
JURY DEMANDED

**AFFIDAVIT OF STEVEN PETERSON**

**TABLE OF CONTENTS**

- I. Preliminaries and Summary of Conclusions..... 1
  - A. Qualifications ..... 1
  - B. Assignment ..... 1
  - C. Materials Reviewed ..... 1
  - D. Prior Testimony ..... 1
  - E. Statement of Compensation ..... 1
  - F. Summary of Conclusions ..... 2
  
- II. Driver’s License Suspensions for Failure to Pay Child Support Reduce Employment Prospects for Affected Individuals..... 2
  - A. A Valid Driver’s License Is Required for Many Jobs ..... 3
  - B. A Suspended Driver’s License Can Interfere with Employment that Does Not Explicitly Require Driving ..... 4
  - C. Inability to Drive Makes It Harder to Reach Places of Employment ..... 5
    - 1. Most Workers in Missouri Find Commuting by Car to Be the Most Viable Option..... 5
    - 2. Analysis of Named Plaintiffs’ Commuting Options ..... 7
  
- III. Conclusion ..... 11



**I. Preliminaries and Summary of Conclusions**

**A. Qualifications**

1. My name is Steven R. Peterson, Ph.D., and I am an Executive Vice President at Compass Lexecon. Compass Lexecon is an economics consulting firm that specializes in the economics of competition, finance, and regulation, among other areas. I received my A.B. in economics from the University of California, Davis, in 1987 and my Ph.D. in economics from Harvard University in 1992. While at Harvard, my areas of specialization were economic theory and industrial organization. These areas of economics directly address how individuals and firms respond to incentives. I have also served as an adjunct faculty member in the Department of Economics at Northeastern University where I taught courses on the economics of antitrust, regulation, and public policy. I have previously analyzed the effects of driver's license suspension policies and testified regarding those effects on individuals who have had their licenses suspended. A copy of my curriculum vitae is attached as Appendix A.

**B. Assignment**

2. I have been asked by counsel for the Plaintiffs in this matter to analyze the effects of driver's license suspensions for failure to pay child support. To perform this analysis my staff and I have reviewed research on the consequences of driver's license suspensions and the importance of having a driver's license to employment. I have also analyzed information showing the geographic distribution of employment in Missouri to evaluate alternatives for commuting to and from work with and without a driver's license. A list of the materials I relied upon to reach my conclusions is attached as Appendix A.

**C. Materials Reviewed**

3. In preparing this report, I reviewed Plaintiffs' Amended Complaint (ECF No. 22) and the attached declarations of the Named Plaintiffs. In addition, I have reviewed research on the effects of driver's license suspensions and analyzed publicly available information from the U.S. Census Bureau and other sources. A complete list of the materials I relied upon to reach my conclusions is attached as Appendix B.

**D. Prior Testimony**

4. I have previously provided expert testimony in *Stinnie v. Holcomb*, 355 F. Supp. 3d 514 (W.D. Va. 2018). A complete list of my previous testimony is included in my curriculum vitae.

**E. Statement of Compensation**

5. My standard rate in 2019 for the preparation of reports and testimony is \$830 per hour.

**F. Summary of Conclusions**

6. Based on the information and research described below, I have reached the following conclusions:
  - a. Many civilian jobs require the ability to drive. Therefore, the suspension of a driver's license interferes with employment by reducing the number of jobs that an individual is qualified to perform. Even when driving is not an explicit job requirement, a driver's license is sometimes treated as a sign of the worker's reliability by employers.
  - b. For individuals who do not drive after their licenses are suspended, traveling to and from work takes more time and limits the geographic area where individuals can reasonably find work.
  - c. The suspension of a driver's license is often associated with the subsequent loss of a job.
  - d. Named Plaintiffs can reach more places of employment in a given amount of time by private car than by using public transportation. Thus, the inability to drive limits the employment prospects of these individuals.
  - e. Suspending driver's licenses to induce payment of child support is intended to be a strong incentive for Missourians to pay their child support, and it is. The economic conclusion is that the vast majority of people who do not respond to this strong incentive are financially unable to do so, and the policy of suspending licenses for failure to pay makes indigent individuals even less able to satisfy their child support payments.

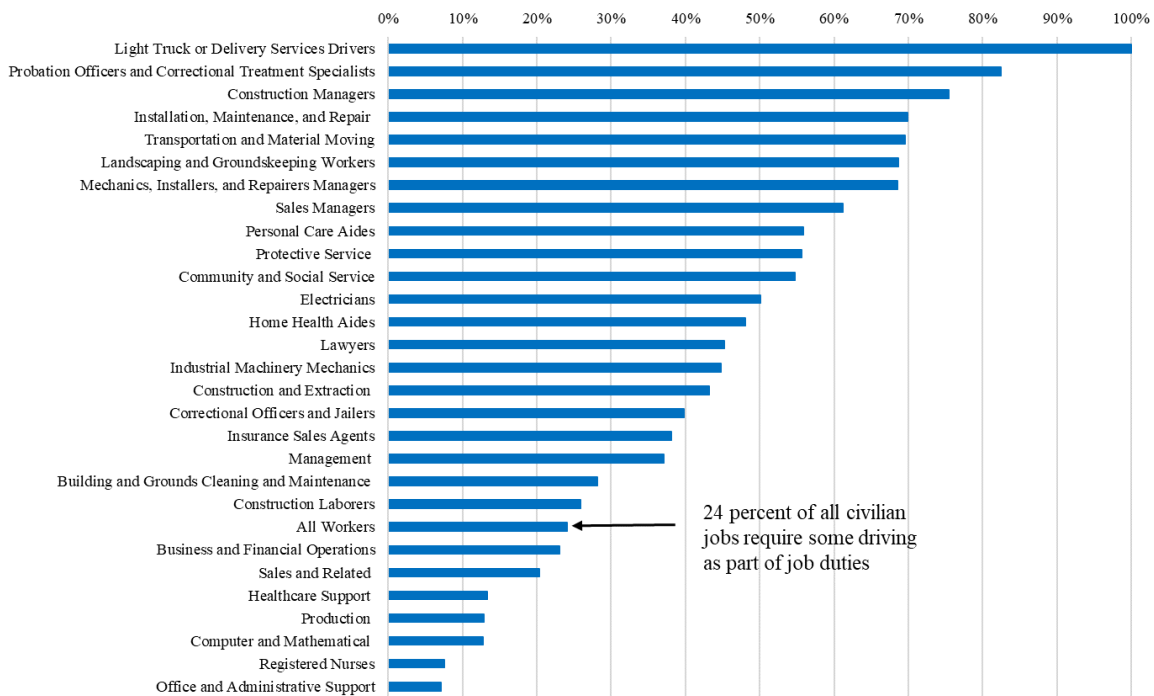
**II. Driver's License Suspensions for Failure to Pay Child Support Reduce Employment Prospects for Affected Individuals**

7. Economic research and employment data confirm the common-sense conclusion that being able to drive a car is important to the ability to obtain and maintain employment. This research is consistent with the personal experiences described in the Named Plaintiffs' declarations regarding the consequences of their driver's license suspensions. A driver's license suspension provides a strong incentive for individuals to pay outstanding debts, such as child support, if the debtors have the financial wherewithal to satisfy their debts. However, a driver's license suspension lowers a person's income, on average. Therefore, to the extent a failure to pay child support is the result of an inability to pay, a suspension will, on average, make the debtor's financial position worse and reduce ability to pay. To the extent other means of obtaining payments from debtors are available, such as garnishing wages or tax refunds, more income would be available to satisfy debts than if the debtor's driver's license were suspended.

**A. A Valid Driver’s License Is Required for Many Jobs**

8. Information from the Bureau of Labor Statistics (“BLS”) illustrates the importance of a valid driver’s license for employment. Figure 1 shows information from the BLS regarding jobs that require driving a passenger car or other vehicle. Many jobs require some driving. For example, employees of delivery services must be able to drive delivery trucks; home health aides must be able to reach their clients’ homes; sales jobs frequently require the ability to drive to customer locations; and more than 40% of attorneys must drive for their work. The importance of driving to employment is not strictly limited to particular trades or to relatively more skilled or less skilled workers.

**Figure 1  
Percent of Jobs Requiring Driving by Occupation**



**Source:** Bureau of Labor Statistics, 2018 Occupational Requirements Survey.

9. In 2018, the BLS found that approximately 24% of all civilian jobs require some driving. (See Figure 1.) Clearly, these jobs are not available to individuals whose driver’s licenses have been suspended for failure to pay child support. For persons in jobs requiring driving, the loss of a driver’s license would frequently be expected to lead to the loss of the job, reducing the debtor’s ability to pay child support. Thus, suspending a driver’s license will, for a substantial share of the population, reduce the amount of money that a debtor has available to pay child support.

10. The importance of a valid driver’s license is illustrated by the experience of Ashley Gildehaus, one of the Named Plaintiffs. Mr. Gildehaus has worked as a mechanic and oil

field worker.<sup>1</sup> Mr. Gildehaus lost his commercial driver’s license as the result of his license suspension.<sup>2</sup> The suspension of his commercial license has kept him from consideration for high-paying jobs in the oil industry, and he reports that two employers in the oil industry would not consider hiring him because of the suspension on his driving record.<sup>3</sup> Thus, Missouri’s suspension policy may have permanently damaged Mr. Gildehaus’ ability to obtain high-paying jobs in oil field services. To the extent Mr. Gildehaus would have paid his child support arrears or the State of Missouri could have garnished his wages once he found a job in oil field services, the current policy has led to less money being available to satisfy his unpaid child support. Damaging a debtor’s job prospects is economically inefficient.

11. The relatively high number of jobs that require driving explains the prevalence of job losses and difficulty finding a job following the suspension of driver’s licenses. One study surveyed people in New Jersey whose licenses were suspended regarding the consequences they suffered. Among low-income people, 64% reported losing their jobs when they lost their driving privileges. Of those low-income individuals losing their jobs, 51% reported not being able to find another job, and 96% of those finding another job reported a reduction in income.<sup>4</sup> Another study of transportation barriers to finding employment found that individuals who have had their license suspended for nonpayment “may find it even more difficult to retain a job which can generate the resources necessary to pay.”<sup>5</sup>

**B. A Suspended Driver’s License Can Interfere with Employment that Does Not Explicitly Require Driving**

12. Research shows that the lack of a valid driver’s license can make a job candidate appear less reliable to prospective employers than candidates with a valid license. The National Center for State Courts finds, “[e]mployers screen candidates for driver’s licenses when jobs involve driving on-site or require frequent travel between different locations, but even when those conditions do not apply, some employers view having a valid driver’s license as an indicator of reliability.”<sup>6</sup> Thus, a license suspension is for some individuals an impediment to finding work.

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<sup>1</sup> Declaration of Ashely Gildehaus (hereinafter “Gildehaus Declaration”) at ¶¶ 4-5.

<sup>2</sup> Gildehaus Declaration at ¶ 14.

<sup>3</sup> Gildehaus Declaration at ¶ 15.

<sup>4</sup> Carnegie, John A. (2007). *Driver’s License Suspensions, Impacts and Fairness Study*, New Jersey Department of Transportation at 57.

<sup>5</sup> Pawasarat, John and Frank Stetzer (1998). *Removing Transportation Barriers to Employment: Assessing Driver’s License and Vehicle Ownership Patterns of Low-Income Populations*, ETI Publications at vi.

<sup>6</sup> National Center for State Courts (2017). *Trends in State Courts: Fines, Fees, and Bail Practices: Challenges and Opportunities* at 22.

13. Named Plaintiff Lisa Mancini’s experience with her last employer is consistent with the research showing employers value employees that are able to maintain their driving privileges. Ms. Mancini describes that her employer learned that she had been pulled over and cited for driving on a suspended license and became frustrated when she could not produce evidence of a stay on her suspended license.<sup>7</sup> Ms. Mancini reports that she lost her job as the result of her suspended license.<sup>8</sup> Notably, Ms. Mancini had made two payments on her child support arrears before losing her job, but appears unable to make payments since losing her job.<sup>9</sup>

**C. Inability to Drive Makes It Harder to Reach Places of Employment**

**1. Most Workers in Missouri Find Commuting by Car to Be the Most Viable Option**

14. Individuals without valid driver’s licenses are limited by their ability to reliably reach workplaces that are not within walking distance or near public transportation. Figure 2 shows 2017 data from the U.S. Census Bureau showing how Missourians commute to work. The figure shows that over 90% of Missourians commute to work by car, with about 82% commuting alone and 8% commuting in carpools. The share of Missourians working at home (5%) exceeds the number commuting to work by walking (2%) or by public transportation (1%). Still smaller shares of people bicycle and take taxis or other modes of transport to work. Figure 2 also shows mode of transport for the U.S. as a whole. On average, Missourians’ commuting patterns are generally similar to national averages, but workers in Missouri commute more frequently by car and less frequently by public transportation than the national average.

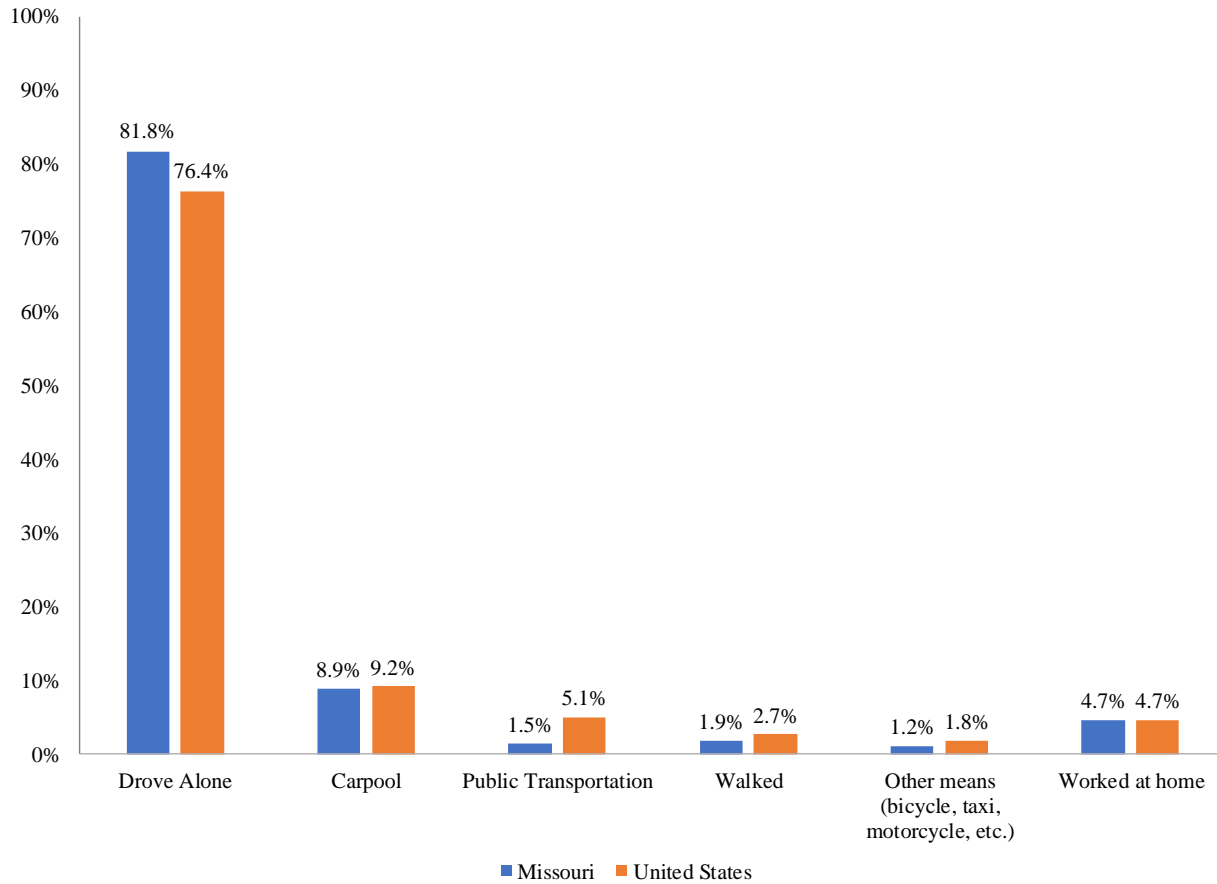
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<sup>7</sup> Declaration of Lisa Mancini (hereinafter “Mancini Declaration”) at ¶¶ 19 and 21.

<sup>8</sup> Mancini Declaration at ¶ 21.

<sup>9</sup> Mancini Declaration at ¶¶ 18, 20 and 22.

**Figure 2**  
**How Missouri Residents Commute to Work**  
**(Percent of workers over age 16)**



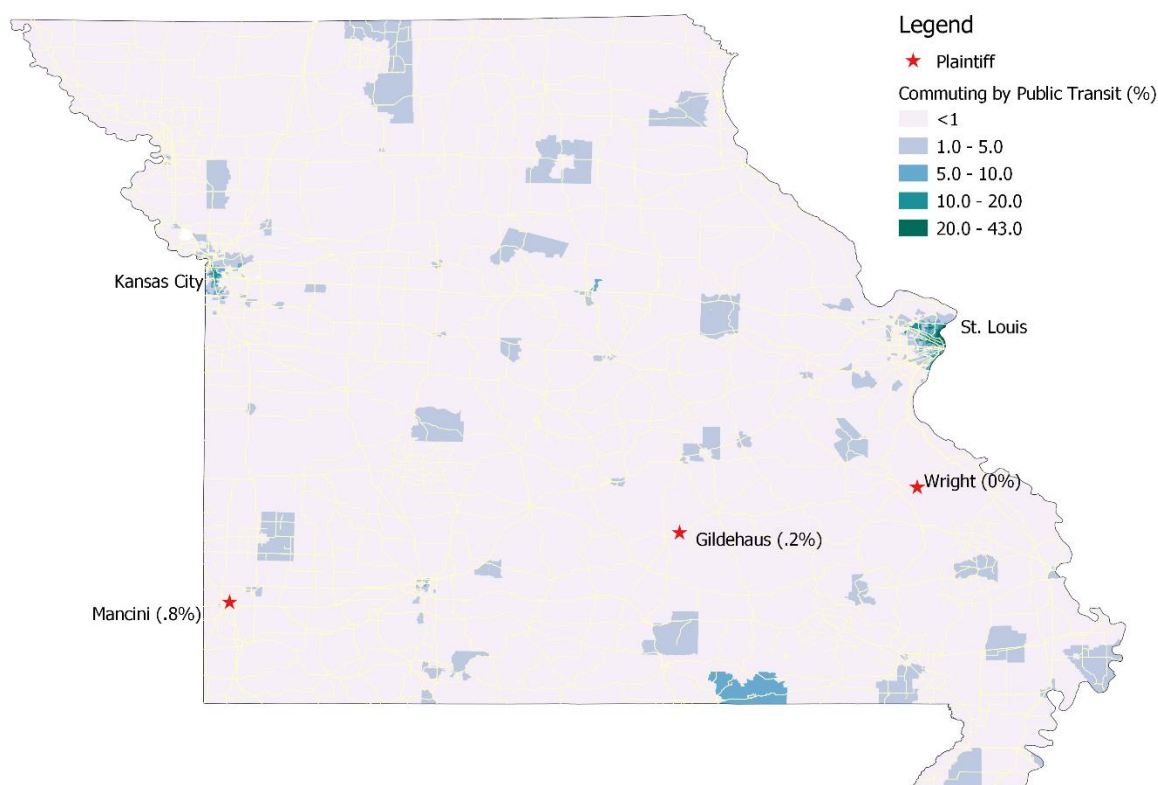
**Source:** U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates.

15. People commute in the way that serves them best in terms of out-of-pocket cost, schedule flexibility, and time spent commuting. The data on commuting choices show that workers in Missouri overwhelmingly choose to commute by car, which indicates that workers find commuting in a private vehicle to best balance time spent commuting and cost. Relevant costs include the cost of commuting itself, as well as costs associated with family responsibilities, such as child care.
16. Information on the mode of commuting is available by census tract. Using this information, it is possible to evaluate whether Named Plaintiffs live in areas where public transportation is a viable option for many people commuting to work.<sup>10</sup> Figure 3 is a map

<sup>10</sup> I understand that the State of Missouri has not provided a list of the names and addresses of individuals whose driver’s licenses have been suspended for failure to pay child support. Therefore, it is not possible to analyze whether these individuals come primarily from rural, suburban, or urban areas and the likely impact on the ability of these individuals to reach areas with employment opportunities. Counsel has provided me with the addresses of three of the Named Plaintiffs, which allows for a description of their commuting options.

showing the locations of three Named Plaintiffs’ residences and the prevalence of public transportation as the mode of transport to work in the areas where they live. In most areas of Missouri, there is little public transportation available. This is the case where at least three of the Named Plaintiffs live. In the census tract where Ms. Mancini lives, approximately 0.8% of people report that they commute to work using public transportation. The prevalence of commuting using public transportation is even lower where Mr. Gildehaus and Mr. Wright live, 0.2% and 0%, respectively. The low reported use of public transportation in these areas shows that it is not an efficient option for most people where these Named Plaintiffs live. For comparison, in some urban census tracts in Kansas City and St. Louis, as many as 40% of individuals use public transportation to travel to work. This reflects the difference in availability of public transportation in urban and rural areas.

**Figure 3**  
**Percent of Workers Commuting by Public Transit by Census Tract**



**Source:** U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates.

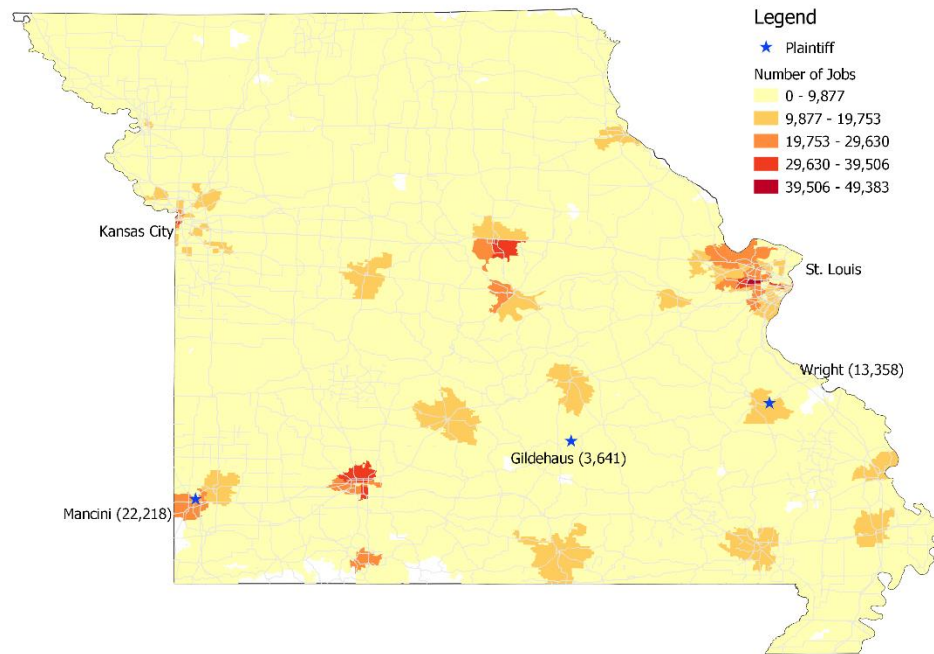
**2. Analysis of Named Plaintiffs’ Commuting Options**

17. Jobs are not uniformly spread across the State of Missouri. Figure 4 shows the number of paid employees in Missouri by zip code. Most zip codes in Missouri have relatively few



jobs. Many jobs are concentrated in cities, such as St. Louis. Note that in cities, zip codes are smaller than in rural areas. Thus, the small red zip codes in Kansas City and St. Louis indicate high numbers of jobs despite their relatively small size.

**Figure 4**  
**Job Density by Zip Code**



**Source:** U.S. Census Bureau, 2016 Business Patterns.

18. Finding employment requires a match between an employer and an employee. Being able to reliably commute to a greater number of workplaces increases the opportunity to find a match between an employer and a prospective employee. To evaluate the importance of being able to drive to the employment options available to the three Named Plaintiffs for which I have addresses, I have analyzed the number of jobs they can reach by car and by their public transportation or other options within a given amount of commuting time.
19. To determine the number of jobs that a Named Plaintiff can reach by car, I use Census Bureau data to calculate the number of people with paying jobs in each zip code. The number of people with paid employment is a measure of the economic activity in a zip code and reflects the opportunity for a person to find employment in the zip code. There is no assumption that the Named Plaintiff is a candidate for every job in the zip code. To determine whether a Named Plaintiff can reach the jobs in a zip code in a given amount of time, I determine the time it would take the Named Plaintiff to travel from home to the central point of the zip code. If the Named Plaintiff can reach the central point of the zip code in the allowed time, I count the jobs in that zip code as reachable in the allowed time.



20. The three Named Plaintiffs addressed here report that they continue to drive.<sup>11</sup> Thus, the analysis here illustrates the limitation on their ability to reach areas with significant economic activity and places of employment if they were to stop driving while their licenses are suspended.
21. Table 1 shows the number of jobs that the Named Plaintiffs can reach by car from their home addresses.<sup>12</sup> The table also shows the cities or towns that the individual can reach in the allowed time. Nathan Wright can reach his own zip code, with roughly 13,400 jobs within 15 minutes. By driving 30 minutes, he can nearly double the number of jobs he can reach, approximately 25,300. Within an hour he can reach roughly 62,700 jobs, and within 90 minutes, Mr. Wright can reach over 800,000 jobs.

**Table 1**  
**Jobs by Driving Travel Time**

<b>Plaintiff</b>	<b>Maximum Travel Time (Minutes)</b>	<b>Jobs within Maximum Travel Time</b>	<b>Select Towns Reachable within Maximum Travel Time</b>
Nathan Wright	15	13,358	Farmington
	30	25,297	St Genevieve, Park Hills, Bonne Terre
	60	62,715	Perryville, Petosi, de Soto, Arnold, Festus
	90	800,531	Chesterfield, St. Louis, Cape Girardeau
Ashley Gildehaus	15	4,432	Salem, Licking
	30	6,803	Raymondville, Houston
	60	28,178	Rolla, St. Robert, Mountain Grove
	90	74,839	Lebanon, West Plains
Lisa Mancini	15	22,657	Joplin, Duenweg, Carterville
	30	70,437	Carthage, Neosho
	60	94,729	Monett, Republic, Noel, Lamar, Pineville
	90	276,177	Springfield, Nevada, Ozark, Nixa

**Source:** HERE API driving times and distances, U.S. Census Bureau, 2016 Business Patterns

22. If Mr. Wright does not drive, he can reach far fewer jobs within 90 minutes. Mr. Wright lives outside of Farmington, Missouri. Assuming he is physically capable, it would take him approximately 20 minutes to bike into Farmington where he has access to public transportation<sup>13</sup>. From Farmington, Mr. Wright can access the SMTS Connect St. Francois

<sup>11</sup> Declaration of Nathan Wright (hereinafter “Wright Declaration”) at ¶ 8. Mancini Declaration at ¶ 17. Gildehaus Declaration at ¶ 18.

<sup>12</sup> If an individual cannot reach the central point of his or her home zip code within 15 minutes, I assume that the individual can reach the jobs in his or her home zip code within that amount of time.

<sup>13</sup> Google Maps, 4024 Sand Creek Rd, Farmington, MO 63640 to Ben-Nor Senior Citizens Apartments

transit routes.<sup>14</sup> It would take Mr. Wright approximately 30 minutes to reach the north end of the south route of the SMTS. At that point he could transfer to the north route of the SMTS Connect. In 45 more minutes, Mr. Wright could reach Bonne Terre. On this public transit route, Mr. Wright could reach zip codes with approximately 20,000 jobs.<sup>15</sup>

23. Mr. Wright's ability to reach areas where there is economic activity with substantial jobs is limited by the inability to drive. For comparison, the total travel time from Mr. Wright's home to Bonne Terre is 30 minutes. The travel time by bike and public transportation to Bonne Terre is approximately 100 minutes. Importantly, Mr. Wright is a plasterer and painter by trade and needs to take his tools to his jobs.<sup>16</sup> Thus, any job Mr. Wright could reach by public transportation would not make use of his skills as a plasterer and painter, which may lead to his accepting a lower wage than if he were able to work in his trade. Moreover, Mr. Wright reports that most of his work opportunities are in St. Louis and that there is not public transportation from the Farmington area to St. Louis.<sup>17</sup>
24. Mr. Gildehaus lives in Salem, Missouri. Table 1 shows that in 15 minutes, Mr. Gildehaus can reach zip codes with roughly 4,400 jobs. In 30 minutes, he can reach zip codes with only about 6,800 jobs. In an hour, he can reach zip codes with a total of 28,200 jobs and in 90 minutes, he can reach zip codes with roughly 74,800 jobs. Clearly, Mr. Gildehaus lives in a relatively rural area that is distant from cities with significant economic activity. Mr. Gildehaus reports that his current job is 70 miles from his home in Salem.<sup>18</sup> His employment circumstances demonstrate the importance of being able to commute long distances reliably to find employment.
25. I have not identified any regularly scheduled public transportation options that are viable for Mr. Gildehaus.
26. Ms. Mancini lives in Joplin, Missouri. Traveling by car, she can reach Joplin and a couple of neighboring towns in 15 minutes, giving her access to zip codes with about 22,700 jobs. In 30 minutes, she can reach zip codes with more than 70,000 jobs. In 90 minutes, she could reach Springfield and access areas with a total of more than 275,000 jobs.
27. There is public transportation in Joplin. The Sunshine Lamp Trolley operates three routes in Joplin. Ms. Mancini lives about a 10-minute walk from the trolley line. Each trolley route appears to run hourly.<sup>19</sup> Ms. Mancini's options for traveling outside of Joplin without a car appear to be limited to intercity bus service. Bus service on Greyhound is costly. A one-way ticket to Springfield, for example, costs approximately \$25 and the trip takes 80

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<sup>14</sup> Map of the SMTS Connect St. Francois Routes.

<sup>15</sup> See backup materials.

<sup>16</sup> Wright Declaration at ¶ 9.

<sup>17</sup> Wright Declaration at ¶ 8.

<sup>18</sup> Gildehaus Declaration at ¶ 18.

<sup>19</sup> MAPS Transit and the Sunshine Lamp Trolley Riders Guide.

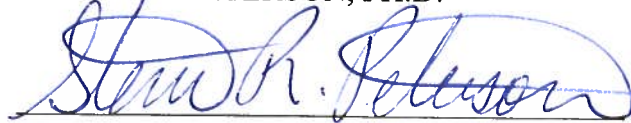
minutes.<sup>20</sup> Furthermore, there are only 3 daily departures, 5:25 am, 4:10 pm, and 10:05 pm.<sup>21</sup> This is unlikely to be a viable option for commuting to and from work. The inability to drive reduces the potential for Ms. Mancini to reach areas with potential employment.

**III. Conclusion**

28. The policy of suspending individuals' licenses for failure to pay child support when they are unable to pay is economically counterproductive. The policy reduces individuals' employment options and makes it harder for individuals to work and pay their child support while supporting themselves and their families. Thus, Missouri's policy has the effect of making it even less likely that those who struggle to pay child support will become financially able to pay off their child support arrears.

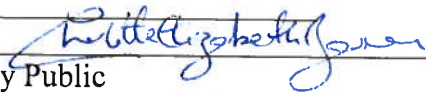
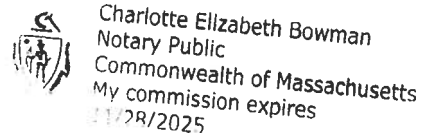
I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

STEVEN R. PETERSON, PH.D.



Acknowledged before me this 15<sup>th</sup> day of November 2019, by Charlotte Bowman.

My commission expires: 11/28/2025

  
Notary Public

<sup>20</sup> Greyhound bus schedule: Joplin, MO to Springfield, MO.

<sup>21</sup> Greyhound bus schedule: Joplin, MO to Springfield, MO.

# **APPENDIX A**



## CURRICULUM VITAE

### Steven R. Peterson, Ph.D.

**OFFICE:** Compass Lexecon  
200 State Street  
9<sup>th</sup> Floor  
Boston, MA 02109  
(617) 520-0200 main  
(617) 520-0217 direct  
speterson@compasslexecon.com

## PROFESSIONAL EXPERIENCE

Compass Lexecon  
Boston, MA  
*Executive Vice President*, April 2013 – present  
*Managing Director, Boston Office*, January 2007 – June 2010  
*Senior Vice President*, January 2006 – March 2013  
*Managing Director*, August 1999 – December 2005

The Economics Resource Group, Inc.  
*Senior Economist*, 1992 – July 1999  
*Economist*, 1990 – 1992

Northeastern University, Boston, MA  
*Adjunct Faculty*, 2011 – 2017

Harvard University, Cambridge, MA  
*Teaching Fellow*, 1989 – 1990

## EDUCATION

Harvard University, Cambridge, MA  
Ph.D. in Economics, 1992  
Dissertation: “Strategic Aspects of Litigation and Settlement”

University of California, Davis  
A.B., Economics, 1987, Highest Honors

## I. TESTIMONY AND CONSULTING EXPERIENCE

### Radio Music License Committee

*Radio Music License Committee v. Broadcast Music, Inc.*, in the United States District Court for the Southern District of New York. Expert Report (July 22, 2019). Expert Rebuttal Report (August 19, 2019). Deposition (September 11, 2019).

### Legal Aid Justice Center

*Damian Stinnie et al., v. Richard Holcomb in his official capacity as the Commissioner of the Virginia Department of Motor Vehicles*, in the United States District Court for the Western District of Virginia, Charlottesville Division. Hearing Testimony (November 15, 2018). Expert Report (May 1, 2019). Deposition (May 24, 2019).

### Keweenaw Bay Indian Community

*Keweenaw Bay Indian Community v. Nick A. Khouri et al.*, in the United States District Court for the Western District of Michigan. Expert Report (May 25, 2018). Supplemental Report (August 3, 2018). Deposition (September 6, 2018).

### United States Soccer Federation, Inc.

*North American Soccer League, LLC v. United States Soccer Federation, Inc.* in the United States District Court for the Eastern District of New York. Declaration (October 16, 2017). Reply Declaration (November 1, 2017).

### Radio Music License Committee

In an Arbitration before the Hon. Vaughn Walker, Kenneth R. Feinberg, Esq., and Lee A. Freeman, Jr., Esq. between: *SESAC, Inc., SESAC, LLC, and SESAC Holdings, Inc., Claimants v. Radio Music License Committee, Respondent*, Expert Report (December 23, 2016). Reply Expert Report (January 23, 2017). Hearing Testimony (February 23 and March 10, 2017).

### Radio Music License Committee

*Radio Music License Committee v. Global Music Rights, LLC.* in the United States District Court for the Eastern District of Pennsylvania. Declaration (November 18, 2016). Declaration (July 21, 2017).

### TransCanada Corporation

Consultant to TransCanada Corporation on its acquisition of Columbia Pipeline Group (March – June 2016).

### Sanum Investments Limited

In an Arbitration Under the Rules of the Singapore International Arbitration Centre between: *Sanum Investment Limited, Claimant, versus ST Group Co., Ltd., Sithat Xaysoulivong, S.T. Vegas Co., Ltd., S.T. Vegas Enterprise Ltd., Xaya*

*Construction Co., Ltd. and Xaysana Xaysoulivong, Respondents*, Witness Statement, with Joseph P. Kalt and Eric Henson (April 20, 2016).

National Association of Broadcasters and Pandora Media, Inc.

In re: *Determination of Royalty Rates and terms for Ephemeral Recording and Digital Performance of Sound Recordings*, before the United States Copyright Royalty Judges, Library of Congress. Expert Report (February 23, 2015), Deposition Testimony (March 24, 2015), Hearing Testimony (May 14, 2015).

National Association of Broadcasters

In re: *Antitrust Consent Decree Review: American Society of Composers, Authors and Publishers/Broadcast Music, Inc.* Comments on Behalf of the National Association of Broadcasters (August 6, 2014).

Leidos, Inc.

*United States of America v. Leidos, Inc.*, in the United States District Court for the District of Columbia. Expert Report (March 28, 2014).

Radio Music License Committee

*Radio Music License Committee v. SESAC, Inc., SESAC, LLC, and SESAC Holdings, Inc.* in the United States District Court for the Eastern District of Pennsylvania. Declaration (November 14, 2013). Deposition (December 4, 2013). Trial Testimony (December 10, 2013).

BJ's Wholesale Club, Inc.

*Irene Cappalli v. BJ's Wholesale Club Inc.* in the United States District Court, District of Rhode Island. Expert Report (March 15, 2012). Deposition (April 27, 2012). Declaration (February 12, 2013).

National Marine Fisheries Service

Consultant to National Marine Fisheries Service on market power and excessive-share limits in the Surf Clam and Ocean Quahog fisheries (2010 – 2011).

Energy Intensive Manufacturers Working Group

*Coalition for Responsible Regulation, Inc. et al. v. United States Environmental Protection Agency*, in the United States Court of Appeals for the District of Columbia Circuit. Declaration (September 14, 2010).

Amex Construction Company, Inc.

*ExxonMobil Oil Corporation v. Amex Construction Company, Inc.*, in the United States District Court, Northern District of Illinois, Eastern Division. Expert Report (February 15, 2010). Deposition (March 2, 2010).

Delta Air Lines, Inc.

Consultant to Delta Air Lines on LaGuardia/Reagan National Airport slot swap with U.S. Airways (2009 – 2010).

Imperial Credit Industries, Inc.

*In re: Imperial Credit Industries, Inc.*, in the United States Bankruptcy Court, Central District of California, Santa Ana Division. Rebuttal Report (April 27, 2007). Trial Testimony (May 22, 2008).

Delta Air Lines, Inc.

Consultant to Delta Air Lines on Delta-Northwest merger (2007 – October 2008).

Greater Lakeside Corporation

*The Higbee Company v. Greater Lakeside Corporation, Causeway LLC of Delaware, Broadway Management Corporation, and Jeffrey Feil*, in the United States District Court for the Eastern District of Louisiana. Expert Report (September 18, 2007). Supplemental Expert Report (September 25, 2007). Deposition (October 19, 2007).

TransCanada Corporation

Consultant to TransCanada Corporation on its acquisition of ANR Group (2007).

Exxon Mobil Corporation

*JAAM, Inc., d/b/a Tigerland Exxon v. Exxon Mobil Corporation and Mon Valley Petroleum, Inc.*, in the United States District Court for the Western District of Pennsylvania. Expert Report (January 12, 2007).

Finova Capital

*In Re: Finova Capital Corporation and Finova Mezzanine Capital, Inc.*, in the United States Bankruptcy Court for the District of Delaware. Expert Report (May 19, 2006). Deposition (August 2, 2006).

Volvo Cars of North America, Inc.

*Bay Ridge Volvo American, Inc. et al. v. Volvo Cars of North America, Inc.*, in the United States District Court Southern District of New York. Expert Report (June 1, 2005). Deposition (August 17, 2005). Supplemental Expert Report (November 11, 2005).

Israel Electric Corporation, Ltd.

*Israel Electric Corporation Ltd. vs. the Public Utilities Authority, the Minister of National Infrastructures, the Minister of Finance, the Israel Securities Authority and the Government Corporations Authority (Request for Injunction)*: In the Israeli Supreme Court, No. /04, August 2004. Statement (August 30, 2004), with Joseph P. Kalt and Paul B. Vasington.

Flying J, Inc.

*Flying J, Inc. v. Comdata Network, Inc.*, in the United States District Court of Utah (Northern Division). Declaration (June 22, 2004). Damages Report (June 22, 2004). Deposition (October 6, 2004). Hearing Testimony (November 19, 2004).



Musicmatch, Inc.

*Gracenote, Inc. v. Musicmatch Inc., In the United States District Court Northern District of California (Oakland Division)*. Expert Report (February 17, 2004).  
Declaration (February 24, 2004). Deposition (March 2004).

Monica Pappas, Bill DeVitt, and Monica Pappas Associates

*The Healthcare Financial Group, Inc., v. Monica Pappas DeVitt et al., in the District Court, Arapahoe County, Colorado*. Filed written expert testimony on lost-profits damages (February 2003).

Ticketmaster Corporation

Evaluated damages from asserted anti-competitive conduct (2003).

Amoco Production Company, Amerada Hess Corporation, and Shell Western E&P, Inc.

Assessed fair market value of CO<sub>2</sub> for payment of royalties. Analyzed issues of market structure of CO<sub>2</sub> industry and marketability of CO<sub>2</sub> at the well (2002).

American Airlines

Conducted analysis of market structure, capacity additions, and pricing in an antitrust suit asserting predatory conduct (2001).

For a Mutual Insurance Company

Conducted market research and performed benchmarking analyses to establish pricing approach and prices for new internet services (2000).

Bass Enterprises Production Company

Assessed fair market rental value of oil-bearing property temporarily taken by the federal government (2000).

Boeing Company

Filed declaration of behalf of Boeing Company (Delta Launch Services, Inc.) for a NASA administrative proceeding regarding release of contract information under the Freedom of Information Act (2000).

Honeywell, Inc.

Conducted study of damages arising from monopolization in the market for ring laser gyroscope inertial navigation systems. Conducted analysis of damages arising from patent infringement (1998).

British Airways, Plc.

Conducted study of the competitive effects of British Airways' proposed alliance with American Airlines. Advised on and assisted with presentations before the European Commission (1998).

HarperCollins Publishers

*Brother Records, Inc., et al., v. HarperCollins Pub. Inc., et. al.* Filed written expert testimony on damages in libel litigation (December 1997).

Northeast Utilities

*Before the Federal Energy Regulatory Commission, OA97-237-000, ER 97-1079-000, and EC97-35-000.* Conducted analysis of competition in the New England generation market. Filed affidavit in support of NU's Answer to Requests to Reject or Condition Approval of Market-Based Rates (with Frank A. Felder) (July 1997).

McDonnell Douglas Corporation

*McDonnell Douglas Corporation v. National Aeronautics and Space Administration, in the U.S. District Court for the District of Columbia.* Filed affidavit describing how the public release of cost and price information affects negotiations and competition in markets for launch services (November 1996).

Pennzoil

*Before the Federal Energy Regulatory Commission, Docket No, IS95-35-000.* Provided written direct testimony (October 1996) and oral testimony (January 1997) on the cost of capital of oil pipeline facilities.

Pennzoil

*Before the Federal Energy Regulatory Commission, Docket No. IS94-37-000 and Docket No. IS 94-23-000.* Provided written direct testimony (April 1995) and oral testimony (November 1995).

BP Exploration (Alaska) Inc.

Modeled the costs and benefits associated with increased enhanced oil recovery activities within the Prudhoe Bay Unit (1995).

Burlington Northern Industries-Santa Fe Pacific Corporation

Performed cost-benefit analysis of the proposed Burlington Northern/Santa Fe merger. Analyzed the benefits accruing to shippers from expanded single-line service (1994 – 1995).

## II. PUBLICATIONS AND RESEARCH

“Using Economics to Identify Common Impact in Antitrust Class Certification,” American Bar Association, Section of Antitrust Law, Economics Committee Newsletter, Vol. 11, No. 1, Spring 2011 (with Andrew Lemon).

“Rigorous Analysis to Bridge the Inference Gap in Class Certification” (with Andrew Lemon), *Journal of Competition Law and Economics*, March 2011.

“Oil Price Volatility and Speculation” (with Kenneth Grant), *The Energy Daily*, August 25, 2009.

“Understanding Today’s Crude Oil and Product Markets” (with Kenneth Grant and David Ownby), American Petroleum Institute, 2006.

“Understanding Natural Gas Markets” (with Charles Augustine and Bob Broxson), American Petroleum Institute, 2006.

“Regulatory Failure in the California Electricity Crisis” (with Charles Augustine), *The Electricity Journal*, August/September 2003.

“Market Power Analysis in a Dynamic Electric Power Industry” (with F. Felder), *The Electricity Journal*, April 1997.

“Testing the Merits of Providing Customized Risk Management” (with Frank A. Felder and Sarah E. Tobiason), 17th Annual North American Conference of the United States Association for Energy Economics, International Association for Energy Economics, October 1996.

“Competition Between Regulators and Venue Shopping by Natural Gas Pipelines in California” (with Joseph P. Kalt), 14th Annual Conference of the Advanced Workshop in Regulation and Public Utility Economics, May 1995.

“Environmental Regulation and International Competitiveness: What Does the Evidence Tell Us?” (with Adam B. Jaffe, Paul R. Portney, and Robert N. Stavins), *Journal of Economic Literature*, Vol. 33, March 1995.

“Implementation of the Core of a Two Person Exchange Economy without Integer Games or Refinements of Nash Equilibrium” (with Simon Grant, Stephen King, and Ben Polak), *Economics Letters*, 1992.

### **III. OTHER REPORTS AND PRESENTATIONS**

“The Economic Impact of Delta Air Lines Seattle Expansion,” (with Bryan Keating). August 14, 2015.

“Antitrust Analysis of Aftermarkets,” American Bar Association, Section of Antitrust, 2010 Spring Meeting (with Edward Schwartz and Paula Render).

“Do Environmental Regulations Impair Competitiveness? A Critical Review of Economic Studies” (with Barry Galef and Kenneth Grant). Prepared by ICF Consulting Group and The Economics Resource Group, Inc., for the Office of Policy Analysis and Review, Office of Air and Radiation, U.S. Environmental Protection Agency, September 1995.

“Indexing Natural Gas Pipeline Rates” (with Amy B. Candell, Joseph P. Kalt, Sheila M. Lyons, and Stephen Makowka). Explored indexing as a form of Incentive regulation for natural gas pipelines and created the Pipeline Producer Price Index that could be used to implement indexing proposals. The Economics Resource Group, Inc., April 1995.

“Environmental Regulations and the Competitiveness of U.S. Industry” (with A. Jaffe, P. Portney and R. Stavins), U.S. Department of Commerce, Economics and Statistics Administration, Washington, DC, NTIS No. PB-93-193514, July 1993.

### **IV. HONORS AND AWARDS**

Jacob K. Javits Fellow, Harvard University, 1987 – 1991

Phi Beta Kappa, University of California, Davis, 1987

## **APPENDIX B**

## **Materials Relied Upon**

### **Plaintiff Declarations**

Declaration of Ashley Gildehaus

Declaration of Lisa Mancini

Declaration of Nathan Wright

### **Data**

Bureau of Labor Statistics (BLS): <https://www.bls.gov/>

- 2018 Occupational Requirements Survey

U.S. Census Bureau: <https://www.census.gov/>

- 2013-2017 American Community Survey 5-Year Estimates
- 2016 Business Patterns
- TIGER/Line Shapefiles

HERE API driving times and distances

### **Articles and Studies**

Carnegie, John A. (2007). Driver's License Suspensions, Impacts and Fairness Study, New Jersey Department of Transportation

National Center for State Courts (2017). Trends in State Courts: Fines, Fees, and Bail Practices: Challenges and Opportunities

Pawasarat, John and Frank Stetzer (1998). Removing Transportation Barriers to Employment: Assessing Driver's License and Vehicle Ownership Patterns of Low-Income Populations, ETI Publications

### **Miscellaneous**

Google Maps locations and directions

Greyhound bus schedule: Joplin, MO to Springfield, MO

Map of the SMTS Connect St. Francois Routes

MAPS Transit and the Sunshine Lamp Trolley Riders Guide

Zip Codes in Missouri, <https://www.unitedstateszipcodes.org/mo/>

**EXHIBIT 22:**  
**SAMPLE NOTICE**



MISSOURI DEPARTMENT OF SOCIAL SERVICES  
 FAMILY SUPPORT DIVISION  
**NOTICE OF INTENT TO SUSPEND LICENSE(S)**

TO:	IV-D CASE NUMBER:
	SUPPORT ORDER NUMBER:
	SOCIAL SECURITY NUMBER:

**NOTICE: FSD INTENDS TO SUSPEND YOUR LICENSE(S)**

Sections 454.1000 to 454.1027, Revised Statutes of Missouri (RSMo), authorize the Director of the Family Support Division (FSD) to suspend a driver's license or recreational (hunting and fishing) license when an individual:

- Owes at least \$2,500 in past-due support; or
- Owes a past-due support amount equal to three months of current support; or
- Fails to comply with a subpoena related to child support; or
- Fails to comply with an order to submit to genetic testing.

**REASON FOR SUSPENSION ACTION**

According to FSD's records, as of \_\_\_\_\_ you owe \$\_\_\_\_\_ in past-due support.

**To avoid license suspension** you must, within 60 calendar days from the date you receive this notice, **contact the FSD office** listed below and **enter into an affordable payment agreement (or alternative agreement such as community service, a workforce program, or a \$0 payment plan with nonmonetary conditions) or provide your current employer so FSD can issue an income withholding order.** You may also:

- Pay the entire past-due amount stated above; or
- Request an administrative hearing, **where you can assert inability to pay as a defense.**

Instructions for entering into a payment agreement or requesting a hearing are on page 2 of this notice.

You did not comply with a subpoena or an order to submit to genetic testing.

**To avoid license suspension**, you must, within 60 calendar days from the date you receive this notice:

- Comply with the subpoena or order; or
- Request an administrative hearing.

Instructions for requesting a hearing are on page 2 of this notice.

**IF YOU CANNOT AFFORD YOUR CURRENT OR PAST-DUE SUPPORT**

You may have your financial circumstances taken into account to **AVOID DRIVER'S LICENSE SUSPENSION.** Contact the Family Support Division at (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_ to explain your situation to a Child Support Specialist, who will either:

- Enter you into a payment plan at a rate that you can afford based on your circumstances and that you agree to;
- Offer you alternatives to payment if you are financially unable to pay any amount toward your support. Such alternatives might include community service, workforce training, or \$0 payments with mandatory check-ins.

You may also request an administrative hearing to determine if license suspension is appropriate based on your financial circumstances. Instructions for requesting a hearing are on page 2 of this notice.



If you have questions or do not understand this notice, contact the Family Support Division, PO Box 6790, Jefferson City, MO 65102-6790

Telephone (\_\_\_\_\_)\_\_\_\_\_ For the hearing impaired: (TDD) 1-800-735-2966

#### ADDITIONAL NOTES

1. **If you do not respond to this notice within 60 calendar days from the date you receive the notice, FSD has the authority to suspend your license(s) without further notice.**
2. An attorney may advise you or represent you at any time.
3. FSD may request a copy of your credit report from consumer reporting agencies (credit bureaus) to determine your ability to make child support payments.
4. FSD believes that your Social Security number and address are as stated above. Pursuant to section 454.413, RSMo, you must provide FSD with your Social Security number, address, telephone number, driver's license number and your employer's name and address. Also, if any of this information changes, you must notify FSD within 30 calendar days of the change.

#### ENTERING INTO A PAYMENT AGREEMENT

If FSD is pursuing suspension of your license(s) because you owe past-due support, you may enter into a payment agreement by contacting the FSD office listed on page 1 of this notice.

If you enter into a payment agreement and then fail to comply with the terms of the agreement, FSD has the authority to suspend your license(s) without further notice. **If you fail to comply, you will not receive another notice.**

#### **YOU HAVE THE RIGHT TO ENTER INTO A PAYMENT PLAN THAT IS AFFORDABLE FOR YOU.**

Contact the Family Support Division at (\_\_\_\_) \_\_\_\_-\_\_\_\_ to explain your financial situation to a Child Support Specialist. To determine a payment amount that is appropriate for you, a Support Specialist will consider your income, any other child support orders you have, any outstanding fines and fees you owe to a court, and your reasonable costs of living, including rent, utilities, child care costs, food costs, transportation costs, and health care costs. You will have the opportunity to enter into an affordable payment plan that you voluntarily agree to. Affordable payment plans are available to prevent suspension of driver's licenses only. **Please be prepared to offer proof of your costs of living in order to obtain an affordable payment plan.**

#### REQUESTING A HEARING

If you wish to request a hearing, send a written request to: Family Support Division  
PO Box 6790  
Jefferson City, MO 65102-6790

On the request, include your name, complete address, daytime telephone number, IV-D case number (found on the first page of this notice) and explain why you want a hearing.

#### **YOU HAVE THE RIGHT TO ASSERT INABILITY-TO-PAY AS A DEFENSE AT YOUR HEARING.**

Please see below for a list of circumstances that the court will consider regarding to your ability to pay your past-due amount in any hearing regarding a driver's license suspension. If you are unable to afford your entire past-due amount, you will have the opportunity to enter into a payment plan that you can afford. If you cannot afford a payment plan, you will have the opportunity to enter into an alternative, non-monetary program such as community service, workforce training, or \$0 payments with mandatory check-ins with a Child Support Specialist.

If FSD is seeking to suspend your license(s) because you owe past-due support, the only issues that may be determined in a hearing are:

- Whether you are the correct person;
- Whether the amount of your past-due support is greater than or equal to three months of support payments or \$2,500, whichever is less, by the date of service of this notice;
- Whether you entered into a payment agreement.
- Whether you can afford your past-due support based on:
  - Your current income;
  - Any other support orders or court-ordered financial obligations you have;
  - Your reasonable costs of living, including but not limited to rent, utilities, child care costs, food costs, transportation costs, and health care costs.
  - Whether you have any hardships or circumstances that make you unable to pay your support amount; and

**NOTE:** If you enter into a payment agreement as discussed above, a hearing may not be necessary.

If FSD is seeking to suspend your license(s) because you did not comply with a subpoena or order to submit to genetic testing, the only issues that may be determined in a hearing are:

- Whether you are the person ordered to submit to genetic tests;
- Whether you are the person named on the subpoena; or
- Whether you complied with the subpoena or submitted to genetic tests.

**NOTE:** If you wish to comply with the subpoena or order, contact the FSD office listed on page 1. A hearing may not be necessary.

Pursuant to section 454.475, RSMo, a hearing officer employed by the Missouri Division of Legal Services will conduct the hearing. If you are granted a hearing, the hearing officer will notify you of the date, time and place of the hearing.

If you are granted a hearing, you have the right to submit evidence and examine witnesses as provided for in Chapter 536, RSMo.

**EXHIBIT 23:  
BEDFORD  
DECLARATION**

**DECLARATION OF CAMESE BEDFORD**

I, Camese Bedford, state and declare as follows:

1. My name is Camese Bedford, and I am a 31-year-old resident of St. Louis, Missouri.
2. I am a veteran of the United States Navy, and I served in the Second Gulf War.
3. My driver's license is currently suspended for unpaid child support arrears. I cannot afford to pay off what I owe.
4. I have a six-year-old daughter who lives with her mother, my ex-wife.
5. My ex-wife filed for divorce in 2016, but I did not attend the hearings because I was still hoping we could work things out in our relationship. The court awarded a divorce anyway, and without my knowledge, issued an order for me to pay child support.
6. Around August of 2017, I received a letter in the mail that said there was a warrant out for my arrest because I had not been paying child support. I did not know until then that I was supposed to be paying child support.
7. I called the number on the letter, and I was told that I was supposed to be paying \$278 per month in child support and that I owed at least \$2,500 in arrears. I was charged with a Class A misdemeanor for criminal non-payment.
8. They also told me on the phone that my driver's license had been suspended because of my unpaid child support and that if I wanted to get it reinstated, I would have to pay off all my arrears. I do not recall receiving a letter in the mail informing me that my license was suspended.
9. I worked with a public defender in 2018 to resolve my criminal non-support case. I did not have to go to jail, but I was charged more fees that were added to my arrears.
10. In January 2019, my ex-wife and I re-negotiated my child support. I now owe \$194 a month, which includes a child support payment and a payment on my arrears. I made my payment in February 2019. But I do not expect to be able to make all my payments going forward.
11. My essential living expenses exceed my monthly income, which has been severely reduced in the past year.
12. I am currently unemployed.

13. My last steady job was as an apprentice gardener with a Veterans Affairs medical facility under the Compensated Work Therapy Program. I started working there in 2017, but in June of 2018, I was in a work-related car accident, and I had to stop working due to my injuries.
14. I also used to receive \$1,097 per month from the VA. In December of 2018, I received a letter from the VA informing me that they were stopping the payments because their records indicated that I was still married and were therefore inaccurate. I have filed a correction, but it is unclear when I will receive support from them again.
15. Now, because I am unemployed and I no longer receive support from the VA, my only income is the \$140 in disability that I receive for a medical condition.
16. My current income is not enough to cover my basic living expenses. I have to pay \$278 for rent, \$50 for electric, \$86 for my phone bill, and about \$120 for additional household expenses, such as food, supplies, and laundry. I am often hungry because I cannot afford to feed myself enough. I have no money saved up because I spent all my savings while I was recovering from my accident.
17. A bus pass costs \$80 per month. Most months, I cannot get a bus pass because I do not have enough money at the beginning of the month when it must be paid. Without a pass, I have to pay \$2 for each one-way bus trip and \$3 for round trips.
18. I am looking for work, but my job opportunities are limited because I am unable to lift anything weighing more than 50 pounds due to a shoulder injury from my car accident. Some companies view this as a liability and are unwilling to hire me because of it.
19. Not having a valid driver's license also significantly narrows my job prospects. I can only take jobs within walking distance of my home because I cannot drive and I cannot always afford bus fare. My last job was working at Family Dollar, but I only had the job for about three weeks because I could not afford bus fare to get there every day reliably.
20. Walking is also difficult for me. I have a skin condition on my feet that started during my navy service. It is painful and makes it uncomfortable to walk long distances.
21. I have experienced homelessness in the past, and with my income severely affected by my driver's license suspension, I am worried that I will soon become homeless again.

01

March

A handwritten signature in blue ink, appearing to read "C. Wang", with a long horizontal flourish extending to the right.

EXHIBIT 24  
EXPERT REPORT OF  
DENNIS SMITH (EXCERPTS)

## **Report of Dennis N. Smith**

### **Introduction - The Parent Continuum**

I served as a judge in St. Louis County Family Court for over 20 years. See Appendix 1. During that time I talked with and heard testimony from thousands of parents who were required to support a child. I learned that parents fall on a continuum between being a good, loving, supportive parent and an abusive, uncaring and unsupportive parent. I also learned that parents can change. Sometimes a child support enforcement proceeding can be the motivation for a parent to change.

**Example** – I had one case on my state paternity docket in which the mother had never received any support from the father for a child who was now fourteen-years-old. As both parents stood before me, I asked the mother why she had waited so long to ask for support. She responded that she would not have proceeded had it not been for her son's desire to meet his father. I asked the father, who was unaware that he had a son, if he wanted a parenting plan. Since the child was present in court, I had him step forward. There in open court the father and his son tearfully hugged for the first time. The mother and father worked out a parenting plan in which father and son got to spend time together.

More than anything, this case illustrated to me that with very little encouragement, a parent would readily assume his or her responsibility.

I have seen individuals who did not plan on being a parent, step up and work hard to become an excellent parent. I have also seen individuals who became disinterested in the role of parent and effectively abandoned their children.

### **Extremes of the continuum**

How we define the extremes of the continuum and the characteristics of the parents at those extremes is governed in part by how we view society. Many people believe that the best parent is one who provides for all of their child's financial and emotional needs. They



**Example** I once heard a case where a father of a sixteen-year-old child claimed he could not pay his child support arrearages because he did not earn enough money. He was employed full-time at Home Depot. He was also a recent college graduate who lived at home with his elderly parents. He despised his child's mother. I found that he had the ability to pay support and held him in contempt of court. Three days later he purged himself of the contempt by paying all arrearages that he owed.

In all of my years as a family court judge, I can only remember actually incarcerating three parents for failing to pay child support. Two of them immediately purged the contempt by paying the total arrearages on child support. One of them remained in jail for an extended period of time. I released this person from jail over the State's objection. I believed then as I do now, that this parent could have attempted to comply with the child support orders, but he preferred incarceration to giving any money to the child's mother. The attorney for the State questioned me by asking "So he just gets away without paying child support?" and my answer was very simply, "Yes."

Effective child support enforcement strategies must take into account the parent continuum. It is important to understand the situation of the non-complying parent. In a contempt proceeding in court, a person should not be incarcerated if he or she is unable to comply with the court judgment.

If a person is truly indigent and cannot afford to pay his or her child support obligation, then suspension of his or her license will not coerce them into paying child support. This is why Family Support Division does not attempt to collect child support from a parent who receives SSI. If a person can afford to pay support but believes other expenses are more important, then suspension of his or her license might be an effective enforcement mechanism.

**Example** - When a non-complying parent would appear before me on a contempt motion, they would sometimes claim he or she could not pay child support because of other bills. I would ask if any of their other creditors could put them in jail for failing to make payments. They would respond correctly that their other creditors could not put them in jail. I would then ask them if they thought they should pay their support before their other bills, and they would usually see that it made sense to comply with the child support judgment first and foremost.

EXHIBIT 25  
EXPERT REPORT OF DR.  
DIANA PEARCE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

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NATHAN WRIGHT, CAMESE )  
BEDFORD, ASHLEY GILDEHAUS, )  
and LISA MANCINI, on behalf of )  
themselves and others similarly situated, )

Plaintiffs, )

v. )

FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social Services; )  
MICHAEL PARSON, in his official )  
capacity as Governor of Missouri; )  
JENNIFER TIDBALL, in her official )  
capacity as Acting Director of the )  
Department of Social Services; )  
REGINALD MCELHANNON, in his )  
Official capacity as Interim Director of the )  
Family Support Division; )  
KENNETH ZELLERS, in his official )  
capacity as Acting Director of the )  
Department of Revenue; )  
JOSEPH PLAGGENBERG, in his official )  
capacity as Director of the Motor Vehicle )  
and Driver Licensing Division, )

Defendants. )

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Case. No. 4:19-cv-398 RLW

CLASS ACTION  
JURY DEMANDED

**AFFIDAVIT OF DIANA PEARCE**

**Table of Contents**

Nature of the Assignment ..... 2

Qualifications ..... 2

Materials Reviewed ..... 3

Prior Testimony ..... 3

Statement of Compensation ..... 3

Discussion of the Self-Sufficiency Standard ..... 3

Conclusion ..... 8

**Nature of the Assignment**

1. I am submitting this affidavit to summarize the Self-Sufficiency Standard, which I created in the mid-1990s to provide realistic and detailed data on what individuals need to be self-sufficient.

**Qualifications**

2. My name is Diana Pearce. For the past 19 years, I have been Senior Lecturer at the University of Washington School of Social Work, and Director of the Center for Women’s Welfare since its inception in 2002.
3. I received my bachelor’s degree from the College of Wooster, and I received my master’s degree in social work (M.S.W.) from the University of Michigan. I also have a PhD from the University of Michigan in Social Work and Social Science (Sociology).
4. I am recognized for coining the phrase “the feminization of poverty,” and I have spoken and written widely on women’s poverty and economic inequality, including testimony before the U.S. Congress and the President’s Working Group on Welfare Reform. My areas of expertise focus on how low-wage and part-time employment, unemployment insurance, homelessness and welfare reform impact women.
5. I conceived and developed the Self-Sufficiency Standard, a measure of income adequacy now used in 41 states. I also founded the Women and Poverty Project at Wider Opportunities for Women (WOW), and I have helped found and lead several coalitions, including the Women, Work and Welfare Coalition and the Women and Job Training Coalition. I have provided a copy of my curriculum vitae attached as Appendix A of this document.

### **Materials Reviewed**

6. In preparing this report, I reviewed the following materials: The Methodology Appendix for the Self-Sufficiency Standard for 2018, the Missouri Self-Sufficiency Standard data file, and the signed declarations of the named plaintiffs.

### **Prior Testimony**

7. I have previously provided expert testimony in *Stinnie v. Holcomb*, 355 F. Supp. 3d 514 (W.D. Va. 2018). A complete list of my previous testimony is included in my curriculum vitae.

### **Statement of Compensation**

8. I am being compensated at the rate of \$300 per hour for my preparation of this affidavit and testimony.

### **Discussion of the Self-Sufficiency Standard**

#### *Overview of the Self-Sufficiency Standard*

9. The Self-Sufficiency Standard defines the amount of income necessary to meet basic needs (including taxes) without public subsidies (e.g., public housing, food stamps, Medicaid or child care) and without private/informal assistance (e.g., free babysitting by a relative or friend, food provided by churches or local food banks, or shared housing). The family types for which a Standard is calculated range from one adult with no children, to one adult with one infant, one adult with one preschooler, and so forth, up to three-adult families with six teenagers. The Standard also varies by place, usually county, and data permitting, sub-county areas.
10. I created the Self-Sufficiency Standard in the mid-1990s when I was Director of the Women and Poverty Project at Wider Opportunities for Women. The Standard was intended initially as a performance measure of success in meeting the goal of “self-sufficiency” in federal job training programs (now known as WIA, the Workforce Investment Act program). It was a measure that provided realistic and detailed data on what clients individually needed to be self-sufficient. First calculated for Iowa in 1996, it experienced a major expansion with funding by the Ford Foundation in the early 2000s, and today, the Standard can be found in 41 states and the District of Columbia.
11. The goal for creating the Self-Sufficiency Standard is to calculate the amount needed to meet each basic need at a minimally adequate level, without public or private assistance, and to do so in a way that makes the Standard as consistent and accurate as possible, yet varied by geography and family composition. In selecting data sources, to the maximum extent possible, the data used in the Self-Sufficiency Standard meet the following criteria:
  - collected or calculated using standardized or equivalent methodology nationwide;

- obtained from scholarly or credible sources, such as the U.S. Census Bureau;
  - set at the level that meets a given need at a minimally adequate level, usually by or for a government aid agency;
  - updated regularly (preferably annually or biennially);
  - and geographically and/or age-specific, as appropriate.
12. The Self-Sufficiency Standard is now calculated for over 700 family types ranging from one adult with no children, to one adult with one infant, one adult with one preschooler, and so forth, up to three-adult families with six teenagers plus additional weighted Standard for families with seven to ten children and families with four to ten adults.
  13. The Self-Sufficiency Standard is currently being used to better understand issues of income adequacy, to create and analyze policy, and to help individuals striving to meet their basic needs. Community organizations, workforce councils, academic researchers, policy institutes, legal advocates, United Way, training providers, community action agencies, and state and local officials, among others are using the Standard.
  14. Child support can be essential for custodial parents who need additional income to ensure that their children are cared for. But when child support is set at amounts that cause non-custodial parents to fall below the Self-Sufficiency Standard for themselves — and especially for the children to whom they are custodial parents — it is unaffordable. There may be cases in which the custodial parent would fall below the Self-Sufficiency Standard without a certain amount of child support, and that amount of child support would cause the *non*-custodial parent to fall below the Self-Sufficiency Standard. The solution in such cases is not to further impoverish one family to help another. States must be willing to provide public assistance so that no family is forced into poverty because of unaffordable child support.

*How the Self-Sufficiency Standard Differs from the Official Federal Poverty Measure*

15. The Self-Sufficiency Standard differs from the official federal poverty measure, which was first conceived five decades ago by Molly Orshansky, and which is now out-of-date. The Official Poverty Measure (OPM) is based on the lowest of four U.S. Department of Agriculture food budgets that meet minimal nutritional standards. Because families in the 1950s spent an average of one-third of their income on food, it was assumed that multiplying the food budget by three would result in an amount that would be adequate to meet other basic needs as well. Since its creation, the OPM has only been updated for inflation. OPM thresholds reflect the number of adults and children, but they do not vary by age of children, nor by place.
16. The Self-Sufficiency Standard, by contrast, is based on a basic needs budget that includes the major necessities faced by working adults, not just food. These basic needs include housing, child care, food, health care, transportation, taxes, and miscellaneous costs. It calculates the most recent local or regional costs of each basic need. Accounting for regional or local variation is particularly important for housing because housing costs vary widely (e.g., the most expensive areas of the country, such as Manhattan, can cost four

times as much as in the least expensive areas, such as Mississippi, for equivalent size units). Costs also vary by the number of adults and children, and where appropriate, the age of children (such as child care costs).

17. The Self-Sufficiency Standard varies costs by age groups of children: (1) infants — 0 to 2 years old (meaning 0 through 35 months), (2) preschoolers — 3 to 5 years old, (3) school-age children — 6 to 12 years old, and (4) teenagers — 13 to 18 years old. This is especially important for child care, which varies substantially by age.
18. The Self-Sufficiency Standard reflects modern necessities, and assumes that all adults (whether married or single) work full-time. Thus the Standard includes the employment-related costs of transportation, taxes, and child care (when needed). (Note that the official poverty measure implicitly assumes a two-parent household with a stay-at-home parent, or single parents relying on welfare or family support. Therefore work-related expenses such as child care, taxes, and transportation are not considered).
19. The Self-Sufficiency Standard also includes the net effect of federal and state taxes and tax credits, as well as any local taxes and tax credits.

*Assumptions of the Self-Sufficiency Standard<sup>1</sup>*

20. **Housing:** The Standard uses the most recent fiscal year Fair Market Rents (FMRs), calculated annually by the U.S. Department of Housing and Urban Development (HUD), to calculate housing costs for each state's metropolitan and non-metropolitan areas, and are used to determine the level of rent for those receiving housing assistance through the Housing Choice Voucher Program. Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish Fair Market Rents periodically, but not less than annually, to be effective on October 1 of each year. Note that the Fair Market Rents are calculated to include utility costs (such as electricity, water, and heat, but not telephone).
21. **Child Care:** The Family Support Act, in effect from 1988 until welfare reform in 1996, required states to provide child care assistance at market rate for low-income families in employment or education and training. States were also required to conduct cost surveys biannually to determine the market rate (defined as the 75th percentile) by facility type, age, and geographical location or set a statewide rate. The Child Care and Development Block Grant (CCDBG) Act of 2014 reaffirms that the 75th percentile is an important benchmark for gauging equal access. The CCDBG Act requires states to conduct a market rate survey every three years for setting payment rates. Thus, the Standard assumes child care costs at the 75th percentile, unless the state sets a higher definition of market rate. For the 2018 Standard, infant and preschooler costs were calculated assuming full-time care and costs for school-age children were calculated using part-time rates during the school

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<sup>1</sup> These assumptions are based on the 2018 Self-Sufficiency Standard and are discussed in greater detail (including data sources) in the Technical Brief: The Self-Sufficiency Standard for 2018, attached as Appendix B.

year and full-time care during the summer. The data source for child care rates in Missouri in 2018 was the Missouri Department of Social Services Research & Data Analysis, “Children’s Division Early Childhood and Prevention Services 2014 Child Care Market Rate Survey,” <https://dss.mo.gov/re/pdf/oecmmr/2014-child-care-market-rate-survey.pdf>.

22. **Food:** Although the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) uses the U.S. Department of Agriculture (USDA) Thrifty Food Plan to calculate benefits, the Standard uses the Low-Cost Food Plan for food costs. While both of these USDA diets were designed to meet minimum nutritional standards, SNAP (which is based on the Thrifty Food Plan) is intended to be only a temporary safety net. The Low-Cost Food Plan costs approximately 25% more than the Thrifty Food Plan, and is based on more realistic assumptions about food preparation time and consumption patterns, while still being a very conservative estimate of food costs. For instance, the Low-Cost Food Plan also does not allow for any take-out, fast-food, or restaurant meals, even though, according to the Consumer Expenditure Survey, the average American family spends about 44% of their food budget on food prepared away from home.
23. **Transportation:** If there is an “adequate” public transportation system in a given area, it is assumed that workers use public transportation to get to and from work. A public transportation system is considered “adequate” if it is used by a substantial percentage of the working population to commute to work. The Standard assumes private transportation (a car) in counties where less than 7% of workers commute within county by public transportation. For private transportation, the Standard assumes that adults need a car to get to work. Private transportation costs are based on the average costs of owning and operating a car. One car is assumed for households with one adult and two cars are assumed for households with two adults.
24. **Health Care:** The Standard assumes that an integral part of a Self-Sufficiency Wage is employer-sponsored health insurance for workers and their families. Nationally 64% of individuals have employer-sponsored health insurance. Health care premiums are obtained from the Medical Expenditure Panel Survey (MEPS), Insurance Component produced by the Agency for Healthcare Research and Quality, Center for Financing, Access, and Cost Trends. The MEPS health care premiums are the average employment-based health premium paid by a state’s residents for a single adult and for a family. The premium costs are then adjusted for inflation using the Medical Care Services Consumer Price Index. Health care costs also include out-of-pocket costs calculated for adults, infants, preschoolers, school-age children, and teenagers.
25. **Miscellaneous:** This expense category consists of all other essentials including clothing, shoes, paper products, diapers, nonprescription medicines, cleaning products, household items, personal hygiene items, and telephone service. Miscellaneous expenses are calculated by taking 10% of all other costs. This percentage is a conservative estimate in comparison to estimates in other basic needs budgets, which commonly use 15% and account for other costs such as recreation, entertainment, savings, or debt repayment.



26. **Federal Taxes:** Taxes calculated in the Standard include federal and state income tax, payroll taxes, and state and local sales tax where applicable. The first two adults in a family are assumed to be a married couple and taxes are calculated for the whole household together (i.e., as a family), with additional adults counted as additional (adult) tax exemptions.
27. **State Taxes:** Taxes calculated in the Standard include federal and state income tax, payroll taxes, and state and local sales tax where applicable. If the state has an EITC, child tax credit, child care tax credit, or similar family credit, it is included in the tax calculations. Renter's credits and other tax credits that would be applicable to the population as a whole are included as well.
28. **Emergency Savings Fund:** The Self-Sufficiency Standards are basic needs, no-frills budgets created for all family types in each county in a given state. As such, the Standard does not allow for anything extra beyond daily needs, such as retirement savings, education expenses, or emergencies. Of course, without question families need more resources if they are to maintain economic security and be able to weather any unexpected income loss. Therefore, the Self-Sufficiency Standard now includes the calculation of the most universal of economic security needs after basic needs are met at the Self-Sufficiency Standard level — that of savings for emergencies. The emergency savings amount is calculated to make up for the earnings of one adult becoming unemployed over the average job loss period, less the amount expected to be received in unemployment benefits. In two-adult households, it is assumed that the second adult continues to be employed, so that the savings only need to cover half of the family's basic living expenses over the job loss period.

*The Self-Sufficiency Standard as Applied to the Named Plaintiffs*

29. I have reviewed the named plaintiffs' declarations and have used their testimony related to their household makeup, their counties of residence, and, in some cases, their unique circumstances, to determine their respective necessary incomes to meet their basic needs without public subsidies and without informal assistance.
30. For Mr. Camese Bedford, a single adult living in St. Louis County, the household income necessary to meet basic needs in 2019 is \$23,578 per year (\$1,965 per month; \$11.16 per hour). This is based on the following necessary monthly expenses: \$754 for housing; \$0 for child care; \$262 for food; \$333 for transportation; \$152 for health care; \$150 for miscellaneous; and \$314 for taxes. This self-sufficiency wage accounts for an earned income tax credit of \$0, a child care tax credit of \$0, and a child tax credit of \$0 per month. Mr. Bedford cannot meet his basic needs with less than \$23,578 per year. For Mr. Bedford to contribute \$42 to an emergency fund every month, his household income would need to be \$24,082 per year. For Mr. Bedford to pay his full child support amount of \$194 per month and meet his basic needs (without monthly savings), he would need to earn at least \$26,410 per year.

31. For Mr. Ashley Gildehaus's family of two adults, one school-age child, and one preschooler living in Dent County, Missouri, the household income necessary to meet basic needs in 2019 is \$45,720 per year (\$3,810 per month; \$10.82 per hour). This is based on the following necessary monthly expenses: \$646 for housing; \$822 for child care; \$718 for food; \$627 for transportation; \$588 for health care; \$340 for miscellaneous; and \$602 for taxes. This self-sufficiency wage accounts for an earned income tax credit of \$119, a child care tax credit of \$100, and a child tax credit of \$314 per month. Mr. Gildehaus cannot meet his family's basic needs with less than \$45,720 per year. For Mr. Gildehaus to contribute \$59 to an emergency fund every month, his household income would need to be \$46,428 per year. It should be noted, however, that Mr. Gildehaus's household's transportation costs are considerably higher than the estimated cost of transportation in the Self-Sufficiency Standard because he and his wife have long commutes and therefore spend more than the average amount on fuel. That is, Mr. Gildehaus's actual monthly transportation cost is \$1,170 (\$450 for the car payment and \$720 for gas). With this added transportation cost, Mr. Gildehaus's household income needs to be at least \$52,236 per year to meet his family's basic needs (\$52,944 for the family to save \$59 per month toward an emergency fund). Mr. Gildehaus's current household income is between \$57,680 and \$58,200 per year. His current child support obligation is \$680 per month, or \$8,160 per year. Paying his full child support amount reduces Mr. Gildehaus's household income available to meet his basic needs (including work-related expenses) to approximately \$49,520 to \$50,040 (this does not count the additional taxes or reduced tax credits for this additional income). This is not enough to meet his family's basic needs under the circumstances of Mr. Gildehaus's (and his wife's) commuting needs.
32. For Ms. Lisa Mancini's family of one adult, one teenager, two school-age children, and a preschooler living in Jasper County, Missouri, the household income necessary to meet basic needs in 2019 is \$59,504 per year (\$4,959 per month; \$28.17 per hour). This is based on the following necessary monthly expenses: \$984 for housing; \$1,640 for child care; \$821 for food; \$333 for transportation; \$516 for health care; \$429 for miscellaneous; and \$1,003 for taxes. This self-sufficiency wage accounts for an earned income credit of \$0, a child care tax credit of \$100, and a child tax credit of \$667 per month. Ms. Mancini cannot meet her family's basic needs with less than \$59,504 per year. For Ms. Mancini to contribute \$255 monthly to an emergency fund on top of her family's regular expenses, she would need to earn at least \$62,564 per year. Ms. Mancini appears to have no income as of her declaration. As long as her income is below \$59,504 per year, Ms. Mancini will be unable to meet her family's basic needs, much less pay child support.

### **Conclusion**

33. Two of the three named plaintiffs (Mr. Bedford and Ms. Mancini) are currently living well below the Self-Sufficiency Standard and cannot afford to meet their families' basic needs, let alone pay their full child support amounts. Mr. Gildehaus, although his household income does not fall below the Self-Sufficiency Standard, is nonetheless also unable to afford to meet his family's basic needs in addition to paying his full child support amount due to his family's uniquely high work transportation expenses.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DIANA M. PEARCE, PH.D.

Diana M. Pearce

Acknowledged before me this 16 day of November, 2019, by Diana Pearce.

My commission expires: 2.28.2022

[Signature]

Notary Public



# **APPENDIX A: CURRICULUM VITAE**

## CURRICULUM VITAE

Diana May Pearce

School of Social Work  
University of Washington  
4101 15<sup>th</sup> Avenue NE  
Seattle, WA 98105

(206) 616-2850 (phone)  
(206) 543-1228 (fax)  
email:  
pearce@u.washington.edu

### EDUCATIONAL BACKGROUND

- 1976 Ph.D. University of Michigan, Social Work and Social Science (Sociology)  
Dissertation Title: "Black, White, and Many Shades of Gray: Real Estate Brokers and their Racial Practices."  
1969 M.S.W. University of Michigan, School of Social Work  
1964 B.A. College of Wooster, Wooster, Ohio, including Washington Semester (Spring 1963) at American University, Washington, DC

### POSITIONS HELD

- 1998-present Senior Lecturer, School of Social Work, University of Washington  
2002-present Director, Center for Women's Welfare, School of Social Work, University of Washington  
1996-1997 Fulbright Professor, Uzbekistan (Tashkent State University, University of World Economy)  
1985- 1996 Director, Women and Poverty Project, Wider Opportunities for Women  
Research and advocacy on broad range of issues concerning low-income women, including welfare, low-wage employment, child care, housing, poverty status, etc.  
1991-1992 Visiting Scholar, Institute for Research on Women and Gender, Stanford University  
1985- 1986 Visiting Assistant Professor, American University, Department of Sociology  
Courses taught: Quantitative Methods (advanced), Women in Society.  
1980-1985 Director of Research, Center for National Policy Review, Catholic University Law School  
Conducted research, including all phases, from design to grant writing to final report and journal articles; prepared and presented testimony as expert-witness in Congressional hearings and academic and non-academic conferences; editor, Civil Rights Research Review

**Pearce--2**

- 1985 Adjunct Lecturer, Columbus School of Law, Catholic University of America: Social Science and the Law.
- 1984- Present Fellow by Courtesy, Center for Social Organization Schools, Johns Hopkins University.
- 1978- 1979 Honorary Fellow, Institute for Research on Poverty, University of Wisconsin, Madison: Research on women in poverty and racial discrimination in housing
- 1975- 1980 Assistant Professor, Department of Sociology, University of Illinois at Chicago Circle, Sociology Courses: Poverty and Social Welfare, Racial and Ethnic Minorities, Research Methods, Social Inequality, Graduate Research Practicum, Sex Roles, Urban Society
- 1975- 1977 Assistant Professor, School of Social Work, University of Illinois at Chicago Circle, Social Work Courses: Social Welfare Policy and Services, Race and Poverty, Social Science I
- 1973- 1975 Teaching Fellow, Sociology Department, University of Michigan: Sociological Methods (under supervision of Howard Schuman), Introduction to Sociology (under supervision of Gayl Ness and Marilyn Rosenthal).
- 1974 Adjunct Lecturer, University of Michigan Extension (Social Work) Ann Arbor: Social Welfare Policy and Services I.
- 1972- 1974 Lecturer, School of Social Work, University of Michigan: Complex Organizations (with Sheldon Siegel), Social Welfare Policy and Services (with Fred Cox).
- 1974 Adjunct Lecturer, University of Michigan, Flint and Dearborn: Community Structure and Processes.

**WORK EXPERIENCE**

- 1970 English editor (translator), for Rushen Kelesh and Sherif Mardin (Ankara, Turkey)
- 1969 Interviewer, Institute of Social Research, University of Michigan
- 1968 Research Assistant to Thomas Powell (University of Michigan School of Social Work); research on developing consultation and liaisons between a community mental health center and local church pastors.
- 1968 Research Assistant to John Tropman (University of Michigan School of Social Work); research on ethnicity in the community
- 1965-7 Peace Corps Volunteer (Turkey). Community development in a small village (eastern Turkey), and English teacher in a small town (western Turkey)
- 1963 Summer Volunteer, Back Bay Mission (Biloxi, MS)

Pearce--3

1961 Summer Volunteer, Beacon Neighborhood House (Chicago, IL)

### SCHOLARSHIPS AND AWARDS

2003 Setting the Standard Award, Wider Opportunities for Women (Washington, DC)  
2003 Visionary Research Award, Workforce Development Council (Seattle, WA)  
1997 Pauline Bart Feminist Activist Award, Sociologists for Women in Society  
1990 Sociological Practice Award from the Society for Applied Sociology  
1977 Faculty Summer Fellowship, University of Illinois  
1974 Rackham Dissertation Grant  
1971-72, 1972-73 Rackham Prize Fellowship  
1968-1970, 1974 National Institute of Mental Health Fellowship  
1964 National Presbyterian Honor Scholarship

### RESEARCH GRANTS AND PROJECTS

Principal Investigator, Ongoing, Development and Calculation of Self-Sufficiency Standard (including Updates), 1996 – present (Ford Foundation [mostly via Wider Opportunities for Women] and many other foundations)

Principal Investigator, Hardships Study (Pennsylvania), William Penn Foundation [via Women's Association for Women's Alternatives (now PathWays), 2000-2002)

Principal Investigator, Research Initiative of the NET (Nontraditional Education and Training) Project, Women's Bureau of the Department of Labor (1991-1992).

Director, Study of Doubled-Up Families, Poverty and Race Research Action Council (1991-1992)

Director, Evaluation of Transitional Housing Programs, Northwest Area Foundation and Minneapolis-St. Paul Family Housing Fund (1989-1990)

Project Director, Book on Women in Poverty and Related Activities, Ford Foundation (1983-85)

Principal Investigator, NSF grant on the nature of housing market practices in forty cities (1982-84)

Principal Investigator, National Institute of Education research grant on the relationship between school desegregation and housing discrimination (1980-81)

### PUBLICATIONS

2004 (forthcoming) "The Statistical Measure of Poverty", in *Poverty and Social Welfare in the United States: An Encyclopedia*, Gwendolyn Mink and Alice O'Connor, editors. ABC-CLIO.

2002 "Welfare Reform Now That We Know It: Enforcing Women's Poverty and Preventing Self-Sufficiency", p. 125-150 in Josefina Figueira-McDonough and Rosemary C. Sarri, eds., *Women at the Margins: Neglect, Punishment and Resistance*, New York: Haworth Press.

2002 "Measuring Welfare Reform Success by a Different Standard," p. 166-186 in *From Poverty to Punishment: How Welfare Reform Punishes the Poor*, Gary Delgado, Ed., Oakland, CA: Applied Research Center.



**Pearce--4**

- 2001 "The Self-Sufficiency Standard: A New Tool for Evaluating Anti-Poverty Policy," *Poverty & Race*, Vol. 10, No. 2
- 2000 "Rights and Wrongs of Welfare Reform: a Feminist Approach to the New American Welfare State," *Affilia* (Special Issue on the New American Welfare- summer 2000)
- 1999 "Doing the Triple Combination: Negotiating the Domestic Violence, Child Welfare, and Welfare Systems" in Ruth Brandwein, ed., *Battered Women, Children, and Welfare Reform: The Ties that Bind* (Sage, Sage Series on Violence Against Women)
- 1997 "The State of Women in Uzbekistan," *REECAS Newsletter*, Vol. 3, no.2, p.3-10 (Spring).
- 1995 "Welfare, "Reform", and Women," *NCJW Journal* (Spring), p. 4-25.
- 1994 "When Sexual Harassment Happens: State Unemployment Insurance Coverage of Workers Who Leave Employment Because of Sexual Harassment" with Monica Phillips, *Stanford Law and Policy Review* (Spring), Vol. 5:2, p. 75-82.
- 1993 "Welfare "Reform"?" *Equal Means* (Fall), p. 9-10.
- 1993 "Change in the Other America: Women's Poverty in the 1990s," *Women: A Cultural Review*, Vol. 4, No. 1 (Spring), p. 1-7.
- 1992 "Reading Between the Research Lines," *Equal Means*, Volume 1, No. 3 (Summer).
- 1992 Review of *The Feminization of Poverty: Only in America?*, Kremen, Eleanor, and Gertrude Schaffner Goldberg, eds., (New York: Praeger, 1990) *American Journal of Sociology*, 97,5, p. 1479-1481.
- 1991 "Welfare is Not for Women: Why the War on Poverty Cannot Conquer the Feminization of Poverty," in Laura Gordon, ed., *Women, the State and Welfare* (Univ. of Wisconsin Press).
- 1990 "Bending the Twig in Yonkers: Creating a Segregated Community," National Conference on School Desegregation (November 1986); published in *Separate But Equal in the Metropolis: the Changing Shape of the School Desegregation Battle*, Gary Orfield, ed., (Brookings Press).
- 1990 "Women, Working and Poverty: Toward the Year 2000," in *Risks and Challenges: Compendium on Women, Work and the Future* (Wider Opportunities for Women).
- 1990 "The Feminization of Poverty," *Journal of Peace and Justice Studies*, Vol. 2, No.1 (Special Issue on Women and Social Justice).
- 1989 "Prison With No Parole: The Persistence of Women's Poverty," *WHY Magazine* (Fall/Winter, #3)
- 1989 "Welfare and Women's Poverty: Reform or Reinforcement?," (with Kelley Ellsworth), *Journal of Legislation*, Vol. 16 (May, 1989).
- 1989 "'Children Having Children': Teen Pregnancy and Public Policy from a Women's



**Pearce--5**

Perspective," in *Adolescent Pregnancy: International Perspectives* (Yale University Press) and presented at the Symposium on teen pregnancy, Stanford University.

- 1988 "Life's Changes: A Life-cycle Perspective on Women's Economic Status," (with Nadia Moritz) *Social Thought* (Fall, Vol. IX)
- 1988 "Welfare Reform in 1988: A Missed Opportunity." *San Jose Mercury* and *National Forum* (A public service of AFSCME).
- 1987 "On the Edge: Marginal Women Workers and Employment Policy," in *Ingredients for a Women's Employment Policy*, C. Bose and G. Spitz, eds., (SUNY Press).
- 1986 "What Works for Welfare," *Food Monitor*, (December, 1986).
- 1986 "Women and Unemployment Compensation: An Agenda," *The Women's Economic Justice Agenda, for the States Issues of 1987*, (National Center for Policy Alternatives).
- 1986 "Women and Poverty: An Agenda for the States," *America's States* (National Center for Policy Alternatives).
- 1986 "Women and Children in Poverty," *Southern Changes*, (February-March, 1986) Vol. 8, No. 1.
- 1985 (As member of Women's Economic Agenda Working Group), *Toward Economic Justice For Women: A National Agenda for Change* (Washington, DC: Institute for Policy Studies).
- 1985 "Toil and Trouble: Women and Unemployment Compensation," *Signs*, 10, 3, p.439-459 (Spring). Reprinted in *Women and Poverty*, B. Gelpi, N. Hartsock, C. Novak, M. Strober, eds., (Chicago: University of Chicago Press, 1986).
- 1985 "Beyond Busing: New Evidence on the Impact of Metropolitan School Desegregation on Housing Segregation" in Robert Green, ed., *Metropolitan School Desegregation* (Plenum Press).
- 1984 "Farewell to Alms: Women's Fare Under Welfare," in Jo Freeman, 1988 ed., *Women: A Feminist Perspective*, (Palo Alto: Mayfield Pub. Co.) revised in 1988 for 4th edition. Reprinted in R. Sadovnik, C. Persell, R. Mitchell, and E. Bauman, *Understanding Sociology: Readings in Sociology* (Harper and Row).
- 1983 "The Feminization of Ghetto Poverty," in special issues on the Black underclass of *Trans Action/Society*, William Wilson, ed. (November-December).
- 1981 "Women and Children: Alone and in Poverty," with Harriette McAdoo. Prepared for the National Advisory Council on Economic Opportunity (also published as Chapter 1 in the Council's Final Report); reprinted, edited version in R. G. Genovese, *Families and Change: Social Needs and Public Policy*. Also reprinted in the Congressional Record, the Grantsmanship News, the Illinois Women's Commission Newsletter, etc. (N.B.: as a government publication it has no copyright; therefore we are not always told of reprintings).

**Pearce--6**

- 1981 "Deciphering the Dynamics of Segregation: The Role of Schools in the Housing Choice Process," *The Urban Review*, Vol. 13, No. 2, p. 85-101.
- 1979 "Gatekeepers and Homeseekers: Individual and Institutional Factors in Racial Steering," in *Social Problems* 26 (Feb. 1979) p. 325-342. Reprinted in Richard J. Paterson and Charlotte Vaughn, *Structure and Process: Readings in Introductory Sociology* (Belmont, CA: Wadsworth Publ. Co., 1986). Reprinted in Richard F. Larsen, ed., *The Sociological View* (Oxford University Press, 1984).
- 1978 "The Feminization of Poverty: Women, Work and Welfare," *The Urban and Social Change Review* (Special Issue on Women and Work) Vol. 11, p. 28-36. Republished in Vol. 4, Women's Studies Yearbook, *Working Women and Families* (Sage, 1979).
- 1978 "Welfare in the Metropolitan Area," (with David Street) *Handbook of Contemporary Urban Life*, David Street, ed.
- 1973 "Attitude and Action: A Field Experiment joined to a General Population Survey," (with Robert Brannon, Gary Cyphers, Sharlene Hesse, Susan Hesselbart, Irwin Katz, Robert Keene, Howard Schuman, and Thomas Viccaro), *American Sociological Review* 38 (October): 625-36.

**SOFTWARE**

**Seattle-King County Self-Sufficiency Calculator.** Together with Congruent, Inc. [local software firm], created the Seattle-King County Self-Sufficiency Calculator, including screen design and underlying formulas, available to the public online at [www.seakingwdc.org](http://www.seakingwdc.org). This online calculator provides social service agency clients as well as the public information on their Self-Sufficiency Standard and benefit eligibility (including requirements), provides an interactive worksheet that allows clients to "test" different wages and/or benefit combinations for its wage adequacy (given client's actual expenses and income), and provides links to public and private websites for further information and/or online applications for assistance. (Developed for Seattle-King County Workforce Development Council, Seattle, WA May 2003).

**New York City Self-Sufficiency Calculator.** Wrote underlying formulas for this calculator. Available only with password; apply at [www.wceca.org](http://www.wceca.org). Developed for Women's Center for Career Advancement and Education, New York City (2001-2002)

**Pennsylvania Budget Worksheet (online and paper and pencil).** Developed the original budget worksheet (which forms the basis of all subsequent calculators), which allows clients to enter their actual costs, and determine benefit eligibility for various benefits/subsidies (Food Stamps, child care assistance, Medicaid/CHIP, etc.), and calculate the overall "wage adequacy" of various combinations of wages and benefits. Worked with programmer to develop online version, and providing continued support to revise and improve the online version. Online version available at [www.pathwayspa.org](http://www.pathwayspa.org) Developed for Women's Association for Women's Alternatives [WAWA], now known as PathWays, Swarthmore, Pennsylvania (1999-present).

**REPORTS**

- 2003 The Self-Sufficiency Standards for... Alabama, California [update], Delaware, Hawaii, Louisiana, Massachusetts [Update], and Mississippi.

**Pearce--7**

- 2003 “Overlooked and Undercounted: A New Perspective on the Struggle to Make Ends Meet in California,” with Rachel Cassidy. Prepared for Wider Opportunities for Women and Californians for Family Economic self-Sufficiency and Californians for Family Economic Self-Sufficiency, a project of the National Economic Development and Law Center.
- 2002 “Report to NOVIB-OXFAM on Activities and Situation of Women’s NGOs in Uzbekistan and Tajikistan: Efforts and Effects on the Issue of Violence Against Women; co-author, Nodira Azimova, (Sociology Center *Sharhva Tavsiya* and National University of Uzbekistan)
- 2002 “Making Wages Work: The Impact of Work Supports on Wage Adequacy for Pennsylvania Families” Prepared for the Women’s Association for Women’s Alternatives, with Lisa Manzer.
- 2002 “The Self-Sufficiency Standards for... Arizona, Florida, Georgia, Indiana [Update], Missouri, Montana, Nebraska, Nevada, New Jersey [update], Oklahoma, Virginia, Tennessee, and West Virginia [with Jennifer Brooks]
- 2001 “The Self-Sufficiency Standard for Pennsylvania”, (2<sup>nd</sup> Update), for Women's Association for Women's Alternatives
- 2001 “The Self-Sufficiency Standard for Washington State”, with Jennifer Brooks, for the Washington Association of Churches, the Washington Living Wage Movement and the Washington Self-Sufficiency Standard Committee
- 2001 “The Self-Sufficiency Standard for Colorado”, with Jennifer Brooks, for Colorado Fiscal Policy Institute
- 2001 “The Self-Sufficiency Standard for Kentucky”, with Jennifer Brooks, for Kentucky Youth Advocates
- 2001 “The Self-Sufficiency Standard for Illinois”, [Update] with Jennifer Brooks, for Kentucky Youth Advocates
- 2001 “The Self-Sufficiency Standard for Maryland”, with Jennifer Brooks, for Advocates for Children and Youth and the Center for Poverty Solutions
- 2001 “The Self-Sufficiency Standard for Utah”, with Jennifer Brooks, for Utah Children
- 2000 “The Self-Sufficiency Standard for South Dakota,” with Jennifer Brooks, for South Dakota Women Works and South Dakota Community Concepts
- 2000 “The Self-Sufficiency Standard for New York State,” with Jennifer Brooks, for the State of New York
- 2000 “The Self-Sufficiency Standard for New York City,” with Jennifer Brooks, for the Women's Center for Career Advancement and Education (NYC)
- 2000 “The Self-Sufficiency Standard for Washington, DC Metro Area”, with Jennifer Brooks, for Wider Opportunities for Women

Pearce--8

- 2000 “The Self-Sufficiency Standard for Wisconsin,” with Jennifer Brooks, for the Wisconsin Women's Network
- 1999 “The Self-Sufficiency Standard for Connecticut,” with Jennifer Brooks, for the State of Connecticut
- 1999 “The Real Cost of Living: The Self-Sufficiency Standard for New Jersey”, with Jennifer Brooks, for Legal Services of New Jersey Poverty Research Institute and The New Jersey Center for Economic Policy and Education
- 1999 “The Self-Sufficiency Standard for the Washington, DC Metropolitan Area”, with Jennifer Brooks, for Wider Opportunities for Women (Washington, DC)
- 1999 “The Self-Sufficiency Standard for Indiana”, with Jennifer Brooks, for the Indiana Coalition on Housing and Homeless Issues
- 1999 “When Wages Aren’t Enough II: How the *Child Care Works* Program Impacts Family Self-Sufficiency”, prepared for the Women’s Association for Women’s Alternatives and the Philadelphia Citizens for Children and Youth
- 1999 “The Self-Sufficiency Standard for Pennsylvania”, with Jennifer Brooks, for the Women’s Association for Women's Alternatives (Pennsylvania- Update).
- 1998 “The Self-Sufficiency Standard for Massachusetts”, with Jennifer Brooks, for the Women’s Education and Industrial Union
- 1998 “The Self-Sufficiency Standard for Illinois” with Jennifer Brooks, for Women Employed
- 1998 “When Wages Aren’t Enough: Using the Self-Sufficiency Standard to Model the Impact of Child Care Subsidies on Wage Adequacy”, prepared for the Women’s Association for Women’s Alternatives and the Philadelphia Citizens for Children and Youth
- 1998 “The Road to Self-Sufficiency: Modeling the Impact of Subsidies Using the Self-Sufficiency Standard,” prepared for the Pennsylvania Family Economic Self-Sufficiency Project and the Women’s Association for Women’s Alternatives
- 1997 “The Self-Sufficiency Standard for Pennsylvania,” with Jennifer Brooks with the assistance of Janice Hamilton Outtz, for the Women’s Association for Women’s Alternatives
- 1997 “The Self-Sufficiency Standard for North Carolina,” with Janice Hamilton Outtz and Jennifer Brooks, prepared for NC Equity Sustainable Family Initiative
- 1997 “The Self-Sufficiency Standard for the District of Columbia,” with Janice Hamilton Outtz, Roberta Spalter-Roth, and Jennifer Brooks
- 1997 “The Self-Sufficiency Standard for the City of Alexandria, Arlington County and Fairfax County, Virginia” with Janice Hamilton Outtz and Jennifer Brooks

**Pearce--9**

- 1997 "The Self-Sufficiency Standard for the Montgomery County and Prince George's County, Maryland" with Janice Hamilton Outtz and Jennifer Brooks
- 1997 "The Self-Sufficiency Standard for Texas," with Janice Hamilton Outtz and Jennifer Brooks.
- 1997 "Report on Higher Education in Uzbekistan, With Particular Attention to Issues Facing Women Students, with Marfua Tokhtakhodjaeva", presented to the Ministry of Higher Education, Uzbekistan, and Human Rights Officer, United States Embassy, Tashkent, Uzbekistan
- 1996 "The Self-Sufficiency Standard for California"
- 1996 "The Self-sufficiency Standard for Iowa," prepared for the Department of Economic Development, State of Iowa
- 1995 "From Welfare to the Workplace: A Practitioners' Plan," Wider Opportunities for Women, Washington, D.C.
- 1994 "Women Work, Poverty Persists: A Census-Based Report on Displaced Homemakers and Single Mothers in 1990," prepared for Women Work!: A Network for Women's Employment [formerly the National Displaced Homemakers Network], Washington, D.C.
- 1994 "Living on the Edge: Doubled-Up Families in America," Women and Poverty Project, Washington, D.C.
- 1993 "Breaking with Tradition: Women and Nontraditional Training in the JTPA System", Final Report to the Women's Bureau, U.S. Department of Labor, on Contract #J-9-M-1-0074.
- 1990 The More Things Change...A Status Report on Displaced Homemakers and Single Parents in the 1980's," prepared for the National Displaced Homemakers Network.
- 1990 "Report on the Impact of Job Training and Welfare-to-Work Programs on Children and Their Families in Connecticut," Connecticut Children's Commission.
- 1990 "Keys to New Lives: A Report on Seven Transitional Housing Programs," prepared for the Northwest Area Foundation.
- 1989 "Final Report: Low Wage Jobs and Workers: Trends and Options for Change," (with Roberta Spalter-Roth), Institute for Women's Policy Research and Displaced Homemakers Network, for the Department of Labor, Employment and Training Administration.
- 1988 "High Skill and Low Pay: The Economics of Child Care Work" (with Heidi Hartmann), for the Child Care Action Campaign; presented at the Child Care Action Campaign Conference at Wingspread (WI).
- 1988 "Report of Key Findings From a Participant Follow-Up Study," conducted for the District of Columbia Private Industry Council (with Vikki Gregory), Gregory Resource Group.
- 1988 "A Woman's Guide to Welfare Reform," Women and Poverty Project/Institute for Women's

**Pearce--10**

Policy Research.

- 1987 "Magnet Schools and Milliken II: A Survey of Twenty Urban School Districts," prepared for David Tatel, Esq. of Hogan and Hartson, on behalf of the Council of Great City Schools.
- 1986 "Perspectives on Poverty: Welfare Reform," for the National League of Cities.
- 1984 "Final Report to the Potomac Institute on the Civil Rights Issues and Implications of School Closings," (September, 1984).
- 1983 "The Annual Review of the Chicago Desegregation Plan, Spring 1983," with Joe T. Darden and Robert Crain, (March).
- 1983 "A Sheltered Crisis: The State of Fair Housing Opportunity in the Eighties." Prepared for the U.S. Civil Rights Commission Consultation on Persistent Mechanisms of Racial and National Origin Discrimination in Housing, (September, 1983).
- 1981 "The Impact of Proposed School Closings and Related Changes on the level of Segregation in Montgomery County (Maryland)," prepared for the Montgomery County American Civil Liberties Union.
- 1981 "Housing and School Desegregation in Metropolitan Chicago," with Joe T. Darden and Reynolds Farley, report to the Chicago Board of Education, February 19, 1981.
- 1980 "Breaking Down Barriers: New Evidence on the Impact of Metropolitan School Desegregation on Housing Patterns," Final Report on Grant #G-78-01-25, to the National Institute of Education.

**OTHER PAPERS (UNPUBLISHED) and PROFESSIONAL PRESENTATIONS**

"How Come Hardships: Using The Self-Sufficiency Standard to Explain Who Experiences Hardships and to Explore Strategies Used to Make Ends Meet Among Post-Welfare and Working Poor Single Mothers", presented at the American Sociological Association Annual Meeting, Atlanta, Georgia (August, 2003)

"The Self-Sufficiency Standard: The New Questions Asked, the New Answers That Result-- A Report from Fifteen States", APPAM (Association for Public Policy and Management), Washington, DC (November 2001)

"Making the Transition: Using the Self-Sufficiency Standard to Make A Comparative Assessment of Welfare Reform", (January 2000) (submitted to ASA 2000)

"Where Massachusetts Families Stand: Using the Self-Sufficiency Standard and the 1990 Census to Estimate Poverty in Massachusetts, by Town" by Laura Russell and Jean Bacon, with Diana Pearce, (January 2000)

"Closing the Door: Barriers to Women's Access to Higher Education in Independent Uzbekistan," by Diana Pearce and Marfua Tokhtakhodjaeva, presented at the REECAS (Russian, East European and Central Asia Studies) Conference, Portland, Oregon, April 1998; presented revised version at American Sociological Association Annual Meeting, Chicago, Illinois (August, 1999)

"The Self-Sufficiency Standard: How Much is Enough?", poster presentation at Society for Social Work



**Pearce--11**

Research, Charleston, South Carolina (January 1999)

"What is Enough? Measuring Adequacy of Income Using the Self-Sufficiency Standard", presented at the American Sociological Association Annual Meeting, Toronto, Ontario, Canada (August, 1997)

"Limited Visions: An Analysis of the Clinton Welfare Reform Plan" (June, 1994; revised, November, 1994).

"Making Welfare Work: Performance Standards in Welfare Reform" (May, 1994).

"Filling the Half-Full Glass: Designing a Welfare System that Works for Women", presented at Women and Welfare Reform: Women's Poverty, Women's Opportunities, and Women's Welfare, U.S. House of Representatives, Cannon Office Building, Washington, D.C. (October, 1993).

"The Self-Sufficiency Standard: A Briefing Paper", (November, 1993)

"Chutes and Ladders: Playing the Low-Wage Employment Game," presented at the American Sociological Association Annual Meeting, Cincinnati, Ohio (August, 1991).

"The Herstory of Homelessness: A Women's Perspective on the Housing Crisis," presented at the American Sociological Association Annual Meeting, Washington, D.C. (August 1990).

"The Feminization of Poverty: A Second Look," presented at the annual meeting of the American Sociological Association, San Francisco, California (August 1989)

"Back to the Future: Women and the Welfare State at the End of the Twentieth Century," presented at the Women in the Welfare State Conference, University of Wisconsin, Madison, Wisconsin (June 1989)

"The Invisible Homeless: Women and Children," presented at Locked Out: Women and Housing, Women's Research and Education Institute. (1988)

"Taking a Second Look at the Feminization of Poverty," presented at the Women and Public Policy Seminar, Harvard University (October 1987).

"The Deservedly Poor and the Unruly Needy: Women and Welfare Reform," (unpublished paper, 1986).

"Part-time Women Workers," presented at the Eastern Sociological Meetings, (April, 1986).

"The Now and Future Impact of the Feminization of Poverty on American Society: Children, Racial Inequality and the Social Welfare Debate," (American Sociological Association/Society for the Study of Social Problems Annual Meeting, August, 1985).

"Changing Poverty: Comments on Women and Minorities in the Bishop's Letter" delivered at the Santa Clara Conference on the Bishops' Pastoral Letter on Catholic Social Teaching and the U.S. Economy, University of Santa Clara, (CA), January, 1985.

"Recovery for Whom? Women and Poverty in the U.S. in the Eighties," presented at the Conference on Religion, the Economy and Social Justice, held at the State University of New York, Stonybrook (November, 1984).

"New Knots or New Nets: Towards a Model of Advocacy to Meet the Needs of Single Parent Heads of

**Pearce--12**

Household," prepared for the Conference on Poor Clients Without Lawyers: What Can Be Done, held at the University of Wisconsin Law School (October, 1984) and published in the *Clearinghouse Review*.

"Lessons Not Lost: The Impact of School Desegregation on the Racial Ecology of Large American Central Cities," with Robert L. Crain, Reynolds Farley, and Karl Taeuber. Paper presented at the American Educational Research Association Annual Meeting (New Orleans, April, 1984).

"They Never Knocked on My Door: Women and the War on Poverty," paper presented at the American Political Science Association Annual Meeting, (Chicago, Illinois, September, 1983).

"Farewell to Alms: Women and Welfare Policy in the Eighties." Paper presented at the American Sociological Association Annual Meeting (San Francisco, September, 1982).

"Back to Basics in School Segregation: The Three R's of Race, Residence, and Resegregation," (unpublished paper).

"Women's Fare Under Welfare," at conference, Women and Work in the Eighties: Perspectives From the Thirties and Forties, Berkeley, CA, May, 1981.

"Is Racial Steering a Form of Institutional Racism?" presented at Institutional Racism Seminar, University of Illinois at Champaign-Urbana, September, 1980.

"Institutional Racism in Housing: Myths and Realities," in *For the Record: Fair Housing, Laws and Social Reality*, published by the League of Women Voters, Lexington, KY, April, 1980.

**EXPERT WITNESS AND TESTIMONY**

Statement before the Advisory Council on Unemployment Compensation, "Reframing the Issues: the UI Program in a time of Block Grants and Working Mothers", (May, 1995).

"Moving from Welfare to the Workplace," Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives *Contract With America* Hearings on Welfare Reform (February, 1995).

Statement before the Working Group on Welfare Reform, Family Support and Independence, Washington, D.C. (August, 1993).

Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C. (September, 1992).

Expert Witness, school segregation and housing patterns, Rocky Mount, North Carolina, for the NAACP Legal Defense Fund (1991).

Testimony before the Subcommittee on Human Resources, Committee on Ways and Means, U.S. House of Representatives, on Women and Unemployment Insurance Issues (February, 1991)

Testimony before the Joint Select Task Force on the Changing Family, California Legislature, on Housing and Homelessness Trends and the Single Parent Family (April, 1989).

Testimony before the Subcommittee on Housing and Community Development, Committee on Banking,



**Pearce--13**

Finance, and Urban Affairs, U.S. House of Representatives, on the Invisible Homeless and Federal Housing Policies (March, 1989).

Testimony before the U.S. Senate, Committee on Labor and Human Resources, Subcommittee on Children, Drugs, and Alcoholism, on Child Care Workers' Salaries (March, 1988).

Testimony before the U.S. Senate, Judiciary Committee, Subcommittee on the Constitution, on amending Title VIII of the Civil Rights Act (the Fair Housing Act) to forbid housing discrimination against families with children (April, 1987).

Testimony before the U.S. House of Representatives, Education and Labor Committee, on the costs of child care in proposed welfare reform legislation (May, 1987).

Testimony before Montgomery County (MD) Council on Crossways, proposed housing project for women-maintained families in transition (May, 1987).

Testimony before the U.S. House of Representatives, Employment Opportunities Subcommittee on the "invisible ghetto" of part-time and temporary workers (July, 1987)

Expert Witness, NAACP, Milwaukee, on school and housing segregation (1987).

Testimony before the U.S. Congress, House of Representatives, Agriculture Committee, Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, on "workfare" and food stamps (September, 1986).

Testimony before the Advisory Council on Intergovernmental Relations, White House Hearings on Welfare Reform (September, 1986).

Expert Witness, school desegregation, white flight and housing, for the NAACP Legal Defense Fund in Savannah, Georgia (1986).

Testimony before the U.S. Congress, House of Representatives, Subcommittee on Civil and Constitutional Rights, Hearing on Proposed Fair Housing Legislation, on the extent and impact of discrimination against families with children in the rental of housing (July, 1986).

Testimony before the Montgomery County Women's Commission, Women and Homelessness (April, 1986).

Testimony at hearings before the Human Services Committee, DC City Council on Workfare Legislation (April, 1986).

Testimony at DC Wage and Hours Board, Hearing on Minimum Wage Levels for Household and Day Care Workers (August, 1984).

Testimony at hearings on the Feminization of Poverty, Illinois Commission on the Status of Women (February, 1984).

Expert Witness for the NAACP on the relationship of public housing policies, school and housing segregation in Yonkers, New York, (1983-84).

Testimony before the U.S. Congress, U.S. House of Representatives, Select Committee on Children, Youth and Families, on Impact of Demographic Trends, the Recession, Economy and Federal Budget cuts on the income

**Pearce--14**

levels and viability of poor families (July, 1983).

Leadoff Witness, Hearings before the California State Assembly on the "Feminization of Poverty" (April, 1983).

Expert Witness, Maryland State Board of Education on impact of proposed school closings and pupil reassignments on school and housing segregation in Montgomery County (1982).

Testimony before the U.S. Congress, U.S. House of Representatives, Committee on Civil and Constitutional Rights, September, 1981, on my research on the relationship between school and housing segregation/integration.

Expert Witness, hearing before Maryland State Board of Education regarding effects of closing a racially integrated school in Baltimore County on the future stability of the neighborhood and its schools (1981).

Expert Witness (for the Justice Department) on school and housing segregation, Ouachita Parish/Monroe, Louisiana (July, 1979).

#### **COMMUNITY AND PROFESSIONAL (ACADEMIC) SERVICE**

Member, Seattle-Tashkent Sister City Board, 1999-present. [hosts delegations from Tashkent and sends delegations to Tashkent, and related public forums and lectures on Tashkent, Uzbekistan & Central Asia].

Founding Board Member, Shalom Zone/Young Adult Shelter d.b.a. R.O.O.T.S., 1999-present. [provides shelter, food, mental health/counseling and other services; gone from one to 7 nights per week].

Member, Community Advisory Committee, *Nickel and Dimed* [play based on book by Barbara Ehrenreich], Intiman Theatre, Seattle, WA, [included creating mock online Self-Sufficiency Calculator] (July-August, 2002)

School of Social Work, University of Washington

Committees served on: Diversity (1998-2001); International Committee (including International Social Work Extravaganza [fair]), (2000-present); Task Force on Policy, Task Force on new Poverty and Inequality course for the new curriculum; role-playing participant, Legislative Simulations [Nancy Amidei] (1998-present).

REECAS (Russian East European Central Asian Studies) Center, University of Washington  
Committee on Admissions (Spring, 2003).

Women's Studies, University of Washington

Academic advisor to both graduate and undergraduate students

Reviewer for *Social Problems*, *Signs: Journal of Women in Culture and Society*, National Science Foundation grants. Member, Editorial Board, *The American Family*.

Outside Member, Dissertation Review Committee of Beth Harris, Department of Political Science, University of Washington, Summer 1999

Session Presider, Northwest REECAS (Russian, East European, Central Asian Studies) Conference (April, 1999)

**Pearce--15**

Member, Coalition on Human Needs, Task Force on Welfare, 1988-1996; Board Member, Executive Committee Member and Secretary, 1989-1996

Member, Board of the National Low Income Housing Coalition (1989-1996).

Member, Interfaith Coalition for Affordable Housing in Montgomery County, Steering Committee and Research Committee, 1988-1989.

Board Member, Suburban Maryland Fair Housing (1984-1989).

Board Member, National Neighbors (1981-83).

Member (1981-84), and Chair (1984-85), Catholic University President's Commission on Affirmative Action.

Member (1985-87), and Chair (1987-1989), A.S.A. Committee on National Statistics.

Member, Thesis Committee of Julia Parks, Department of Sociology, American University (1984-86).

Member, Research Committee and Methods Exam Committee, Department of Sociology, American University (1985-86).

S.W.S. Observer, A.S.A. National Council Meetings (1981).

Session Organizer and Chair, 1981, A.S.A. Meetings (Toronto) on "New Approaches to School Desegregation."

Member, A.S.A. Selection Committee for the Award for a Career of Distinguished Scholarship (1980).

Session Presider, 1979 A.S.A. Meetings, September, 1979, on Sex Roles.

Session Organizer for Midwest Sociological Society Meetings, April, 1979, on school desegregation and housing discrimination.

Member and Chair, Minority Affairs Committee, School of Social Work, University of Illinois (1975-77).

**TASK FORCE, STUDY AND WORKING GROUP PARTICIPATION**

Convenor, Task Force on Housing Issues in Welfare Reform, 1994-1996

Member, Coalition on Women and Job Training, and Welfare Reform Task Force, 1992-1996

Founding Member and Co-Chair, Women and Housing Task Force, National Low-Income Housing Coalition, 1988-present; Chair of Research Committee, 1990-present.

Member, Conference Advisory Committee, Conference on Transitional Housing for Families, National Alliance to End Homelessness, 1990.

Member, Experts Committee to Review Findings of Focus Groups on Teenage Mothers' Poverty, La Raza, June 1990.

Participant, Housing Strategy Group, 1988-1991.

**Pearce--16**

Member, National Child Care Staffing Study Council, 1988-1990.

Member, Strategic Task Force, National Congress of Neighborhood Women, 1988-89.

Member, Steering Committee to Create the Institute for Women's Policy Research, 1987.

Organizer and Steering Committee Member, Women Working for Economic Justice Conference (June, 1986).

Member, Food Research and Action Committee-Organized Coalition of Organizations Concerned with Welfare Reform (1986-1987).

Charter Member (1985-present), National Coalition on Women, Work and Welfare Reform, and Contributor, Perspectives on Women and Welfare Employment (September, 1986).

Member, Working Group on Female-Headed Families in Poverty, Institute for Policy Studies (1986).

Presenter and Participant, Institute for Policy Studies seminar series on the feminization of poverty, new technology, and internationalization of jobs; member and co-author, Women's Economic Agenda Working Group (1983-85).

Participant, Working Group on Women and Employment, and Contributor to A Report on Women and Unemployment (released November 1, 1985, by the National Employment Action Council) (1985).

Participant and Presenter, Chicago Women in Research Seminar, Chicago Metropolitan Seminar, and the Regional Housing Study and Action Group (1975-80).

Workshop Evaluator, Tenth Anniversary Conference of Title VIII (Fair Housing) of the Civil Rights Act, Washington, DC, (1978).

Member, Taeuber-Loewen Writing Group on Schools and Housing, which wrote "School Segregation and Residential Segregation: A Social Science Statement," which was submitted as an appendix to the "Brief for Respondents" in the case of *Columbus Board of Education v. Penick* which was before the Supreme Court in the 1979 session; it was published in *Society* 16:5 (July/August, 1979), and in Walter Stephan and Joe R. Feagin, eds., *School Desegregation: Past, Present and Future*, (New York: Plenum Press, 1980).

Discussant, Center for Study of Democratic Institutions, papers presented on Welfare Policy and Trends in Poverty (1977).

Participant, Working Group on Women and Employment, and Contributor to *A Report on Women and Unemployment* (released November 1, 1987 by the National Employment Action Council).

**CONSULTATIONS/INVITED CONFERENCES/WORKSHOPS**

Delegation Member, Seattle-Tashkent Sister City Domestic Violence Training Team, Tashkent, Uzbekistan (funded by the U.S. State Department), (March, 2002)

"Creating and Using Self-Sufficiency Standards," for Rediscovering The Other America: A National Forum on

**Pearce--17**

Poverty and Inequality, Society for the Study of Social Problems, Chicago, Illinois (August 2002)

Consultant (with Nodira Asimov, Uzbek Academy of Sciences) to NOVIB-Oxfam (Netherlands) on Activities of Women's Organizations in Uzbekistan and Tajikistan Regarding Domestic Violence and related issues of Violence Against Women, (August-September 2002)

Principal Presenter, Briefing for Governor Locke (Washington State) on Self-Sufficiency Standard and Impact of Proposed Changes in Washington State Minimum Wage Law, Olympia, Washington (September 2002)

Consultant, Evaluation of Women's Initiative Outcome Evaluation of Micro-Enterprise Project, December 1999-present

Family Budget "Summit" Meeting, Economic Policy Institute, Washington, DC, October 1999

Workshop Presider and Presenter, *Paths Out of Poverty: Wider Opportunities for Women National Conference*, Washington, DC, October 1999

Workshop Organizer and Presenter, "Getting from Here to There: Achieving Economic Self-Sufficiency in Washington State", Ellensburg, WA, November, 1999

Consultant, Abt Associates/Uzbekistan and Central Asia, World Bank-Government of Uzbekistan Health Reform Initiative [helped design and pretest survey, train local social scientists in survey sampling, questionnaire design, interviewing, coding, and analysis], 1999

Consultant, Susquehanna [PA] Legal Services, Spring, 1999 [using the self-sufficiency standard in a court case to determine need/ability to repay a school loan]

Consultant, Yonkers Family and Community Project, 1997 [overseeing outcomes of Yonkers settlement of *United States v. City of Yonkers, et al.* Civil Action #80CIV 6761 LBS (Southern District of New York), November 1985

Invited Participant, Working Group on the Contingent Labor Force, Spring 1995

Invited Participant, Urban Institute Forum on Poverty and Welfare Reform, Fall 1994-Spring 1995

Invited Participant, Friedan Seminar on Downsizing, Corporate Restructuring, and Workplace Flexibility, Fall 1994

Consultant, SOZA, Inc., Project Evaluating Role of Child Care Provision in Promoting Success among Job Corps Student/Parents, Fall 1994-Spring 1995

Invited Participant, National Housing Conference Convening on "Revisioning Housing Policy" March, 1994

Invited Participant, Low Wage Workers Conference, Department of Labor, March, 1994

Invited Participant, Arlington Hill II Conference, Xerox University, January 1994

Consultant, LINC Project [women and literacy], Spring, 1994

Consultant, Children's Commission of Connecticut, Impact of Job Training on Children and their Mothers, Spring-Fall 1990

Pearce--18

Consultant, Battered Women's Alternatives, Contra Costa County, CA (April, 1990).

Participant, Women's Agenda Projects Convening, Chicago (July, 1988).

Participant, Conference on MDRC Research on Welfare Reform (May, 1987).

Blue Mountain, Conference on Family Policy (May, 1987).

Participant, Framingham Conference on Welfare Reform (June, 1987).

Participant, Conference on Women and Mental Health (October, 1987).

Judge, National Council of Working Women, Media Awards (November, 1987).

Organizer and Participant, Convening for Women's Economic Justice, Bishops Ranch, California (June, 1986).

#### **LECTURES/PRESENTATIONS ON WOMEN AND POVERTY**

Women and Social Security: the Gendered Impact of Proposed Reforms, University of Washington, (April 1999)

Poverty Post Welfare Reform, Center for Social Demography and Ecology, University of Washington, (February 1999)

How we Measure Success in Welfare Reform, University of Chicago-Welfare Forum, Chicago, IL, (December, 1998)

Gender and Research on Welfare Reform, Feminist Research Forum, University of Washington, (October, 1998)

Why Work May Not End Women's Poverty, at "Does Work End Poverty? People, Policies, and Strategies in Reforming Welfare", State University of New York, Albany (June 1998)

Women's Poverty and the Self-Sufficiency Standard, Hearing of the Commission on the Status of Women, California Legislature, Sacramento, CA (February, 1998)

The Impact of Proposed Welfare reform on the Implementation of the VAWA [Violence Against Women Act], NOW-LDEF Congressional Briefing (May 1995)

Welfare Reform as if People Mattered, Partnership with Hope, San Antonio TX (April, 1995)

Welfare Reform from a Women's Perspective, University of Buffalo School of Law, Buffalo, New York (November, 1994)

Welfare Reform and Women, Healthy Choices for Women and Children Conference, Waterbury, CT (November, 1994)

The Other Entitlement, Women's Initiative of AARP (November, 1994)

Welfare Reform as If Women Really Mattered, IRWG [Institute for Research on Women and Gender, Stanford] Associates, New York City, NY (October, 1994)

Welfare Reform Panel, Advocates for Youth Board Meeting, Washington, D.C. (October, 1994)

Welfare Reform in Washington and the States: An Update, Displaced Homemakers' Regional Conference, Atlantic City, NJ (September, 1994)

Unemployment Insurance and the Contingent Worker: Getting out of the Employer-as-Devil Box, NAIUB Conference, Detroit, MI, (June, 1994)

Unemployment Insurance and Welfare Reform: Preventing Welfare Dependency, Employment Law Conference, Washington, D.C. (March 1994)

Unemployment Insurance and Women, Employment Law Conference, Washington, D.C. (March 1993)

Women Workers and Unemployment Insurance Reform, Conference of State Women Legislators, Center for



**Pearce--19**

the American Women in Politics at Rutgers University, San Diego, California (November 1991)  
Homelessness and Poverty, Lehigh University (November 1991)  
Childcare, Welfare Reform and Women's Poverty, at the World Conference on Education for All, Washington, D.C. (October, 1991)  
Teen Motherhood: What is Its Role in Women's Poverty?, Stanford University (October 1991)  
Children and Women's Poverty, Connecticut Women's Assembly (October 1991)  
Women, Work and Poverty, Global Ministries, Women's Division, United Methodists (January 1991)  
Debate (with Lawrence Mead), causes and solutions for Poverty, Colby college (January, 1991)  
If Not for Us, Who? If Not Now, When? A conference on women in housing, Loyola College, Baltimore, MD. (June, 1990)  
Women and Homelessness, Univ. of Cincinnati (Feb. 1990)  
Feminization of Poverty, Univ. of California, Santa Cruz. (April, 1990)  
The Invisible Homeless, Virginia Commonwealth University (November, 1989)  
Insight, a Public Affairs program (CNN), (June, 1989)  
A Conference on Women and Poverty, Center for Peace and Justice Education of Villanova University (March, 1989)  
Addressing the Staffing Crisis, First Annual National Association for the Education of Young Children Symposium for Early Childhood Policy and Advocacy (January, 1989)  
Legislative Corps, Seminar on Day Care, American Association of School Administrators (January, 1989)  
Setting Tomorrow's Agenda: A Symposium on the Emerging Needs of Women, Chicago Women in Philanthropy and Chicago Foundation for Women (November, 1988)  
Confronting the Challenge of Realizing Human Rights, Howard University Law School (November, 1988)  
Chicago Foundation for Women, on Women's Economic Status in the Future (November, 1988)  
Civil Rights in the United States, on Women's Struggle for Economic Justice, The Sorbonne (The Universities of Paris), Paris, France (October, 1988)  
Focus on the Family: Needs and Opportunities, Pennsylvania Directors' Association for Community Action, Inc. (October, 1988)  
Montgomery County Co-op Nursery Schools, on Child Care Workers' Salaries (May, 1988)  
Conference of Sex Equity Coordinators, on Women and Welfare Reform (May, 1988)  
Fair Housing: The Unfinished Agenda (Montgomery County, MD) on Women, Housing and Homelessness (April, 1988)  
Brookings Institution, Welfare reform consultation (April, 1987)  
National Association of Neighborhoods, Welfare Reform Session (April, 1987)  
University of New Mexico, Conference on Welfare Reform (April, 1987)  
Congressional Caucus on Women's Issues, Briefing on Welfare Reform (April, 1987)  
Bread for the World, Briefing on the Minimum Wage (April, 1987)  
Ad Hoc Child Care Coalition, Briefing on Welfare Reform (May, 1987)  
Dayton Interfaith Council of Churches, Briefing on Welfare Reform (July, 1987)  
Dayton Women Empowered, Briefing on Welfare Reform (July, 1987)  
Kansas Association of CAP Agencies, Women in Poverty (September, 1987)  
Wider Opportunities for Women/Displaced Homemakers Network "All in a Day's Work" Conference, Women and Welfare Reform (November, 1987)  
Donors' Forum, Council on Foundations, Chicago (March, 1987)  
National Council of Churches, Consultation on Poverty and Welfare Reform (January, 1987)  
Women, Homelessness and Poverty, University of Maryland-Baltimore (January, 1987)  
NETWORK Board Meeting (December, 1986)  
Commenter, White House Report on the Family, WAMU Radio (November, 1986)  
Keynote Speaker, Women Against Poverty Conference, Wisconsin (October, 1986)  
National Anti-Hunger Coalition (October, 1986)  
National Nutrition Educators Conference (July, 1986)

Pearce--20

National Council of Senior Citizens, Annual Meeting (July, 1986)  
Montgomery County Nutrition Seminar (June, 1986)  
California Democratic State Senators Retreat (May, 1986)  
New Directions Conference (May, 1986)  
"The Feminization of Poverty Today," Kansas City Catholic Charities Conference (May, 1986)  
"Women & Workfare," Grey Panthers (April, 1986)  
"Women and the Increase in Economic Inequalities," Institute for Policy Studies (March, 1986)  
"Women, Work & Welfare," WKYS Radio (February, 1986)  
Women in Leadership Seminar, Washington Center (DC) (January, 1986)  
Women's Studies Department, American University (November, 1985)  
Council on Foundations, Presentation on Demographics of Poverty (November, 1985)  
Southern Regional Council Annual Meeting, New Agendas on Poverty (November, 1985)  
Cleveland City Club (Luncheon address rebroadcast on radio/TV) (November, 1985)  
WSOS (Fremont, Ohio) 20th anniversary of War on Poverty (September, 1985)  
Seattle Diocese (Conference on Bishops' letter on the Economy) (May, 1985)  
University of Notre Dame (May, 1985)  
World Feminization of Poverty Conference, Ann Arbor, MI (April, 1985)  
Keynote Speaker, Women's Commission Annual Dinner, Catholic University (April, 1985)  
Health and Human Services Institute, Federation for Community Planning (March, 1985)  
American Jewish Committee Leadership Conference (November, 1985)  
Urban Planners and Architects (October, 1984)  
Washington Theological Union (October, 1984)  
Catholic Laymen's Committee on the Economy (July, 1984)  
Chicago Urban League (June, 1984)  
Women's Equity Action League, Annual Meeting (May, 1984)  
UCLA Graduate School of Architecture and Urban Planning (April, 1984)  
Arizona State University Conference on Women in Poverty (March, 1984)  
Johns Hopkins University (March, 1984)  
National Conference of Jewish Women (January, 1984)  
Workshop Speaker, Conference of State Women Legislators (December, 1983)  
Bryn Mawr Conference on the Feminization of Poverty (October, 1983)  
Keynote Speaker, Kansas University Social Work Day (April, 1983)  
Morning Edition, National Public Radio (October, 1983)  
Women's Legal Defense Fund (April, 1983)  
Funding Friends (Women foundation officers in the Washington, DC area)  
Lecture, "The Feminization of Poverty," Capital Area Sociologists for Women in Society (March, 1983)  
Keynote Address, "Feminization of Poverty," Hull House Association Annual Meeting (May, 1983)  
The Campaign for Human Development (November, 1982)  
Women Employed (November, 1982)

#### **LECTURES/PRESENTATIONS ON SCHOOL DESEGREGATION AND/OR HOUSING DISCRIMINATION**

Presentations on the relationship between school and housing segregation and desegregation at U.S. Department of Housing and Urban Development, Center for Urban Education (Chicago schools), League of Women Voters, National Neighbors, Fair Housing Center Directors' Conference, Howard University, Center for Social Organization of Schools (Johns Hopkins University), South Suburban Housing Center (Chicago) Conference, Milwaukee Board of Education, Montgomery County (MD) Fair Housing Day, Wisconsin State-Wide Conference on Fair Housing (1979-84).



**Pearce--21**

Moderator and Speaker, "Changing Demographic Patterns: The Impact of Fair Housing," Fifteenth Anniversary of the Fair Housing Act Conference (April, 1985).

Presentations on effect of planned school closings on levels of segregation in Montgomery County before the Maryland Advisory Committee of the U.S. Commission on Civil Rights, Suburban Education Forum, and Martin Luther King Forum (1981-82).

12/03

**APPENDIX B:  
TECHNICAL BRIEF:  
THE SELF-  
SUFFICIENCY  
STANDARD FOR 2018**

# TECHNICAL BRIEF

## THE SELF-SUFFICIENCY STANDARD FOR 2018

**By Diana M. Pearce, PhD • February 2018**

DIRECTOR, CENTER FOR WOMEN'S WELFARE  
UNIVERSITY OF WASHINGTON SCHOOL OF SOCIAL WORK

PREPARED FOR IKEA USA



## PREFACE

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This technical brief outlines the methodology, assumptions, and data sources in *The Self-Sufficiency Standard for 2018*. This measure calculates how much income a family must earn to meet basic needs, with the amount varying by family composition and county. The Standard is a tool that can be used in a variety of ways—by clients of workforce and training programs seeking paths to self-sufficiency, by program managers to evaluate program effectiveness, and by policymakers and legislators seeking to create programs and pathways that lead to self-sufficiency for working families.

As with all Self-Sufficiency Standards, this one was authored by Dr. Diana M. Pearce and produced by the Center for Women's Welfare at the University of Washington. This report, plus tables providing county-specific information for over 700 family types, is available online at [www.selfsufficiencystandard.org/](http://www.selfsufficiencystandard.org/).

Over the past 22 years the Standard has been calculated in 41 states as well as the District of Columbia and New York City. Its use has transformed the way policies and programs for low-income workers are structured and has contributed to a greater understanding of what it takes to have adequate income to meet one's basic needs in the United States. For further information about any of the other states with the Standard, including the latest reports, the Standard data itself, and related publications such as demographic reports (which analyze how many and which households are above and below the Standard), please see [www.selfsufficiencystandard.org](http://www.selfsufficiencystandard.org). Questions can be directed to Lisa Manzer with the Center at (206) 685-5264/[lmanzer@uw.edu](mailto:lmanzer@uw.edu), or the report author and Center Director, Dr. Diana Pearce, at (206) 616-2850/[pearce@uw.edu](mailto:pearce@uw.edu).

Dr. Diana Pearce developed the Self-Sufficiency Standard while she was the Director of the Women and Poverty Project at Wider Opportunities for Women (WOW). The Ford Foundation provided funding for the Standard's original development. *The Self-Sufficiency Standard for 2018* has been prepared through the cooperative efforts of Lisa Manzer and Lisa Mikesell at the University of Washington, Center for Women's Welfare.

A number of other people have also contributed to the development of the Standard, its calculation, and the writing of state reports over the past 22 years. Jennifer Brooks, Maureen Golga, and Kate Farrar, former Directors of Self-Sufficiency Programs and Policies at WOW, were key to the early development of initiatives that promoted the concept of self-sufficiency and the use of the Standard, and were instrumental in facilitating and nurturing state coalitions. Additional past contributors to the Standard have included Laura Henze Russell, Janice Hamilton Outtz, Roberta Spalter-Roth, Antonia Juhasz, Alice Gates, Alesha Durfee, Melanie Lavelle, Nina Dunning, Maureen Newby, and Seook Jeong. The conclusions and opinions contained within this document do not necessarily reflect the opinions of those listed above. Any mistakes are the author's responsibility.

## ASSUMPTIONS AND DATA SOURCES FOR THE 2018 STANDARD

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*The Self-Sufficiency Standard for 2018* defines the amount of income necessary to meet the basic needs of families, differentiated by family type and where they live. The Standard calculates the costs of six basic needs plus taxes and tax credits. It assumes the full cost of each need, without help from *public* subsidies (e.g., public housing, Medicaid, or child care assistance) or *private/informal* assistance (e.g., unpaid babysitting by a relative or friend, food from food banks, or shared housing). This methodology report explains the assumptions and data sources used to calculate *The Self-Sufficiency Standard for 2018*.

We begin with a discussion of our general approach, followed by the specifics of how each cost is calculated, ending with a list of data sources. Making the Standard as consistent and accurate as possible, yet varied by geography and the age of children, requires meeting several different criteria. To the extent possible, the data used in the Self-Sufficiency Standard are:

- Collected or calculated using standardized or equivalent methodology nationwide
- Obtained from scholarly or credible sources such as the U.S. Census Bureau
- Updated regularly
- Geographically and age specific

Costs that vary substantially by place, such as housing and child care, are calculated at the most geographically specific level for which data are available. Other costs, such as health care, food, and transportation, are varied geographically to the extent there is variation and appropriate data available. In addition, as improved or standardized data sources become available, the methodology used by the Standard is refined accordingly, resulting in an improved Standard that is comparable across place as well as time.

The Self-Sufficiency Standard assumes adult household members work full time and therefore includes all major costs associated with employment for every adult household member (i.e., taxes, transportation, and child care for families with young children). The Self-Sufficiency Standard does not calculate costs for adults with disabilities or elderly household members who no longer work. It should be noted that for families with persons with disabilities or elderly family members there are costs that the Standard does not account for, such as increased transportation and health care costs.

The Standard assumes adults work eight hours per day for 22 days per month and 12 months per year. Each cost component in the Standard is first calculated as a monthly cost. Hourly and annual Self-Sufficiency Wages are

calculated based on the monthly Standard by dividing the monthly Self-Sufficiency Standard by 176 hours per month to obtain the hourly wage and multiplying by 12 months per year to obtain the annual wage.

The Self-Sufficiency Standard differentiates costs by the number of adults plus the number *and* age of children in a family. The four ages of children in the Standard are: (1) infants—0 to 2 years old (meaning 0 through 35 months), (2) preschoolers—3 to 5 years old, (3) school-age children—6 to 12 years old, and (4) teenagers—13 to 18 years old.

The 2018 edition of the Self-Sufficiency Standard is calculated for over 700 family types. The family types include all one, two, and three adult families with zero to six children and range from a single adult with no children, to one adult with one infant, one adult with one preschooler, and so forth, up to three-adult families with six teenagers.<sup>1</sup> Additionally, Standards are calculated based on a weighted average cost per child for families with one, two, and three adults with seven to ten children and families with four to ten adults with zero to ten children.

All adults in one- and two-adult households are working full time. For households with more than two adults, it is assumed that all adults beyond two are non-working dependents of the first two working adults, as household composition analysis has shown that a substantial proportion of additional adults are under 25, often completing school, unemployed, or underemployed.<sup>2</sup> The main effect of this assumption is that the costs for these adults do not include transportation (but do include all other costs such as food, housing, health care, and miscellaneous).

The cost components of *The Self-Sufficiency Standard for 2018* and the assumptions included in the calculations are described below.

### HOUSING

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The Standard uses the most recent fiscal year Fair Market Rents (FMRs), calculated annually by the U.S. Department of Housing and Urban Development (HUD), to calculate housing costs for each state's metropolitan and non-metropolitan areas, and are used to determine the level of rent for those receiving housing assistance through the Housing Choice Voucher Program. Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish Fair Market Rents periodically, but not less than annually, to be effective on October 1 of each year. Housing

costs in the 2018 Self-Sufficiency Standard are calculated using the FY2018 HUD Fair Market Rents.

The FMRs are based on data from the 1-year and 5-year American Community Survey, and are updated for inflation using the Consumer Price Index. The survey sample includes renters who have rented their unit within the last two years, excluding new housing (two years old or less), substandard housing, and public housing. FMRs, which include utilities (except telephone and cable), are intended to reflect the cost of housing that meets minimum standards of decency. In most cases, FMRs are set at the 40th percentile; meaning 40% of the housing in a given area is less expensive than the FMR.<sup>3</sup>

The FMRs are calculated for Metropolitan Statistical Areas (MSAs), HUD Metro FMR Areas (HMFAs), and non-metropolitan counties. The term MSA is used for all metropolitan areas. HUD calculates one set of FMRs for an entire metropolitan area. Because HUD only calculates one set of FMRs for each of these metropolitan areas, we used HUD's Small Area Fair Market Rents (SAFMR) to create county variation to adjust the metropolitan FMR. A Census zip code to county relationship file was used to weight SAFMR by county and by MSA.

To determine the number of bedrooms required for a family, the Standard assumes that parents and children do not share the same bedroom and no more than two children share a bedroom. Therefore, the Standard assumes that single persons and couples without children have one-bedroom units, families with one or two children require two bedrooms, families with three or four children require three bedrooms, and families with five or six children require four bedrooms. Because there are few efficiencies (studio apartments) in some areas, and their quality is very uneven, the Self-Sufficiency Standard uses one-bedroom units for the single adult and childless couple.

## DATA SOURCES FOR ALL STATES

**Housing Costs:** U.S. Department of Housing and Urban Development, "Schedule B: FY 2018 Fair Market Rents for Existing Housing," Data Sets, Fair Market Rents, <http://www.huduser.org/portal/datasets/fmr.html> (accessed September 19, 2017).

**County Index:** U.S. Department of Housing and Urban Development, "FY2018 Small Area FMRs (Based on Final FY2018 Metropolitan FMRs)," Datasets, Fair Market Rents, <https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html> (accessed September 19, 2017).

**Population Weights:** U.S. Census Bureau, "2010 ZCTA to County Relationship File," Geography, Maps and Data,

[https://www.census.gov/geo/maps-data/data/zcta\\_rel\\_download.html](https://www.census.gov/geo/maps-data/data/zcta_rel_download.html) (accessed March 17, 2016).

## CHILD CARE

The Family Support Act, in effect from 1988 until welfare reform in 1996, required states to provide child care assistance at market rate for low-income families in employment or education and training. States were also required to conduct cost surveys biannually to determine the market rate (defined as the 75th percentile) by facility type, age, and geographical location or set a statewide rate.<sup>4</sup> The Child Care and Development Block Grant (CCDBG) Act of 2014 reaffirms that the 75th percentile is an important benchmark for gauging equal access. The CCDBG Act requires states to conduct a market rate survey every three years for setting payment rates. Thus, the Standard assumes child care costs at the 75th percentile, unless the state sets a higher definition of market rate.

Child care rates at the 75th percentile are provided in the 2016 data for both center and family child care by county. Rates were updated for inflation using the Consumer Price Index. For the 2018 Standard, infant and preschooler costs were calculated assuming full-time care and costs for school-age children were calculated using part-time rates during the school year and full-time care during the summer. Costs were calculated based on a weighted average of family child care and center child care. Since one of the basic assumptions of the Standard is that it provides the cost of meeting needs *without* public or private subsidies, the "private subsidy" of free or low-cost child care provided by older children, relatives, and others is not assumed.

Forty-three percent of infants are in family child care and 57% are in child care centers. These proportions are 26% and 74% respectively, for preschoolers, and 46% and 54% for school-age children.<sup>5</sup>

## DATA SOURCES FOR ALL STATES

**Inflation:** U.S. Department of Labor, Bureau of Labor Statistics, "Consumer Price Index—All Urban Consumers," Child care and nursery school in U.S. city average, Series ID CUUR0000SEEB03, <https://data.bls.gov/cgi-bin/srgate> (accessed December 4, 2017).

## DATA SOURCES BY STATE: CHILD CARE RATES

**Arizona.** Maricopa County Office of Research and Reporting, "Child Care Market Rate Survey 2014," Arizona Department of Economic Security Division of Employment and Rehabilitation Services Child Care Administration, <https://des.az.gov/sites/default/files/legacy/dl/MarketRateSurvey2014.pdf> (accessed October 31, 2017)

**California.** California Department of Education, “2016 Regional Market Rate Survey of California Child Care Providers.” <https://cappa.memberclicks.net/assets/CDE/2016-17/2016%20ca%20market%20rate%20survey%20final%20report%202.pdf> (accessed September 25, 2017).

**Florida.** Office of Early Learning, Florida Department of Education, “2015 Market Rate Report,” <http://www.floridaearlylearning.com/sites/www/Uploads/files/Providers/Market%20Rate%20Documents/2015%20Market%20Rate%20Report%20Full%20Time%20-%20web%20vrs.pdf> (accessed November 17, 2017).

**Georgia.** Care Solutions, Inc, “Georgia Child Care Market Survey 2016-201,” Georgia Department of Early Care and Learning, <http://www.dec.al.gov/BftS/ResearchMarketRates.aspx> (accessed December 20, 2017).

**Illinois.** Illinois Department of Human Services, “Market Rate Survey of Licensed Child Care Programs in Illinois Fiscal Year 2014,” <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/HCD%20Reports/Child%20Care/MarketRateSurvey2014v111.pdf> (accessed November 2, 2017).

**Kansas.** Mercer Government Human Services Consulting, “Kansas Child Care Market Rate Study (Jan - Dec 2013 Data),” State of Kansas Department for Children and Families, [http://www.dcf.ks.gov/services/ees/Documents/Child\\_Care/Provider\\_Market\\_Rate\\_Study.pdf](http://www.dcf.ks.gov/services/ees/Documents/Child_Care/Provider_Market_Rate_Study.pdf) (accessed December 22, 2017).

**Massachusetts.** Jocelyn Browne, Director of Research and Preschool Expansion Grant Administration, State of Massachusetts, Department of Early Education and Care, email message, December 7, 2017.

**Minnesota.** Minnesota Department of Human Services, “Results of the 2016 child care market rate survey: Minnesota child care provider business update,” <https://edocs.dhs.state.mn.us/lfsrver/Publ/DHS-6226E-ENG> (accessed October 31, 2017).

**Missouri.** Missouri Department of Social Services Research & Data Analysis, “Children’s Division Early Childhood and Prevention Services 2014 Child Care Market Rate Survey,” <https://dss.mo.gov/re/pdf/oecmmr/2014-child-care-market-rate-survey.pdf> (accessed October 31, 2017).

**Nevada.** Marty Elquist, Department Director, Supporting Early Education & Development, The Children’s Cabinet, email correspondence on January 16, 2018.

**New York.** Craig Sunke, New York State Office of Child and Family Services, email response to Freedom of Information Law request, November 17, 2017.

**Pennsylvania.** Karen Grimm-Thomas, Director of External Relationships, Pennsylvania Office of Child Development and Early Learning, email response on December 15th, 2017.

**Tennessee.** University of Tennessee Center for Business and Economic Research, “Determining Child Care Market Rates in the State of Tennessee July 2015,” Tennessee Department of Human Services, <https://www.tn.gov/assets/entities/humanservices/attachments/2015-market-rate-survey.pdf> (accessed November 3, 2017).

**Texas.** The Texas Institute for Child and Family Wellbeing and the Ray Marshall Center for the Study of Human Resources, “2017 Texas Child Care Market Rate Survey,” [https://txicfw.socialwork.utexas.edu/wp-content/uploads/2017/07/FinalReport\\_2017\\_Market\\_Rate\\_7.10.17\\_Publish.pdf](https://txicfw.socialwork.utexas.edu/wp-content/uploads/2017/07/FinalReport_2017_Market_Rate_7.10.17_Publish.pdf) (accessed November 6, 2017).

**Utah.** Utah Department of Workforce Services Office of Child Care and Workforce Research & Analysis, “2017 Utah Child Care Market Rate Study,” <https://jobs.utah.gov/occ/occ2/occmrkt.pdf> (accessed December 1, 2017).

**Virginia.** Michael Theis, “Virginia’s Child Care Subsidy Program: 2015 Market Rate Survey,” Virginia Department of Social Services, [https://www.dss.virginia.gov/files/division/cc/assistance/providers/reports/Market\\_Rate\\_Report\\_2016\\_06\\_28.pdf](https://www.dss.virginia.gov/files/division/cc/assistance/providers/reports/Market_Rate_Report_2016_06_28.pdf) (accessed December 20, 2017).

## FOOD

Although the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) uses the U.S. Department of Agriculture (USDA) Thrifty Food Plan to calculate benefits, the Standard uses the Low-Cost Food Plan for food costs. While both of these USDA diets were designed to meet minimum nutritional standards, SNAP (which is based on the Thrifty Food Plan) is intended to be only a temporary safety net.<sup>6</sup>

The Low-Cost Food Plan costs 25% more than the Thrifty Food Plan, and is based on more realistic assumptions about food preparation time and consumption patterns, while still being a very conservative estimate of food costs. For instance, the Low-Cost Food Plan also does not allow for any take-out, fast-food, or restaurant meals, even though, according to the Consumer Expenditure Survey, the average American family spends about 44% of their food budget on food prepared away from home.<sup>7</sup>



The USDA Low-Cost Food Plan costs vary by month and the USDA does not give an annual average food cost; therefore, the Standard follows the SNAP protocol of using June data of the current year to represent the annual average. The Standard for 2018 uses data for June 2017.

Both the Low-Cost Food Plan and the Standard's budget calculations vary food costs by the number and ages of children and the number and gender of adults. The Standard assumes that a single-person household is one adult male, while the single-parent household is one adult female. A two-adult household is assumed to include one adult male and one adult female. Additional adults (greater than two) are calculated using the assumption that the third adult is a female and the fourth adult is a male, with the applicable food costs added for each.

Geographic differences in food costs within states are varied using *Map the Meal Gap* data provided by Feeding America. To establish a relative price index that allows for comparability between counties, Nielsen assigns every sale of UPC-coded food items in a county to one of the 26 food categories in the USDA Thrifty Food Plan (TFP). The cost to purchase a market basket of these 26 categories is then calculated for each county. Due to a small sample size, counties with a population less than 20,000 have their costs imputed by averaging them with those of the surrounding counties.<sup>8</sup> A county index is calculated by comparing the county market basket price to the statewide average cost of food. The county index is applied to Low-Cost Food Plan.

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## TRANSPORTATION

**PUBLIC TRANSPORTATION.** If there is an "adequate" public transportation system in a given area, it is assumed that workers use public transportation to get to and from work. A public transportation system is considered "adequate" if it is used by a substantial percentage of the working population to commute to work. According to a study by the Institute of Urban and Regional Development, University of California, if

about 7% of the general public uses public transportation, then approximately 30% of the low- and moderate-income population use public transit.<sup>9</sup> The Standard assumes private transportation (a car) in counties where less than 7% of workers commute within county by public transportation. The Standard examined 2011-2015 American Community Survey 5-Year estimates to calculate the percentage of the county population that commutes within county by public transportation. However, some counties have rates over 7% due to special circumstances, such as resort-focused areas where workers are bussed in due to limited parking, and these are not included as public transportation counties.

For public transit users, the most appropriate local transit pass, usually a 30 day or monthly unlimited ride pass, is added for each working adult.

**PRIVATE TRANSPORTATION.** For private transportation, the Standard assumes that adults need a car to get to work. Private transportation costs are based on the average costs of owning and operating a car. One car is assumed for households with one adult and two cars are assumed for households with two adults. It is understood that the car(s) will be used for commuting five days per week, plus one trip per week for shopping and errands. In addition, one parent in each household with young children is assumed to have a slightly longer weekday trip to allow for "linking" trips to a day care site. Per-mile driving costs (e.g., gas, oil, tires, and maintenance) are from the American Automobile Association. The commuting distance is computed from the 2009 National Household Travel Survey (NHTS).

The auto insurance premium is the average premium cost for a given state from the National Association of Insurance Commissioners (NAIC) 2014 State Average Expenditures for Auto Insurance. To create within state variation by county in auto insurance premiums, ratios are created using data from various state sources. These sample premiums are used to create county-specific ratios for the cost of auto insurance. The state average auto insurance premium is adjusted by a county index calculated from the county specific premium rates for the top market share companies.

The fixed costs of car ownership such as fire, theft, property damage and liability insurance, license, registration, taxes, repairs, monthly payments, and finance charges are also included in the cost of private transportation for the Standard. However, the initial cost of purchasing a car is not. Fixed costs are from the 2016 Consumer Expenditure Survey data for families with incomes between the 20th and 40th percentile living in the appropriate Census region of the U.S. Auto insurance premiums and fixed auto costs are adjusted for inflation using the most recent and area-specific Consumer Price Index.

## DATA SOURCES FOR ALL STATES



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## HEALTH CARE

The Standard assumes that an integral part of a Self-Sufficiency Wage is employer-sponsored health insurance

for workers and their families. Nationally 64% have employer sponsored health insurance.<sup>10</sup> The full-time worker’s employer pays an average of 78% of the insurance premium for the employee and 72% of the insurance premium for the family.<sup>11</sup>

Health care premiums are obtained from the Medical Expenditure Panel Survey (MEPS), Insurance Component produced by the Agency for Healthcare Research and Quality, Center for Financing, Access, and Cost Trends. The MEPS health care premiums are the average employment-based health premium paid by a state’s residents for a single adult and for a family. The premium costs are then adjusted for inflation using the Medical Care Services Consumer Price Index.

As a result of the Affordable Care Act, companies can only set rates based on established rating areas. To vary the state premium by county, the Standard creates county ratios using rates for the second-lowest cost Silver plan (excluding health savings accounts) available through either the state health insurance marketplace or the federal marketplace.

Health care costs also include out-of-pocket costs calculated for adults, infants, preschoolers, school-age children, and teenagers. Data for out-of-pocket health care costs (by age) are also obtained from the MEPS, adjusted by Census region using the MEPS Household Component Analytical Tool, and adjusted for inflation using the Medical Care Consumer Price Index.

Although the Standard assumes employer-sponsored health coverage, not all workers have access to affordable health insurance coverage through employers. Those who do not have access to affordable health insurance through their employers, and who are not eligible for the expanded Medicaid program, must purchase their own coverage individually or through the federal marketplace.

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**Out-of-Pocket Costs:** U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality, Center for Financing, Access, and Cost Trends, Medical Expenditure Panel Survey-Household Component Analytical Tool, “Total Amount Paid by Self/Family, all Types of Service, 2014” MEPSnetHC, [http://www.meps.ahrq.gov/mepsweb/data\\_stats/MEPSnetHC.jsp](http://www.meps.ahrq.gov/mepsweb/data_stats/MEPSnetHC.jsp) (accessed December 11, 2017).

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## MISCELLANEOUS

This expense category consists of all other essentials including clothing, shoes, paper products, diapers, nonprescription medicines, cleaning products, household items, personal hygiene items, and telephone service.

Miscellaneous expenses are calculated by taking 10% of all other costs. This percentage is a conservative estimate in comparison to estimates in other basic needs budgets, which commonly use 15% and account for other costs such as recreation, entertainment, savings, or debt repayment.<sup>12</sup>

## FEDERAL TAXES

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Taxes calculated in the Standard include federal and state income tax, payroll taxes, and state and local sales tax where applicable. The first two adults in a family are assumed to be a married couple and taxes are calculated for the whole household together (i.e., as a family), with additional adults counted as additional (adult) tax exemptions.

Indirect taxes (e.g., property taxes paid by the landlord on housing) are assumed to be included in the price of housing passed on by the landlord to the tenant. Taxes on gasoline and automobiles are included in the calculated cost of owning and running a car.

The Standard includes federal tax credits (the Earned Income Tax Credit, the Child Care Tax Credit, and the Child Tax Credit) and applicable state tax credits. Tax credits are shown as received monthly in the Standard.

The Earned Income Tax Credit (EITC), or as it is also called, the Earned Income Credit, is a federal tax refund intended to offset the loss of income from payroll taxes owed by low-income working families. The EITC is a “refundable” tax credit, meaning working adults may receive the tax credit whether or not they owe any federal taxes.

The Child Care Tax Credit (CCTC), also known as the Child and Dependent Care Tax Credit, is a federal tax credit that allows working parents to deduct a percentage of their child care costs from the federal income taxes they owe. Like the EITC, the CCTC is deducted from the total amount of money a family needs to be self-sufficient. Unlike the EITC, the federal CCTC is not a refundable federal tax credit; that is, a family may only receive the CCTC as a credit against federal income taxes owed. Therefore, families who owe very little or nothing in federal income taxes will receive little or no CCTC. In 2015, up to \$3,000 in child care costs was deductible for one qualifying child and up to \$6,000 for two or more qualifying children.

The Child Tax Credit (CTC) is like the EITC in that it is a refundable federal tax credit. In 2015, the CTC provided parents with a deduction of \$1,000 for each child under 17 years old, or 15% of earned income over \$3,000, whichever was less. For the Standard, the CTC is shown as received monthly.

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## STATE TAXES

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Taxes calculated in the Standard include federal and state income tax, payroll taxes, and state and local sales tax where applicable.

If the state has an EITC, child tax credit, child care tax credit, or similar family credit, it is included in the tax calculations. Renter’s credits and other tax credits that would be applicable to the population as a whole are included as well.

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## EMERGENCY SAVINGS FUND

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The Self-Sufficiency Standards are basic needs, no-frills budgets created for all family types in each county in a given state. As such, the Standard does not allow for anything extra beyond daily needs, such as retirement savings, education expenses, or emergencies. Of course, without question families need more resources if they are to maintain economic security and be able to weather any unexpected income loss. Therefore, the Self-Sufficiency Standard now includes the calculation of the most universal of economic security needs after basic needs are met at the Self-Sufficiency Standard level—that of savings for emergencies.

The emergency savings amount is calculated to make up for the earnings of one adult becoming unemployed over the average job loss period, less the amount expected to be received in unemployment benefits. In two-adult households, it is assumed that the second adult continues to be employed, so that the savings only need to cover half of the family’s basic living expenses over the job loss period.

To determine the amount of resources needed, this estimate uses the average period of unemployment and assumes that the minimal cost of basic needs that must be met will stay the same, i.e., the family’s Self-Sufficiency Standard. Since the monthly emergency savings contribution requires additional earnings, the estimate includes the calculation of taxes and tax credits of current earnings (at the Self-Sufficiency Standard level). Savings are assumed to have accumulated based on average savings account interest rates.

The emergency savings calculation is based on all current expenses in the Self-Sufficiency Standard.<sup>13</sup> The adult may not be commuting to work five days a week; however the overall transportation expenses may not change significantly. A weekly shopping trip is still a necessity, as is driving young children to child care. Actively seeking employment requires being available for job interviews, attending job fairs, and engaging in networking opportunities, in addition to the time spent looking for and applying for positions. Therefore, saving enough to cover the cost of continuing child care if unemployed is important for supporting active job seeking as well as the benefit of keeping children in their normal routine during a time of crisis.

In addition to the income needed to cover the costs of housing, food, child care and transportation, families need health insurance. The Self-Sufficiency Standard assumes that adults work full time and in jobs that provide employer-sponsored health insurance. In households with two adults, it is assumed that if one adult loses employment the spouse’s health insurance will provide coverage for the entire family at no additional cost. In a one-adult household, it is assumed coverage will be provided through the state-operated Affordable Insurance Exchanges under the Patient

Protection and Affordable Care Act, at approximately the same cost as when employed.<sup>14</sup> In some cases, children, or the whole family, may be covered under state Medicaid or the Children Health Insurance Program, depending upon income, resources, and eligibility requirements in effect at the time, which would decrease health care costs below these estimates.<sup>15</sup>

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## ABOUT THE AUTHOR

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Diana M. Pearce, PhD is on the faculty at the School of Social Work, University of Washington in Seattle, Washington, and is Director of the Center for Women's Welfare. Recognized for coining the phrase "the feminization of poverty," Dr. Pearce founded and directed the Women and Poverty Project at Wider Opportunities for Women (WOW). She has written and spoken widely on women's poverty and economic inequality, including testimony before Congress and the President's Working Group on Welfare Reform. While at WOW, Dr. Pearce conceived and developed the methodology for the Self-Sufficiency Standard and first published results in 1996 for Iowa and California. Her areas of expertise include low-wage and part-time employment, unemployment insurance, homelessness, and welfare reform as they impact women. Dr. Pearce has helped found and lead several coalitions, including the Women, Work, and Welfare Coalition and the Women and Job Training Coalition. She received her PhD degree in Sociology and Social Work from the University of Michigan.



## THE CENTER FOR WOMEN'S WELFARE

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The Center for Women's Welfare at the University of Washington School of Social Work is devoted to furthering the goal of economic justice for women and their families. The main work of the Center focuses on the development of the Self-Sufficiency Standard and related measures, calculations, and analysis. Under the direction of Dr. Diana Pearce, the Center partners with a range of government, non-profit, women's, children's, and community-based groups to:

- research and evaluate public policy related to income adequacy;
- create tools, including online calculators, to assess and establish income adequacy and benefit eligibility; and
- develop programs and policies that strengthen public investment in low-income women, children, and families.

For more information about the Center's programs, or work related to the Self-Sufficiency Standard, call (206) 685-5264. This report and more can be viewed at [www.selfsufficiencystandard.org](http://www.selfsufficiencystandard.org)

EXHIBIT 26  
EXPERT REPORT OF  
ROBERT EGER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

\_\_\_\_\_  
NATHAN WRIGHT, CAMESE )  
BEDFORD, ASHLEY GILDEHAUS, )  
and LISA MANCINI, on behalf of )  
themselves and others similarly situated, )

Plaintiffs, )

v. )

FAMILY SUPPORT DIVISION of the )  
Missouri Department of Social Services; )  
MICHAEL PARSON, in his official )  
capacity as Governor of Missouri; )  
JENNIFER TIDBALL, in her official )  
capacity as Acting Director of the )  
Department of Social Services; )  
REGINALD MCELHANNON, in his )  
Official capacity as Interim Director of the )  
Family Support Division; )  
KENNETH ZELLERS, in his official )  
capacity as Acting Director of the )  
Department of Revenue; )  
JOSEPH PLAGGENBERG, in his official )  
capacity as Director of the Motor Vehicle )  
and Driver Licensing Division, )

Defendants. )  
\_\_\_\_\_ )

Case. No. 4:19-cv-398 RLW

CLASS ACTION  
JURY DEMANDED

**AFFIDAVIT OF ROBERT EGER**

**Table of Contents**

Nature of the Assignment ..... 3

Opinion ..... 3

Qualifications ..... 3

Materials Reviewed ..... 4

Prior Testimony ..... 4

Statement of Compensation ..... 5

Discussion ..... 5

### **Nature of the Assignment**

1. I have been retained by counsel for the Plaintiffs to render an opinion in this case regarding the public safety hazards presented by (a) drivers, like the Plaintiffs, whose licenses have been suspended for the non-highway safety reason of failure to pay child support and (b) enforcement efforts against these drivers for unlicensed driving.

### **Opinion**

2. Drivers, like Plaintiffs, whose licenses have been suspended for failure to pay child support, which is unrelated to highway safety, present no greater public safety risk as motorists than licensed drivers. On average, they are involved in no more crashes and commit no more traffic violations than licensed drivers.
3. Suspending a driver's license for reasons unrelated to highway safety, like failure to pay child support, decreases public safety on the highways and roads. Drivers whose licenses have been suspended for a *highway* safety reason are involved in more crashes and commit more traffic violations and thus pose a greater public safety hazard than drivers whose licenses were suspended for a *non-highway* safety reason. To maximize public safety on the roadways, efforts to detect and end unlicensed driving should be focused on drivers whose licenses were suspended for a highway-safety reason. Enforcement efforts against drivers whose licenses are suspended for a non-highway safety reason dilute efforts to remove dangerous drivers from the road.

### **Qualifications**

4. My name is Robert J. Eger, III. A copy of my curriculum vitae is attached as Appendix A of this document.
5. I am a professor at the Graduate School of Defense Management, Naval Postgraduate School, in Monterey, California. I am a professional researcher in the field of government and nonprofit accounting, financial management, and statistical analysis and methodology. My general qualifications as an expert in this field, including my education, experience, speaking engagements, and publications, are set forth in my *Curriculum Vitae*, attached hereto as Exhibit A. Importantly, I earned a minor in statistical methodology as part of my Ph.D. studies at University of Kentucky, Martin School of Public Policy & Administration.
6. I am trained at the doctoral level in statistics and public policy analysis. My work experience enhanced my knowledge of public policy issues, in particular traffic law enforcement, which allows me the understanding and knowledge to statistically evaluate driver's behavior and driver's records. This knowledge and training provide me with the expertise to draw conclusions from the statistical results. The focus of my research throughout my academic career is on the use of statistical analysis to inform public policy.

7. I am a member of the Association for Public Policy Analysis and Management and the American Society for Public Administration.

### **Materials Reviewed**

8. In preparing this report, I have reviewed the following materials specific to this case: Plaintiffs' Amended Complaint (ECF No. 22) and the declarations of the named plaintiffs attached thereto.
9. In addition to the various studies I have authored or coauthored that are cited in this report (and any datasets and references cited in those studies), I specifically used the following materials in forming my opinions:
  - a. AAMVA Code Dictionary (ACD) Manual, Release 3.0.0, June 2008 (Effective November 3, 2008)
  - b. Transportation Research Board, National Cooperative Highway Research Program, *Report 500: Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses* (2003)<sup>1</sup>
10. In reviewing the materials, I applied a number of sound practices and principles in formulating my opinions. First, a sufficient sample of a population of data reflects, with a high degree of accuracy, the actual population. Second, enforcement agencies and the courts have limited resources and must therefore be selective in choosing which violations to pursue. Third, overall highway safety is improved when drivers with poor driving histories discontinue driving.
11. I have accurately summarized the methods by which I reached these opinions in this report; however, a more expansive explanation of my methods is contained in the attached reports, which I also authored.

### **Prior Testimony**

12. As an expert in statistical methodology, I have prepared about a dozen expert witness reports for litigants involved in a lawsuit and have been deposed once. However, I have never testified at a trial. 50% of my work as an expert in statistical methodology has been for plaintiffs. In the last five years, I have derived less than .01% of my income from my engagements as an expert witness in a lawsuit.
13. Additionally, I am a retired law enforcement officer and testified at numerous trials as an expert based on my training and experience as a law enforcement officer.

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<sup>1</sup> Available at [http://trb.org/publications/nchrp/nchrp\\_rpt\\_500v2.pdf](http://trb.org/publications/nchrp/nchrp_rpt_500v2.pdf).

### Statement of Compensation

14. I am being compensated at a rate of \$460 per hour for my preparation of this affidavit and testimony.

### Discussion

15. In 2005, the American Association of Motor Vehicles Administrators (AAMVA) commissioned a study of the relationship between the reason for a driver's license suspension<sup>2</sup> and highway safety outcomes, like traffic offenses and crashes. I coauthored this study, which was published in 2009. *See* Carnegie, J. A. and R.J. Eger III, *Reasons for Drivers License Suspension, Recidivism, and Crash Involvement among Suspended/Revoked Drivers* (Publication DOT HS 811 092, NHTSA, U.S. Department of Transportation) (2009) (hereinafter "DOT HS 811 092"), attached and incorporated as Exhibit B.<sup>3</sup> This study included a nationwide survey of motor vehicle agencies to document current driver monitoring and license suspension practices and a review of state laws governing license suspensions. Additionally, for this study, we completed detailed statistical analyses of the suspended driver history data from 2002–2006 from six representative case study jurisdictions (Colorado, Florida, Kansas, New Jersey, South Dakota, and Tennessee).
16. Later, under the auspice of the AAMVA Suspended and Revoked Working Group, I expanded this study to include suspended drivers' records from two additional states (Oregon and Pennsylvania). *See* Robert Eger III, *Enhanced Analyses of Suspended/Revoked Drivers Related to Crashes* (Florida State University, 2011) (hereinafter "*Enhanced Analyses*"), attached and incorporated as Exhibit C.<sup>4</sup> Furthermore, we denominated "highway safety" related suspensions based on the AAMVA Code Dictionary, instead of the coding used in the DOT HS 811 092.<sup>5</sup> With the addition of two states and the amended definitions, our conclusions were enhanced. Based in part on the *Enhanced Analyses*,<sup>6</sup> the AAMVA recommended that state legislatures repeal state laws requiring the suspension of driving privileges for non-highway safety related violations.

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<sup>2</sup> For convenience "suspended" license is used to indicate both "suspended" and "revoked" licenses.

<sup>3</sup> Available at

<http://www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/811092.pdf>.

<sup>4</sup> A true and accurate copy of the *Enhanced Analyses* is appended to the Am. Assoc. of Motor Vehicle Admin., *Best Practices Guide to Reducing Suspended Drivers* (Feb. 2013).

<sup>5</sup> The ACD is the preferred standard as it provides guidelines for the uniform exchange of violation information between state motor vehicle agencies.

<sup>6</sup> A group of experts in the field at AAMVA adopted my conclusions after review of my method and my analysis.

Am. Assoc. of Motor Vehicle Admin., *Best Practices Guide to Reducing Suspended Drivers* (Feb. 2013),<sup>7</sup> at 3.

17. To further develop this research, as part of the study sponsored by the AAMVA, the National Highway Safety Administration, U.S. Department of Transportation, I completed two additional studies. In the first one, I evaluated the driving practices of various subgroups of drivers whose license was suspended for non-driving related reasons. Eger, Robert J. and Brien, Spencer T., *Driving after Suspension: Non-Highway Safety Suspended Drivers and Crashes* (August 1, 2013), attached and incorporated as Exhibit D.<sup>8</sup> In the second one, I evaluated the dilution effect of suspending drivers' licenses for reasons unrelated to driving. Eger, Robert J. and Brien, Spencer T., *Driver's License Suspensions: A Dilution Effect?* (April 23, 2013), attached and incorporated as Exhibit E.<sup>9</sup> This evaluation led to a blind reviewed journal publication *Managing Driving After Suspension: Non-Highway Safety Suspended Drivers* (2015), attached and incorporated as Exhibit F.<sup>10</sup>
18. Between 2002 and 2006, approximately 66 percent of suspended drivers had their license suspended for a highway safety reason and 34 percent for a reason unrelated to highway safety. See Eger, *Enhanced Analysis*, at 11, Table A2.2. Although both groups of drivers had their license suspended, they exhibited different driving behavior. Drivers whose license was suspended for a highway safety reason, when compared to drivers whose license was suspended for a non-highway safety reason, like failure to pay child support, were significantly more likely to be cited for a moving violation (33.7% v. 16.7%<sup>11</sup>) and involved in a crash (18.9% v. 6.9%). *Id.*, at 13-14, Tables A2.5 and A2.6. The two groups also differ in the length of driver license suspension and the relationship between the length of suspension and the frequency of crashes. See *id.*, at 16–21. These results validate the finding that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group with regard to highway safety policy. Drivers whose license was suspended for a highway safety reason pose a significantly higher risk to the public than drivers whose license was suspended for non-highway safety reasons.
19. Unlicensed-driving enforcement against drivers suspended for a non-highway safety reason decreases public safety in two respects. First, with limited enforcement resources (police, courts, prosecutors, motor vehicle agency administrators), unfocused enforcement efforts are diluted between dangerous drivers and drivers who pose far less a safety hazard.

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<sup>7</sup> Available at [www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723](http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723).

<sup>8</sup> Available at SSRN: <http://ssrn.com/abstract=2362429> or <http://dx.doi.org/10.2139/ssrn.2362429>.

<sup>9</sup> Available at SSRN: <http://ssrn.com/abstract=2255782> or <http://dx.doi.org/10.2139/ssrn.2255782>.

<sup>10</sup> Available at <https://pdfs.semanticscholar.org/cd3c/48105f93eb423b98fb727e1269322fb5b3d4.pdf>

<sup>11</sup> This figure is for all groups of drivers whose license is suspended for a non-highway safety reason. However, not all subgroups are the same.



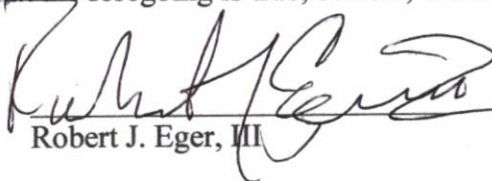
Entity	Approximate Time Required	Activities
Officer	7 hours	roadside stop, tow truck wait time, transport to jail, paperwork, court appearance
Corrections officer	30 minutes	booking process
Prosecutor	1 hour	prepare and present case
Judge	30 minutes	hear and/or adjudicate case

AAMVA, *Best Practices*, at 14. Therefore, focusing enforcement resources on dangerous drivers would increase public safety. Second, with unfocused enforcement, unlicensed driving is perceived to be less dangerous, which encourages unlicensed driving by all suspended drivers.

20. Just as crash and traffic violation rates vary depending on whether a driver’s license was suspended for a highway safety or non-highway safety reason, the crash rates between subgroups of drivers with non-highway safety reasons also vary. I estimate that about 3.12% of *licensed* drivers are involved in crashes each year. See Eger, *Driving after Suspension*, at 6, Table 3. Drivers with suspended licenses are involved in crashes at different rates depending on the reason for the suspension: highway-safety reasons at 18.9% and non-highway safety reasons at 6.9%. See Eger, *Enhanced Analysis*, at 14, Table A2.6. However, drivers whose license was suspended for a failure to pay child support (ACD D51), have a particularly low crash rate: Only 0.78% of them were involved in a car crash. See Eger, *Driving after Suspension*, at 6–8. Accordingly, this subgroup of suspended drivers presents a lower public safety hazard than the average *licensed* driver.
21. Suspending licenses for failure to pay child support is particularly troubling from a resources and public safety perspective, because drivers in this category have a particularly low likelihood of being involved in a collision — much lower than even licensed drivers.

I declare under penalty of perjury that the foregoing is true, correct, and complete.

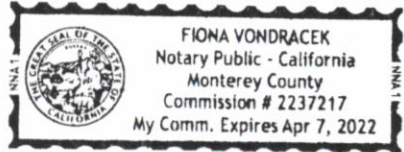
11/14/2019  
Date

  
Robert J. Eger, III

Commonwealth/State of CALIFORNIA )  
County/City of MONTEREY/PACIFIC GROVE )

The foregoing instrument was subscribed and sworn before me by Robert J. Eger III, this 14 day of November, 2019.

  
Notary Public



My Commission Expires: 04/07/2022  
My Notary Registration No. 2237217

# **APPENDIX A: CURRICULUM VITAE**

**Curriculum Vita**  
**Robert J. Eger III**  
July 2019

University Address: Naval Postgraduate School  
Graduate School of Business & Public Policy  
555 Dyer Road, Ingersoll 307  
Monterey, California 93943  
Office Phone: (831) 656-7625  
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rjeeger@nps.edu

**Education**

8/2000 Ph.D., University of Kentucky, Martin School of Public Policy & Administration, Lexington, KY. Concentration: Financial Management.

8/1999 M.P.A., University of Kentucky, Martin School of Public Policy & Administration, Lexington, KY. Concentration: Financial Management.

8/1996 B.S., University of Wyoming, Laramie, WY. Major: Social Science.

5/1988 A.D., Golden West College, Huntington Beach, CA. Major: Biology.

**Academic Experience**

7/2017 – current Professor – Graduate School of Business & Public Policy, Naval Postgraduate School.

2/2015 – current Director – Center for Defense Management Research, Graduate School of Business & Public Policy, Naval Postgraduate School.

10/2016 – 11/2018 Chair – Financial Management Area, Graduate School of Business & Public Policy, Naval Postgraduate School.

8/2012 – 6/2017 Associate Professor – Graduate School of Business & Public Policy, Naval Postgraduate School.

12/2007 – 5/2014 Research Fellow – LeRoy Collins Institute, Florida State University.

8/2007 – 8/2012 Associate Professor – Reubin O’D. Askew School of Public Administration & Policy, Florida State University.

5/2008 – 8/2010 Ph. D. Director – Reubin O’D. Askew School of Public Administration & Policy, Florida State University.

8/2005 – 8/2007 Director – Local Government Initiative, Fiscal Research Center, Andrew Young School of Public Policy, Georgia State University.

8/2003 – 8/2007 Assistant/Associate Professor – Department of Public Management and Policy, Andrew Young School of Policy Studies, Georgia State University.

8/2000 – 8/2003 Assistant Professor – Department of Political Science, College of Letters and Science, University of Wisconsin-Milwaukee.

**Practice Experience**

5/1997 – 1/2001 Research Associate, Kentucky Transportation Center.

1/1997 – 5/1997 Research Assistant, Council of State Governments.

4/1994 – 8/1995 Chief Operations Officer, Genesis Construction.

3/1991 – 12/1993 General Manager-Partner, Coastline Automotive Services.  
Law Enforcement (retired), City of Costa Mesa.

**Areas of Research Interest**

Defense Financial Management  
Financial and Managerial Accounting  
Transportation Policy and Finance  
Health Policy and Finance

**Areas of Teaching Interest**

Statistics/ Methods  
Policy Modeling  
Policy and Resource Management  
Financial and Managerial Accounting

**Refereed Journal Articles under Review**

Eger III, Robert J. and Sungkyu Jang. A Model of Tax Collection with an Application to Contracting Out Federal Delinquent Income Tax Collection. *Journal of the American Tax Association*.

Smith, Christy D. and Robert J. Eger III. Analyzing County Government Contracting Processes and Internal Controls to Address Procurement Fraud Schemes. *Journal of Forensic and Investigative Accounting*.

**Refereed Journal Articles Revise and Resubmit**

Brien, Spencer T., Robert J. Eger III, and David T.S. Matkin. The Timing of Managerial Responses to Fiscal Stress. *Public Administration Review*.

Eger III, Robert J., Juanita Rendon, Rene Rendon, and Christy D. Smith. Fraud Protection Riding On An Integrated Business Intelligence Foundation: The Case of the Department of the Navy. *Journal of Government and Nonprofit Accounting*. (2<sup>nd</sup> round)

**Refereed Journal Articles**

Jang, Sungkyu and Robert J. Eger III. (2019). The Effects of State Delinquent Tax Collection Outsourcing on Administrative Effectiveness and Procedural Fairness. *American Review of Public Administration* 49(2), 236-251.

Candrea, Philip and Robert J. Eger III. (2018). Can Health Outcome Proxies Benefit Public Health Budget Professionals? *Journal of Public Budgeting, Accounting, & Financial Management* 30(1), 40-52.

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**Refereed Journal Articles (cont.)**

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Eger III, Robert J. (2011). Examining Financial Behavior in Special Purpose Entities. *Journal of Applied Business and Economics* 12 (6), 57-69.

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Cox, Sharon P. and Robert J. Eger III. (2006). Motor Fuel Taxes and Farm Use. *State Tax Notes* November 27, 118-121.

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Cox, Sharon P. and Robert J. Eger III. (2006). Procedural Complexity of Tax Administration: The Road Fund Case. *Journal of Public Budgeting, Accounting, & Financial Management* 18 (3), 259-283.

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### **Refereed Journal Articles (cont.)**

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Carroll, Deborah A., Rita Cheng, Robert J. Eger III, Lara Gruszczynski, Justin Marlowe, Ali Roohanirad, and Hani Titi. (2004). Highway Preventive Maintenance Implementation: Comparing Challenges, Processes, and Solutions in Three States. *Transportation Research Record* No. 1877: 10-16.

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### **Book and Monograph Chapters**

Eger III, Robert J. and Bruce D. McDonald III (2017) "Cost Accounting for Government Grants" in Cost Accounting in Government: Theory and Applications, New York: Taylor & Francis/Routledge.

Eger III, Robert J. and Richard C. Feiock (2010) "Governance Structures and Financial Authority in Submunicipal Districts: Implications for Fiscal Performance" in Municipal Revenues and Land Policies, pp. 243-267, Cambridge: Lincoln Institute of Land Policy.

Eger III, Robert J. (2005). "Provision and Production of Public Goods" in Handbook of Public Sector Economics, pp. 209-230, New York: Marcell Dekker.

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### **Refereed Conference Proceedings**

Born, Patricia H., Randy E. Dumm, Robert J. Eger III. (January 2015). Developing a Framework for Financial Achievability of Department of Transportation Research and Development Projects. Refereed paper presented at *94th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

**Refereed Conference Proceedings (cont.)**

Eger III, Robert J. and Subhashish Samaddar. (January 2010). Outsourcing Decision Making in Public Organizations: A Proposed Methodology and Initial Analytic Results from a DOT. Refereed paper presented at *89th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

Eger III, Robert J., C. Kevin Fortner, and Catherine P. Slade. (January 2010). A Test of the Economic Theory of Enforcement: Expected versus Observed Choices of Red Light Running Behavior. Refereed paper presented at *89th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

Eger III, Robert J., C. Kevin Fortner, and Catherine P. Slade. (January 2007). The Policy of Enforcement: Red Light Cameras and Racial Profiling. Refereed paper presented at *86th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

Eger III, Robert J. (January 2006). Policy Instruments in Injury Crashes: Traffic Law Enforcement and Alcohol Prohibition. Refereed paper presented at *85th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

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Carroll, Deborah A., Rita Cheng, Robert J. Eger III, Lara Grusczyński, Justin Marlowe, Ali Roohanirad, and Hani Titi. (January 2004). Highway Preventive Maintenance Implementation: Comparing Challenges, Processes, and Solutions in Three States. Refereed paper presented at *83rd Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

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Eger III, Robert J. (January 2001). The Impact of Traffic Enforcement on Vehicle Fatalities in Kentucky. Refereed paper presented at *80th Annual Transportation Research Board Conference* sponsored by *National Academy of Science, Transportation Research Board*. Washington, DC: Transportation Research Board.

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Eger III, Robert J., Tom Albright, Brian Blades, Eric Bondurant, Mathew Clark, Luke Donahue, Luke Farrell, Stephen Hansen, Daniel Rosborough, and George Zintac. (2016). Aviation Fleet Training Efficiency Metrics and Hot Pit Analysis. Washington, DC: Navy Energy Coordination Office (OPNAV N45E).

Eger III, Robert J., Juanita Rendon, and Rene Rendon. (2015). Fraud Protection Riding on an Integrated Business Intelligence Foundation: The Case of the Department of the Navy. Arlington, VA: ASN FM&C, ODASN EBS.

Born, Patricia H., Randy E. Dumm, and Robert J. Eger III. (2014). Developing a Framework for Financial Achievability of Department of Transportation Research and Development Projects. Tallahassee, FL: Florida Department of Transportation.

Eger III, Robert J. (2014) Gwinnett County 2030 Unified Plan Revised Fiscal Analyses of “Gateway Land-Use Scenario” Gwinnett, GA: County of Gwinnett.

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Eger III, Robert J. (2012). Florida State Revenues Shared with County Governments. Tallahassee, FL: Collins Institute.

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Eger III, Robert J. (2010). Exploring the Application of the AAMVA Code Dictionary (ACD) to Non-Commercial Suspended/Revoked Drivers. Alexandria, VA: American Association of Motor Vehicle Administrators.

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Eger III, Robert J. and John Matthews. (2007). Report of the City of Chattahoochee Hill Country Potential Revenues and Expenditures. Fiscal Research Center Report 168. Atlanta, GA: Georgia State University.

Eger III, Robert J. and John Matthews. (2007). Report of the City of South Fulton Potential Revenues and Expenditures –Revised. Fiscal Research Center Report 169. Atlanta, GA: Georgia State University.

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### **Technical Reports (cont.)**

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Hackbart, Merl M., Dwight V. Denison, and Robert J. Eger III. (1997). Legislation Review and Recommendations to Reduce Evasion of Kentucky Road Fund Revenues. Kentucky Transportation Center/US Department of Transportation SPR 99-192-1F. Lexington, KY: University of Kentucky, College of Engineering, Kentucky Transportation Center.

Chi, Keon, Drew Leatherby, Cindy Jasper, and Robert J. Eger III. (1997). Managing for Success: A Profile of State Government for the 21st Century. Lexington, KY: Council of State Governments.

### **Book Reviews**

Brien, Spencer T. and Robert J. Eger III. Controlling Public Expenditure: The Changing Roles of Central Budget Agencies—Better Guardians? John Wanna, Lotte Jensen, and Jouke de Vries, eds., (Northampton, Massachusetts: Edward Elgar) for *Public Budgeting & Finance*, 27 (3) Fall 2007.

Eger III, Robert J. The Property Tax, Land Use and Land Use Regulation Dick Netzer, ed.(Cambridge, Massachusetts: Lincoln Institute of Land Policy) for *The Journal of the American Taxation Association*, 28 (2) Fall 2006.

**Book Reviews (cont.)**

Wallace E. Oates, ed., Property Taxation and Local Government Finance (Cambridge, Massachusetts: Lincoln Institute of Land Policy) for *The Journal of the American Taxation Association*, 25 (1) Spring 2003.

**Contracts and Grants**

Eger III, Robert J. *Advancing the I-TRAIN Cost Model in Support of Fleet Readiness*. Funded by Department of the Navy, Navy Education and Training Command (2018-2019). Total award: \$218,000.

Eger III, Robert J. *Investigation of Scheduled Routine Submarine Maintenance to Understand Cost and Duration Changes Over Time*. Funded by Department of the Navy, SUBPAC (2017-2021). Total award: \$996,503.

Eger III, Robert J. *Business Case Analysis for Objective Based Cost Impact Scenarios Applying the I-TRAIN Cost Model*. Funded by Department of the Navy, Navy Education and Training Command (2017-2018). Total award: \$192,852.

Eger III, Robert J. *Total Cost Framework Model for the Navy Enlisted Accession Supply Chain (NEASC)*. Funded by Department of the Navy, Production Management Office (2016-2017). Total award: \$430,000.

Eger III, Robert J. *Exploring the Cost functions in the Navy Enlisted Accession Supply Chain (NEASC)*. Funded by Department of the Navy, Production Management Office (2015-2016). Total award: \$250,000.

Eger III, Robert J. and Thomas Albright. *Aviation Fleet Training Efficiency Metrics*. NPS15-0020. Funded by Department of the Navy (2015-2016). Total award: \$151,012.

Langford, Gary and Robert J. Eger III. *Traceability of Funding Lifecycle*. Project NPS15-0022. Funded by Department of the Navy (2015-2016). Total award: \$348,170.

Eger III, Robert J. *Evaluating the Financial Effectiveness of Recruiting Investments in Marketing and Advertising*. Funded by Department of the Navy (2015). Total award: \$151,012.

Eger III, Robert J, Juanita M. Rendon, and Rene G. Rendon. *DoN Online Fraud Protection Riding on an Integrated Business Intelligence Foundation*. Project P14-0181. Funded by Department of the Navy (2014-2015). Total award: \$165,826.

Born, Patricia, Randy Dumm and Robert J. Eger III. *Financial Achievability of Florida Department of Transportation Research Projects: Putting the Financial Analysis Framework into Action*. Funded by the Florida Department of Transportation (2015-2016). Total award: \$159,324.

Eger III, Robert J. *Revenue and Expenditure Estimations for Gwinnett County 2030 Unified Plan "Gateway" Scenario*. Funded by Gwinnett County, GA (2013). Total award: \$20,641.

Born, Patricia, Randy Dumm and Robert J. Eger III. *Financial Achievability of Florida Department of Transportation Research Projects*. Funded by the Florida Department of Transportation (2012-2013). Total award: \$141,759.

Eger III, Robert J. *Financial Estimations of Three Proposed Annexations in the City of College Park*. Funded by the City of College Park, GA (2011). Total award: \$9,750.

Eger III, Robert J. *Exploring the Application of the AAMVA Code Dictionary (ACD) to Non-Commercial Suspended/Revoked Drivers for Eight Representative States*. Funded by the American Association of Motor Vehicle Administrators (2010-2011). Total Award: \$29,708.

Eger III, Robert J. *Exploring the Application of the AAMVA Code Dictionary (ACD) to Non-Commercial Suspended/Revoked Drivers*. Funded by the American Association of Motor Vehicle Administrators (2010). Total Award: \$2,850.

Eger III, Robert J. *Decision Analytical Tools for Outsourcing Assessments in the Georgia Department of Transportation*. Funded by the Georgia Department of Transportation (2008-2009). Total award: \$193,796.

**Contracts and Grants (cont.)**

Eger III, Robert J. and Tom Wade. *Assessment of Alternatives for DHR Cash Management System*. Funded by the Georgia Department of Human Resources (2007). Total award: \$50,000.

Eger III, Robert J. *Cost Per Student Analysis Update Atlanta Public Schools Clayton County Public Schools DeKalb County Public Schools*. Funded by The Civic League and Atlanta Public Schools (2007). Total award: \$35,375.

Eger III, Robert J. *Report of the City of South Fulton Potential Revenues and Expenditures*. Funded by the State of Georgia (2007). Total award: \$14,000.

Eger III, Robert J. *Report of the City of Chattahoochee Hill Country Potential Revenues and Expenditures*. Funded by the State of Georgia (2007). Total award: \$16,350.

Parsons Brinckerhoff and Robert J. Eger III. *The Gwinnett Unified Plan*. Funded by Gwinnett County, GA. (2006-2008). Total award: \$1,699,000.

Eger III, Robert J. *A Study of Fuel Price Adjustments and the Basis for the Adjustments*. Funded by the Georgia Department of Transportation (2006). Total award: \$70,662.

Eger III, Robert J. *Costs Per Student Analysis Atlanta Public Schools*. Funded by the Regional Atlanta Civic League and Atlanta Public Schools (2005-2006). Total award: \$88,823.

Eger III, Robert J. *Report on the Potential Revenues and Expenditures of the City of South Fulton*. Funded by the South Fulton Concerned Citizens Steering Committee (December 2005 – March 2006). Total award: \$25,000.

Eger III, Robert J. *Estimations of Economic Impact of the Atlanta Beltline TAD on Atlanta Public Schools*. Funded by Holland & Knight, LLP (November 2005). Total award: \$12,000.

Eger III, Robert J. *Annexation Potential Economic Impact on College Park*. Funded by the City of College Park, GA (2005). Total award: \$26,500.

Eger III, Robert J. *An Analysis of Revenues in the Chattahoochee Hill Country for Incorporation*. Funded by the Chattahoochee Hill Country Association (March 2005 -November 2005). Total award: \$10,000.

Carnegie, Jon and Robert J. Eger III. *Suspended/Revoked Driver's and Highway Safety Study*. Funded by the American Association of Motor Vehicle Administrators and the National Highway Traffic Safety Administration (2005-2007). Total award \$100,000.

Eger III, Robert J. *An Analysis of the Expected Revenues and Expenditures for an Incorporated Sandy Springs*, Funded by Economic Sandy Springs (May 2005). Total award: \$7,500.

Eger III, Robert J. and Valerie Hepburn. *Funding Public Health in Georgia: Developing a Model to Analyze Revenue, Expenditures and Options for the Future*. Funded by the Georgia Healthcare Foundation (2004-2005). Total award: \$54,704.

Eger III, Robert J. and Gordon Kingsley. *Feasibility Study on Comprehensive Contract Maintenance in GDOT*. Funded by the Georgia Department of Transportation (2004-2005). Total award: \$339,700.

Eger III, Robert J. *A Study of Liquid Asphalt Price Indices Applications to Georgia Pavement Contracting*. Funded by the Georgia Department of Transportation (2003-2004). Total award: \$77,942.

Eger III, Robert J. *Capital Preventative Maintenance*. Funded by the Midwest Regional University Transportation Center (2002-2003). Total award: \$111,664.

Eger III, Robert J. *Evaluation of Transportation Organization Outsourcing: Decision Making Criteria for Outsourcing Opportunities*. Funded by the Midwest Regional University Transportation Center (2001-2002). Total award: \$91,915.

Eger III, Robert J. *Wisconsin's Off-Road Fuel Tax Collection Process: A Midwestern Comparative Analysis and Assessment*. Funded by the Wisconsin Department of Transportation (2001-2002). Total award: \$64,859.

### **Contracts and Grants (cont.)**

Stewart, Richard and Robert J. Eger III. *Evaluation of Shipper Requirements and Potential Cargo Required to Establish a Rail-Truck-Marine Intermodal Terminal in the Twin Ports of Superior, Wisconsin and Duluth, Minnesota*. Funded by the Midwest Regional University Transportation Center (2001-2002). Total award: \$166,646.

Eger III, Robert J. and Merl M. Hackbart. *Fuel Tax Audit Compliance Project Federal Project No. STPR 3000 294*. Funded by the Kentucky Transportation Cabinet (1999-2002). Total award: \$1,015,570.

Eger III, Robert J. and Merl M. Hackbart. *Kentucky's Road Fund Revenue Collection Process KYSPR 99-192*. Funded by the Kentucky Transportation Center (1998-2000). Total award: \$177,500.

### **Working Papers in Process**

The Special Purpose Government Typology: Relevance to Practice (with Stephen C. Hansen).

Voluntary Compliance with GASB Statement 61 (with Stephen C. Hansen).

Capital Structure in Special Purpose Entities (with Judith Hermis).

Exploring the Sub-State Intergovernmental Game (with Spencer Brien).

Examining the Policy Response to Rising Health Care Costs: The Case of Medical Imaging in the Department of Defense (with Max Mendieta).

Does Cash Flow Matter: Organizational Impacts on Hospice Longevity (with Max Mendieta).

Stimulating America: The Defense Sector, Scientific Investment and Economic Growth (with Bruce D. McDonald III).

The Segregation, Institutionalization and Crowding Out of End-of-life Homecare (with Max Mendieta).

### **Invited Paper Presentations**

Eger III, Robert J. (2018, August). *Reinforcing the Method Methodology Dissimilarity in Modern Accounting Research*. Presented at the American Accounting Association Annual Meeting, Government and Nonprofit Research Workshop, National Harbor, MD.

Eger III, Robert J. (2016, June). *Exploring Socio-economic and Political Factor Impacts on County Traffic Citation Rates*. Paper presented at the Midyear Meeting of the Traffic Law Enforcement Subcommittee, sponsored by National Academy of Science, Transportation Research Board. Irvine, CA

Brien, Spencer T. and Robert J. Eger III. (2016, May). *The Impact of State Expenditure Mandates on Local Budgetary Allocations across Economic Cycles*. Paper presented at The Next Generation of Public Finance Conference, Atlanta, GA.

Eger III, Robert J. (2016, March). *Exploring Socio-economic and Political Factor Impacts on County Traffic Citation Rates*. Paper presented as a Visiting Scholar at North Carolina State University's School of Public and International Affairs, Raleigh, NC.

Eger III, Robert J. (2015, May). *Capital Structure in Special Purpose Entities*. Paper presented at the Federal, State, and Local Budgets in Jeopardy: A Conference on America's Fiscal Future, Bloomington, IN.

Eger III, Robert J. (2014, July). *Financial Achievability of Florida Department of Transportation Research Projects*. Paper presented for the Research Advisory Committee, American Association of State Highway Transportation Officials, Madison, WI.

Eger III, Robert J. (2010, August). *Examining Financial Behavior in Special Purpose Entities*. Paper presented for the US Census of Governments Research Seminar Series, Suitland, MD.



**Invited Paper Presentations (cont.)**

Eger III, Robert J. (2008, January). *Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers*. Paper presented at the 87th Annual Transportation Research Board Conference sponsored by the Traffic Law Enforcement Subcommittee, Washington, DC.

Eger III, Robert J. (2006, September). *Local Government Structures*. Paper presented at the DeKalb County Government Study Committee Symposia sponsored by the Georgia State Senate, Atlanta, GA.

Eger III, Robert J. (2004, October). *A Study of Liquid Asphalt Price Indices Applications to Georgia Pavement Contracting*. Paper presented at the Transportation Estimators Association, Mobile, AL.

Eger III, Robert J. (2002, March). *Transportation Organization Outsourcing: Providing Opportunities or Causing Problems?* Paper presented at the Institute of Transportation Engineers, Milwaukee, WI.

Eger III, Robert J. (2000, February). *Structural Complexity of Tax Administration: The Road Fund Case*. Paper presented at the Carl Vinson Institute of Government, University of Georgia, Athens, GA.

**Papers Presented at Conferences and Symposia**

Eger III, Robert J. and Stephen C. Hansen. (August, 2018). *The Special Purpose Government Typology: Relevance to Practice*. Paper presented at the American Accounting Association Annual Meeting, National Harbor, MD.

Eger III, Robert J. and Sungkyu Jang. (August, 2018) *Tax Farming: A Model of Tax Collection and an Application to Contracting Out Federal Delinquent Income Tax Collection*. Paper presented at the American Accounting Association Annual Meeting, National Harbor, MD.

Eger III, Robert J. and Sungkyu Jang. (April, 2018). *Tax Farming: A Model of Tax Collection and an Application to Contracting Out Federal Delinquent Income Tax Collection*. Presented at the Western Region Meeting of the American Accounting Association, Vancouver, WA.

Eger III, Robert J. and Stephen C. Hansen. (March, 2018). *The Special Purpose Government Typology: A Test*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, Providence, RI.

Brien, Spencer T. and Robert J. Eger III. (August, 2017). *The Impact of Compliance with State Service Requirements on Local Budgetary Expenditures across Economic Cycles*. Paper presented at the American Accounting Association Annual Meeting, San Diego, CA.

Brien, Spencer T. and Robert J. Eger III. (April, 2017). *The Impact of Compliance with State Service Requirements on Local Budgetary Expenditures across Economic Cycles*. Presented at the Western Region Meeting of the American Accounting Association, San Francisco, CA.

Candrea, Philip J., Robert J. Eger III, and Gerald V. Weers. (March, 2017). *Rethinking Accounting in the Department of Defense: A Trust Approach*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, Long Beach, CA.

Eger III, Robert J. (November, 2016). *Exploring Socio-Economic and Political Factor Impacts on County Traffic Citation Rates*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Washington, DC.

Eger III, Robert J. and Christy Smith. (August, 2016). *Analyzing County Government Contracting Processes and Internal Controls to Address Procurement Fraud Schemes*. Paper presented at the American Accounting Association Annual Meeting, New York, NY.

Eger III, Robert J. (2016, June). *Investigating Advertising Effects in Government Recruitment*. Presented at the MPAC Conference, Columbus, OH.

Eger III, Robert J. and Max Mendieta. (2016, June). *The Forprofit–Government–Nonprofit Relationship: The Case of End of Life Care*. Presented at the MPAC Conference, Columbus, OH.

**Papers Presented at Conferences and Symposia (cont.)**

Eger III, Robert J. and Christy Smith. (May, 2016) *Analyzing County Government Contracting Processes and Internal Controls to Address Procurement Fraud Schemes*. Presented at the Western Region Meeting of the American Accounting Association, Seattle, WA.

Eger III, Robert J., Juanita Rendon, Rene Rendon, and Christy Smith. (2016, May). *Fraud Protection Riding On an Integrated Business Intelligence Foundation: The Case of the Department of the Navy*. Presented at the Western Region Meeting of the American Accounting Association, Seattle, WA.

Eger III, Robert J., Juanita Rendon, Rene Rendon, and Christy Smith. (2016, March). *Fraud Protection Riding On an Integrated Business Intelligence Foundation: The Case of the Department of the Navy*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, Arlington, VA.

Eger III, Robert J., Juanita Rendon, Rene Rendon, and Christy Smith. (2016, March). *Fraud Protection Riding On An Integrated Business Intelligence Foundation: The Case of the Department of the Navy*. Presented at the Annual Forensic and Investigative Accounting Section Research Conference, Charlotte, NC.

Eger III, Robert J., David M. Lewis, and J. Heath Westcott. (November, 2015) *Examining the Policy Response to Rising Health Care Costs: The Case of Medical Imaging in the Department of Defense*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Miami, FL.

Eger III, Robert J. and Christy Smith. (November, 2015) *Analyzing County Government Contracting Processes and Internal Controls to Address Procurement Fraud Schemes*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Miami, FL.

Eger III, Robert J. and Sungkyu Jang. (2015, July). *The Effects of State Delinquent Tax Collection Outsourcing on Administrative Effectiveness and Procedural Fairness*. Presented at the MPAC Conference, Milwaukee, WI.

Chonko, Aaron, Kenneth Doerr, Robert J. Eger III, Paddy Heiliger, and Travis Rudge. (2014, November). *Allocating Inflexible Labor Costs in Dynamic Markets*. Presented at the INFORMS Conference, San Francisco, CA.

Eger III, Robert J. and Jan Maridal. (2014, November). *A Statistical Meta—Analysis of the Wellbeing Literature*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Albuquerque, NM.

Eger III, Robert J., C. Kevin Fortner, and Catherine P. Slade. (2014, March). *The Policy of Enforcement: Red Light Cameras and Racial Profiling*. Presented at the Midwest Public Affairs Conference, Fort Wayne, IN.

Eger III, Robert J. and Max Mendieta. (2013, November). *Does Cash Flow Matter? Organizational Impacts On Hospice Longevity*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Washington, DC.

Eger III, Robert J. and Max Mendieta. (2013, August). *Antecedents in the Government - Nonprofit Relationship: The Case of Hospice*. Paper presented at the American Accounting Association Annual Meeting, Anaheim, CA.

Eger III, Robert J., Bruce D. McDonald III, and D. Ryan Miller. (2013, August). *Helpful Local Surtaxes? Florida and Disadvantaged Families*. Presented at the Annual Conference of the American Political Science Association. Baltimore, MD.

Eger III, Robert J. and Max Mendieta. (2013, April). *Antecedents in the Government - Nonprofit Relationship: The Case of Hospice*. Paper presented at the Western Region Meeting of the American Accounting Association, San Francisco, CA.

Eger III, Robert J. and D. Ryan Miller. (2012, November). *Instructional Staff Training Expenditures and Changes in School Effectiveness*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Baltimore, MD.

**Papers Presented at Conferences and Symposia (cont.)**

Eger III, Robert J. and Bruce D. McDonald III. (2012, November). *The Public Benefit of Public Goods: The Defense Sector, Scientific Investment, and Economic Growth*. Presented at the Association for Public Policy Analysis and Management Annual Conference, Baltimore, MD.

Eger III, Robert J., David S.T. Matkin, and Carol S. Weissert. (2012, March). *The Management of Fiscal Stress in Public Organizations: Evidence from Florida Counties*. Presented at the Annual Conference of the American Society of Public Administration. Las Vegas, NV.

Eger III, Robert J. and Max Mendieta. (2012, March). *Discourse and Civic Engagement: The Case of Non-Profit Hospice Advocacy and Medicare Rule-Making*. Presented at the Annual Conference of the American Society of Public Administration. Las Vegas, NV.

Eger III, Robert J. and Max Mendieta. (2012, March). *Is There Good Policy and Bad Civic Engagement?* Presented at the Annual Conference of the American Society of Public Administration. Las Vegas, NV.

Eger III, Robert J. (2011, August). *Debt Issuance Behavior in Special Purpose Entities*. Paper presented at the American Accounting Association Annual Meeting, Denver, CO.

Eger III, Robert J. (2011, March). *Exploring the Sub-State Intergovernmental Game*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, Birmingham, AL.

Eger III, Robert J. (2011, March). *Examining Financial Behavior in Special Purpose Entities*. Presented at the National Business and Economics Society Conference, Curacao, Netherland Antilles.

Eger III, Robert J. and Max Mendieta. (2011, March). *Comparing Institutional Impacts on Hospice Care Longevity*. Presented at the Annual Conference of the American Society of Public Administration. Baltimore, MD.

Eger III, Robert J., Bruce D. McDonald III, and D. Ryan Miller. (2011, March). *The Use of Situational Leadership Theory in Understanding Municipal Management Behavior*. Presented at the Annual Conference of the American Society of Public Administration. Baltimore, MD.

Eger III, Robert J. and Catherine P. Slade. (2011, March). *Does Patient-Centered Care Mitigate Racial Disparities in Health Status?* Presented at the Annual Conference of the American Society of Public Administration. Baltimore, MD.

Eger III, Robert J. and Max Mendieta. (2010, November). *The Medicare Hospice Program and the Key Role of Nonprofit Organizations: The Impact of Health Care Policy and Economic Incentives on the Government-Nonprofit Hospice Care Relation*. Presented at the Association for Research on Nonprofit Organizations and Voluntary Action, Alexandria, VA.

Eger III, Robert J. and Catherine P. Slade. (2010, November). *Does Patient-Centered Care Mitigate Racial Disparities in Health Status?* Presented at the Association for Public Policy Analysis and Management Annual Conference, Boston, MA.

Eger III, Robert J. and Richard C. Feiock (2010, August). *Governance Structures and Financial Authority in Submunicipal Districts: Implications for Fiscal Performance*. Paper presented at the American Accounting Association Annual Meeting, San Francisco, CA.

Eger III, Robert J. and Bruce D. McDonald III. (2010, May). *Moving Toward Comparability: Assessing per-student Costs in K-12*. Presented at the Annual Forensic and Investigative Accounting Section Research Conference, Baton Rouge, LA.

McDonald III, Bruce D. and Robert J. Eger III. (2010, April). *Stimulating America: The Defense Sector, Scientific Investment, and Economic Growth*. Presented at the Midwest Political Science Association Conference, Chicago, IL.

McDonald III, Bruce D. and Robert J. Eger III. (2010, April). *Stimulating America: The Defense Sector, the Stimulous Package, and Understanding Economic Growth*. Presented at the Annual Conference of the American Society of Public Administration. San Jose, CA.



**Papers Presented at Conferences and Symposia (cont.)**

Eger III, Robert J. (2010, March). *Competencies in the Public Sector: Market Failure, Service Production, Facilitation, and Learning?* Presented at the National Business and Economics Society Conference, Kauai, HI.

Mendieta, Max and Robert J. Eger III. (2009, November). *The Segregation, Institutionalization and Crowding Out of the End-of-life: Dying Old in the United States*. Presented at the Association for Research on Nonprofit Organizations and Voluntary Action, Cleveland, OH.

Eger III, Robert J. (2009, August). *Governmental Special Purpose Entities and GASB 14*. Paper presented at the American Accounting Association Annual Meeting, New York, NY.

Eger III, Robert J. and Richard C. Feiock. (2009, June). *Governance Structures and Financial Authority in Submunicipal Districts: Implications for Fiscal Performance*. Paper presented at the Lincoln Institute's Annual Land Policy Conference, Cambridge, MA.

Eger III, Robert J., Bruce D. McDonald III and D. Ryan Miller. (2009, April). *Helpful Local Surtaxes? Florida and Disadvantaged Families*. Presented at the American Society for Public Administration Conference, Miami, FL.

Eger III, Robert J. (2009, March). *At a Perplexing Disadvantage: Families and Tax Incremental Financing*. Presented at the National Business and Economic Society Meeting, Frigate Bay, St. Kitts.

Eger III, Robert J. (2009, March). *CASTING LIGHT ON SHADOW GOVERNMENT: SPECIAL PURPOSE ENTITIES AND GASB 14*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, Alexandria, VA.

McDonald, B.D. and R.J. Eger. (2009, February). *The Defense-Growth Paradigm: An Economic Investigation into Post-Soviet States*. Presented at the Annual Conference of the International Studies Association. New York, NY.

Eger III, Robert J. (2008, August). *Examining Financial Behavior in Special Purpose Entities*. Paper presented at the American Accounting Association Annual Meeting, Anaheim, CA.

Eger III, Robert J. (2008, February). *Exploring the Economic Dependence of Governmental Special Purpose Taxing Entities*. Paper presented at the Midyear Meeting of the Government and Nonprofit Section of the American Accounting Association, San Antonio, TX.

Eger III, Robert J. and Keon-Hyung Lee. (2008, February). *A Model for Impact Estimation Calculators for Public Health Expenditures*. Presented at the 20th Annual Conference of the Southeast Evaluation Association, Tallahassee, FL

Eger III, Robert J. and Nicholas Harvey. (2007, November). *Determinants of Effective Capacity in Public-Private Partnership*. Presented at the Association for Research on Nonprofit Organizations and Voluntary Action, Atlanta, GA.

Eger III, Robert J. and Jungbu Kim. (2007, November). *Gender Differences in Seeking Organizational Resources: Are Women Assertive Resource-seekers?* Presented at the Association for Public Policy Analysis and Management Conference, Washington, DC.

Eger III, Robert J., Jungbu Kim, and Hyun Park. (2007, October). *Tax Structural Determinants of Intergovernmental Revenue for Local Governments: A Political Cost Approach*. Presented at the Association for Budgeting and Financial Management Conference, Washington, DC.

Eger III, Robert J. and Hyun Park. (2007, April). *A Study on the Impacts of Governmental Funding on Financial Efficiency of U.S. Public Wastewater Services*. Presented at the Midwest Political Science Association Conference, Chicago, IL.

Eger III, Robert J., C. Kevin Fortner, Valerie Hepburn, Jungbu Kim, and Catherine P. Slade. (2006, October). *Public Health Districts and Bureaucratic Cost Efficiency: Needed Level of Government or a Potential Barrier to Financial Performance*. Presented at the Association for Budgeting and Financial Management Annual Conference, Atlanta, GA.

**Papers Presented at Conferences and Symposia (cont.)**

Brien, Spencer and Robert J. Eger III. (2006, October). *If It Looks Like a Duck, Walks Like a Duck, Quacks Like a Duck...Is it a Duck? Special Purpose Taxing Entities and Infrastructure Finance*. Presented at the Association for Budgeting and Financial Management Annual Conference, Atlanta, GA.

Eger III, Robert J., Reynold Galope and Jungbu Kim. (2006, September). *Moving Toward Comparability: Assessing Per Student Costs in K-12*. Presented at the Southeastern Conference on Public Administration, Athens, GA.

Cox, Sharon P. and Robert J. Eger III. (2005, November). *Running on Empty: Fuel Taxes, Refunds, and Exemptions*. Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. and Hai Guo. (2005, November). *Which is More Efficient: Public Authorities or Municipalities?* Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J., C. Kevin Fortner, and Catherine P. Slade. (2005, November). *The Policy of Enforcement: Red Light Cameras and Law Enforcement Officers*. Presented at the Association for Public Policy Analysis and Management Conference, Washington, DC.

Eger III, Robert J. and Amanda Wilsker. (2005, November). *Exactly What are Your Motives? Assessing the Impact of Self Interest and Altruism on Private Donation Patterns*. Presented at the Association for Public Policy Analysis and Management Conference, Washington, DC.

Eger III, Robert J. and Hai (David) Guo. (2005, November). *The Policy of Trade-Offs: The Use of Price Index Contracts in Transportation*. Presented at the Association for Public Policy Analysis and Management Conference, Washington, DC.

Eger III, Robert J. (2005, October). *The Signal is Changing: Red Light Camera Enforcement and the Working Class*. Presented at the Southeastern Conference on Public Administration, Little Rock, AR.

Cox, Sharon P. and Robert J. Eger III. (2005, April). *Running on Empty: Fuel Taxes, Refunds, and Exemptions*. Presented at the Western Social Science Association Annual Conference, Albuquerque, NM. (Regional)

Carroll, Deborah A. and Robert J. Eger III. (2004, October). *Implications of Tax Incremental Financing on Disadvantaged Families*. Presented at the Association for Public Policy Analysis and Management Research Conference, Chicago, IL.

Carroll, Deborah A. and Robert J. Eger III. (2004, October). *Criteria and Concerns in the Decision to Outsource*. Presented at the Association for Budgeting and Financial Management Annual Conference, Chicago, IL.

Eger III, Robert J. and Hai Guo. (2004, October). *Financing Infrastructure: Fixed Price v. Price Index Contracts*. Presented at the Association for Budgeting and Financial Management Annual Conference, Chicago, IL.

Eger III, Robert J. (2004, October). *Price Index Contracts: Reducing the Cost of State Infrastructure?* Presented at the Southeastern Conference on Public Administration, Charlotte, NC.

Eger III, Robert J. (2004, October). *Changes in Law Enforcement: Public Policy and Injury Crashes*. Presented at the Southeastern Conference on Public Administration, Charlotte, NC.

Carroll, Deborah A. and Robert J. Eger III. (2004, April). *Examining Financial Behavior in Special Purpose Entities*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

Eger III, Robert J. (2004, April). *Fixed Price v. Price Index Contracts: Financial Benefit for State Government?* Presented at the Western Social Science Association Annual Conference, Salt Lake City, UT.

Eger III, Robert J. (2004, April). *Changes in Law Enforcement: Public Policy and Injury Crashes*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

**Papers Presented at Conferences and Symposia (cont.)**

Eger III, Robert J. (2003, October). *Examining Financial Behavior in Special Purpose Entities*. Presented at the Southeastern Conference on Public Administration, Savannah, GA.

Carroll, Deborah A., Robert J. Eger III, and Justin Marlowe. (2003, September). *Management Practices and Local Municipal Credit: Does Management Matter?* Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. (2003, September). *Outsourcing In Transportation: Just A Contract?* Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. (2003, September). *Examining the Role of Financial Stability in Public Entities*. Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. (2003, April). *Housing Bonds: Measuring the Impact of Government Defaults*. Presented at the Western Social Science Association Annual Conference, Las Vegas, NV.

Carroll, Deborah A., Robert J. Eger III, and Justin Marlowe. (2003, April). *The Impact of Management Practices on Municipal Credit: An Empirical Assessment*. Presented at the Western Social Science Association Annual Conference, Las Vegas, NV.

Eger III, Robert J. and Uk Heo. (2003, April). *Paying for Security?: The Political Economy of U.S. Military Spending*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

Eger III, Robert J. (2003, April). *An Examination of Total Debt and Income as Indicators of Debt Stability*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

Carroll, Deborah A., Robert J. Eger III, and Justin Marlowe. (2003, April). *Evaluation of Transportation Organization Outsourcing*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL, April 2003.

Eger III, Robert J. (2002, October). *An Examination of Total Debt and Income: Indicators of Debt Stability in Public Transportation Authorities*. Presented at the American Society for Public Administration Region IV Midwest Annual Conference, Omaha, NE.

Clarke, G. Wes and Robert J. Eger III. (2002, October). *Special Districts, Authorities, Corporations, and the Bond Market*. Presented at the Association for Budgeting and Financial Management Annual Conference, Kansas City, KS.

Eger III, Robert J. (2002, October). *When Local Governments Default on Housing Bonds: Potential Effects on the Poor and Elderly*. Presented at the Association for Budgeting and Financial Management Annual Conference, Kansas City, KS.

Eger III, Robert J. and Deborah A. Knudson. (2002, October). *The Changing Environment of State Debt Quality in the 1990s*. Presented at the Association for Budgeting and Financial Management Annual Conference, Kansas City, KS.

Eger III, Robert J. (2002, October). *Housing Bond Defaults: Effects on the Poor and Elderly*. Presented at the Southeastern Conference on Public Administration, Columbia, SC.

Eger III, Robert J. and Deborah A. Knudson. (2002, April). *Assessing the Importance of Local Government Reinventions*. Presented at the Western Social Science Association Annual Conference, Albuquerque, NM.

Eger III, Robert J. and Doug Ihrke. (2002, April). *Reinventing Government in the Cities: The City Executive's Perspective*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

Eger III, Robert J. and Deborah A. Knudson. (2002, April). *The Urban Environment: Taxation, Brownfields, and Property Value*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

Eger III, Robert J., Deborah A. Knudson, and Justin Marlowe. (2002, April). *Reserve Fund Policies and Budget Outcomes in Great Lakes Municipalities*. Presented at the Midwest Political Science Association Annual Conference, Chicago, IL.

**Papers Presented at Conferences and Symposia (cont.)**

Eger III, Robert J. (2002, March). *The Effective Tax Code: The Role of Auditors and Penalties in Transportation Revenues*. Presented at the American Society for Public Administration Annual Conference, Phoenix, AZ.

Eger III, Robert J. (2002, January). *Public Authorities: Their Role In State Government Financial Management*. Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. (2002, January). *Road Fund Auditing, Assessment, and Enforcement in the States*” Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

Eger III, Robert J. (2001, October). *Casting Light on Shadow Government: An Exploratory Analysis of Public Authorities in the Southern States*. Presented at the Southeastern Conference on Public Administration, Baton Rouge, LA.

Eger III, Robert J. (2000, October). *Reinventing Government in the Cities: The City Executive’s Perspective*. Presented at the Wisconsin Political Science Association Annual Conference, Stevens Point, WI.

Eger III, Robert J. (2000, October). *GASB 34 and 35: Before and After*. Presented at the Association for Budgeting and Financial Management Annual Conference, Washington, DC.

**Chair of Doctoral Dissertation Supervisory Committees**

Max Mendieta (2013) “Essays in the Political Economy of Hospice Care.”

HeeJae Lee (2012) “Policy Decision Making for Transportation Infrastructure: The Cases of High Speed Rails in the U.S.”

Sungkyu Jang (2012) “Three Essays on Tax Collection: A Historical Review, A Formal Model, and An Empirical Test of the Government’s Contractual Choice of Tax Collection between Tax Farming and Tax Bureaucracy.”

D. Ryan Miller (2012) “Value-Added Models, Outcome-Based Teacher Performance, and the Teaching-Learning Process.”

Bruce D. McDonald III (2011) “A Human Capital Model of the Defense-Growth Relationship.”

Catherine Putnam Slade (2007) “Will Patient-Centered Care Affect Racial Disparities in Health?”

Jungbu Kim (2006) “A Study on Public Research and Development Budgeting and Expenditure Decisions.”

**Member of Doctoral Dissertation Supervisory Committees**

Joesph Vonasek (2013).

Jerry Poppe (2006).

Spencer Brien (2011).

Mohammad Yunus (2006).

C. Kevin Fortner (2010).

Deborah Carroll (2004).

Hai (David) Guo (2008).

Justin Marlowe (2004).

Abel Embaye (2007).

**Master’s Thesis Supervisory Committees**

Yolanda Borges and Maurice Walker (2018). MS in Contract Management, Advisor.

Timothy Whitney (2018). MBA, Co-Advisor

Jeffrey McCormick, Timothy McPeak, Jason Revitzer, Rafael Vargas, (2017). MBA, Second Reader

Victor Lange, Joseph Minnich, Thomas Radich, William Sczepanik (2017). MBA, Advisor

Jason Baumann (2017). MBA, Advisor.

**Master's Thesis Supervisory Committees (cont.)**

Paul Llano (2017). MBA, Advisor.

Gerald Weers (2016). MBA, Co-Advisor.

Michael Bell, Christopher Huizinga, Travis Neesmith, and Mark Wilson (2016). MBA, Advisor.

Tahnyah Burner (2016). MBA, Advisor.

Martina Cote, Thomas Lafontaine, and Michael McGarvey (2016). MS in Program Management, Advisor.

Heather Hess and Scott Kwiatkowski (2016). MBA, Advisor.

Tim Lindshield (2016). MS in Information Technology Management, Advisor

Adam Heil (2016). MBA, Second Reader.

Patrick Imhoff (2016). MBA, Second Reader.

David Anderson, Kenny Conover, Edwin (Santi) Santibanez, and Jason Jackson (2015). MBA, Advisor.

Matt Clark, Luke Donahue, and Daniel Rosborough (2015). MBA, Co-Advisor.

Brian Blades, Eric Bondurant, Luke Farrell and George Zintak (2015). MBA, Co-Advisor.

Mark Kugler (2015). MS in Management, Advisor.

Meagan Makarenko (2014). MBA, Second Reader.

Padraic Heiliger, Travis Rudge, Aaron Chonko (2014). MBA, Co-Advisor.

David Lewis and Jeremy Westcott (2014). MS in Program Management, Co-Advisor.

Timothy Didjurgis and Kyle Fullerton (2014). MBA, Co-Advisor.

Thurman Phillips and Raymond Lanclos III (2014). MBA, Co-Advisor.

Randall Molloy and Graham Fletterich (2013). MBA, Advisor.

Lucky Anguelov (2011). MA in International Affairs, Committee Member.

Shino Saito (2010). MA in Arts Administration, Committee Member.

Jessica Murphy (2009). MA in Arts Administration, Committee Member.

Chase Cobb (2009). MA in Arts Administration, Committee Member.

Steve Theis (2004). MA Political Science, Committee Chair.

**Fellowships**

Collins Institute, Florida State University (2007-2014).

Consortium for Economic Opportunity Faculty Fellowship (2001-2002).

Transportation Systems Management Fellowship (1999-2000).

Kentucky League of Cities Fellowship (1996-1997).

**Honors and Awards**

Chester A. Newland Presidential Citation of Merit, American Society for Public Administration, (2011).

Graduate School Research Committee Award, University of Wisconsin-Milwaukee (2002-2003).

Target of Opportunity Research Award, University of Kentucky (1998-2000).



### **Naval Postgraduate School- Service**

Past Chair, *Faculty Council* (2018-2019).  
Chair, *Faculty Council* (2017-2018).  
Chair-Elect, *Faculty Council* (2016-2017).  
Secretary, *Faculty Council* (2015-2016).  
Member, *Faculty Council Executive Board* (2015-current).  
Committee Member, *Faculty Council, Budget Committee* (2014-2015).  
Committee Member, *Presidential Search Committee* (2017-2018).  
Committee Member, *Position Management Board* (2017-2018).  
Member, *Provost Advisor Council* (2017-2018).  
Member, *Faculty Promotion Council* (2017-2019).

### **Graduate School of Business and Public Policy**

Chair, *Financial Management Area* (2016-2018).  
Director, *Center for Defense Management Research (CDMR)*.  
Chair, *Salary Benchmarking Committee* (2013-current).  
Committee Member, *Conrad Scholar Program* (2012-current).  
Committee Member, *GSBPP Budgeting Faculty Search Committee* (2012-current).  
Committee Member, *GSBPP Accounting Faculty Search Committee* (2012-current).

### **Florida State University- Service**

College of Social Science and Public Policy Representative, *University Faculty Senate* (2009-2011).  
Committee Member, *University Faculty Senate, Library Sub-Committee* (2010-2012).  
Committee Member, *Council on Research and Creativity*, (2008-2012).  
Committee Member, *Dissertation Research Grant Selection Committee*, (2008-2012).  
Committee Member, *SSPEG Committee* (2008-2012).  
Committee Member, *SGP Committee* (2009-2012).  
Committee Member, *FYAP Committee* (2010-2011).

### **Reubin O'D. Askew School of Public Administration & Policy**

Committee Member, *Developing Scholar Award* (2009-2012).  
Committee Member, *MPA Committee* (2011-2012).  
Committee Member, *Personnel Committee* (2009-2011).  
Committee Chairperson, *Ph.D. Committee* (2008-2010).  
Committee Member, *Ph.D. Committee* (2007-2008).  
Advisor, *Nonprofit Track* (2008-2012).

### **Georgia State University-Service**

Committee Member, *Intellectual Property Committee* (2006-2007).  
Faculty Advisor, *Students for Progressive Transit* (2004-2006).

### **Andrew Young School of Public Policy**

Coordinator, *Presidential Management Fellowship* (2003-2007).  
Committee Member, *MPA Curriculum Committee* (2006-2007).  
Liaison, *MPA Public Oversight Board* (2004-2006).  
Committee Member, *MPA Program Admissions Committee* (2005-2007).  
Vice Chair, *Faculty and Staff Annual Giving Campaign* (AY2005 & AY2006).  
Committee Chair, *Best Term Paper Award Committee* (AY2005 & AY2006).  
Committee Member, *New Faculty Search Committee* (2004).  
Instructor, *International Studies Program* (August 2004).

### **University of Wisconsin-Milwaukee- Service**

Committee Member, *Graduate School Research Committee* (2002-2003).  
Committee Member, *University Committee, Transportation Subcommittee* (2002-2003).  
Advisor, *University Outreach, Department of Governmental Affairs* (2000-2003).

### **College of Letters and Science**

Committee Member, *Curriculum Development Committee for Nonprofit Management* (2002-2003).  
Committee Member, *Urban Studies Student Affairs and Curriculum Committee* (2001-2003).  
Instructor, *School of Continuing Education, Department of Governmental Affairs*, (2000-2003).

### **Department of Political Science**

Committee Member, *Ph.D. Program Admissions Committee* (2001-2003).

### **Ad-Hoc Reviewer for Refereed Journals**

*Accounting Horizons, American Review of Public Administration, Congressional Quarterly, Economic Development Quarterly, International Journal of Pavement Engineering, International Journal of Public Administration, Journal of Applied Business and Economics, Journal of the American Planning Association, Journal of Politics, Journal of Policy Analysis and Management, Journal of Public Management, Journal of Urban Affairs, Municipal Finance Journal, Political Research Quarterly, Public Administration Review, Public Budgeting & Finance, Public Budgeting, Accounting, and Financial Management, Public Finance Review, Public Management Review, Public Performance and Management Review, Public Works Management & Policy, Publius, State and Local Government Review, State Politics and Policy Quarterly, Transportation Letters: The International Journal of Transportation Research, Transportation Research Record, Urban Affairs Review.*

### **Editorial Boards**

Editor-in-Chief (2013-2017) *Journal of Public and Nonprofit Affairs*.  
Editorial Board Member (2017-current) *Journal of Public Budgeting, Accounting & Financial Management*  
Editorial Board Member (2016-current) *American Review of Public Administration*  
Editorial Board Member (2003-2006) *Journal of Public Policy*.

### **Service to Academic Community**

American Accounting Association, Government and Nonprofit Section (GNP).

Secretary-Treasurer for the GNP Section (2019)  
AAA Annual Program Chair for the GNP Section (2018)  
Western Region Representative (2016-current).  
GNP Midyear Meeting Program Chair (2017).

American Society for Public Administration (ASPA).

Finance Committee Chair (2010-2011).  
Finance Committee Vice-chair (2009-2010).  
Finance Committee (2009-2013).  
Finance Track Co-Chair (2008).  
Professional Public Management Certification Program Task Force (2011-2015).  
Volunteer Compensation Policy Task Force (2010-2011).

ASPA Section on Transportation Policy and Administration – Executive Board Member (2009-2011).  
Best Paper Committee Chair (2011).

American Taxation Association (ATA)

Annual Program Committee Member (2010-2011).  
Flow-through Entities Tax Policy Committee Member (2004-2006).  
Research Resources and Methodologies Committee Member (2004-2006, 2010-2012).

**Service to Academic Community (cont.)**

Tax Manuscript Awards Committee Member (2011-2012).

Association for Budgeting and Financial Management (ABFM)  
Chair-elect and Conference Coordinator (2006-2007).  
Chair (2007-2008).  
Treasurer and Conference Coordinator (1999-2003).  
Vice-Chair (2004-2005).

Association for Public Policy Analysis and Management, Salary Survey Steering Committee (2006-2007).

Academic Conference Program Sessions (Chair, Moderator, or Discussant).  
American Accounting Association (2006-current).  
American Tax Association (2010-current).  
Government and Nonprofit Section (2009-current).  
Association for Public Policy Analysis and Management (2010-current).  
American Society for Public Administration, Local Finance Track Co-Chair (2008-2009).  
Association for Budgeting and Financial Management Conferences (2000-2008).  
Southeastern Conference on Public Administration (2003, 2006, 2007).  
Midwest Political Science Association (2003).

Cambridge Business Publishers- Audit Case Studies- Reviewer (2015-current).

Flat World Knowledge Publications- Business Statistics – Reviewer (2011-2012).

National Academies, Transportation Research Board  
Traffic Law Enforcement (2005- 2017).  
Task Force on Mastering the Management of Transportation Research and Training Program (2015-2017).

Public Financial Publications, Inc. – Board of Directors  
Treasurer (2004-current).  
ABFM Representative (2004-2008).  
Public Member (2008-current).

SAGE Publications - Research Methods, Statistics, and Evaluation – Reviewer (2010-current).

Res Publica Student Organization Member (1996-2000), President (1997-1998).

**Service to the Practice Community**

American Civil Liberties Union of Florida, Consultant and expert witness in drivers licensing suspensions.

American Civil Liberties Union of Virginia, Consultant and expert witness in drivers licensing suspensions.

Blue Ribbon Commission on Fulton County Governance, 2005, Chairman – Commission charged with assessing Fulton County, GA governance.

Bryan Cave, LLP. Consultant and expert witness in firm liability in driver’s license suspensions and restrictions, 2014-current.

Chattahoochee Hill Country Conservancy, Palmetto, GA, Advisor 2005-2007.

Children’s Restoration Network, Roswell, GA, Homeless Women and Children’s Nonprofit Charity  
Board Chairman 2007-2008.  
Executive Board Member 2005-2010.  
Treasurer 2005-2007.

City of Chattahoochee Hill Country, Advisor 2007-2008.

Department of the Navy, Installation-Training Readiness Aligned Investments (I-TRAIN), Executive Team Member and Advisor (2015-current).

Georgia Department of Transportation, Facilitator for Outsourcing Taskforce, 2006-2010.



**Service to the Practice Community (cont.)**

Government Finance Officers Association, July 2006, Governmental Accounting Training Instructor.  
 Gunta and Reak, S.C., Milwaukee, WI, 2002-current, Consultant/ expert witness in methodological issues.  
 Justice4All, Consultant and expert witness in drivers licensing suspensions.  
 Lane Powell, P.C., Portland, OR, 2010- current, Consultant/ expert witness in drivers licensing suspensions.  
 Leon County Supervisor of Elections, Precinct 4463 Clerk, 2008-2012.  
 Midwestern Regional University Transportation Center (Region V DOTs)  
     Advisory Committee Member (2000-2003).  
     Transportation Workshop Planning Committee Member (2002-2003).  
 Milwaukee County, WI, 2002-2003, Advisory Group Member on Portfolio Management and Investment.  
 Milwaukee Metropolitan Sewerage District, May 2002-May 2003, STEP instructor for Governmental Accounting and Finance.  
 Milwaukee Public Museum, August 2002-May 2003, STEP instructor for Nonprofit Accounting and Finance.  
 Non-Profit Center of Milwaukee, Inc. Milwaukee, WI, 2000-2003, Management Assistance Program Volunteer Consultant.  
 RESPECT of Florida, Tallahassee, FL, 2011-2012, Developmentally Disabled Employment Nonprofit, Business Development Committee Member.  
 South Fulton Concerned Citizens, Fairburn, GA, Advisor 2005-2007.  
 State of Georgia Steering Team, Bio-Fuels, 2004.  
 United States Navy, Installation-Training Readiness Aligned Investments (I-TRAIN) Working Group, Advisor, 2015-current.  
 Williams Young, LLC, Madison, WI, 2001-2003, Transportation and methodological consultant on transit projects.

**Membership in Professional Organizations**

American Accounting Association	American Economic Association
American Finance Association	American Society for Public Administration
American Taxation Association	Association for Budgeting and Financial Management
Association of Government Accountants	Association for Public Policy Analysis and Management
California Police Officers Association	Government Finance Officers Association
National Business and Economics Society	National Tax Association

**EXHIBIT 27:  
DEFENDANTS'  
RESPONSES TO  
PLAINTIFFS' SECOND  
SET OF  
INTERROGATORIES**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

	)	
NATHAN WRIGHT and CAMESE	)	
BEDFORD, on behalf of themselves and	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
FAMILY SUPPORT DIVISION et al,	)	
	)	
Defendants.	)	
	)	

Case. No. 4:19-cv-00398

**DEFENDANTS’ JOINT RESPONSES AND OBJECTIONS TO  
PLAINTIFFS’ SECOND SET OF INTERROGATORIES**

Defendants Family Support Division of the Missouri Department of Social Services, Michael L. Parson, Jennifer Tidball, Kenneth Zellers, Reginald McElhannon, and Joseph Plaggenberg (collectively, “Defendants”), by and through undersigned counsel, hereby jointly respond and object to Plaintiff’s Second Set of Interrogatories (the “Second Interrogatories”) as follows:

**GENERAL OBJECTIONS**

1. These General Objections are incorporated into each of the Objections and Responses below.
2. Defendants reserve: (i) the right to object to use of these Responses in any subsequent suit or proceedings in this action on grounds of relevance, materiality, admissibility, or on any other ground; (ii) the right to object to any other discovery procedures involving or related to these Responses; (iii) the right to amend or supplement any of these Responses; and (iv)

the right to object to the relevance or admissibility of any documents produced or identified in response to these Second Interrogatories.

3. Defendants object to the Second Interrogatories, including, but not limited to, the Directions and Definitions, to the extent that they seek to impose obligations upon Defendants in addition to or different from those required under the Federal Rules of Civil Procedure or the Local Civil Rules of this Court.

4. Defendants object to the Second Interrogatories as being in violation of Federal Rule of Civil Procedure 33(a) and this Court's Case Management Order entered on May 17, 2019. Specifically, Defendants object to the Second Interrogatories because they compound the violation of the limits of twenty-five (25) interrogatories set by the Federal Rules of Civil Procedure and this Court's Order in Plaintiffs' First Set of Interrogatories, which consisted of one hundred thirty-three (133) questions and subparts. The Second Interrogatories include one interrogatory with ten (10) subparts and another that seeks an explanation for every Request for Admission that is not fully admitted. Relevant case law indicates that every such Request for Admission that must be explained must be counted as a separate subpart, furthering Plaintiffs' violation of the limits on interrogatories.<sup>1</sup> Defendants also specifically object to the Interrogatories as violating the Federal Rules by seeking to evade the set limit by joining subparts seeking information about discrete

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<sup>1</sup> See, e.g., *Safeco of Am. v. Rawstron*, 181 F.R.D. 441, 446 (C.D. Cal. 1998) ("Allowing service of an interrogatory which requests disclosure of all of the information on which the denials of each of 50 requests for admissions were based, however, essentially transforms each request for admission into an interrogatory. This is not the purpose requests for admissions were intended to serve, and because Rule 36 imposes no numerical limit on the number of requests for admission that may be served, condoning such a practice would circumvent the numerical limit contained in Rule 33(a)."); *In re Olympia Holding Corp.*, 189 B.R. 846, 853 (Bkrcty. N.D. Fla. 1995) ("Requests for admissions and interrogatories are not interchangeable procedures... Utilizing interrogatories disguised as requests for admissions in an attempt to circumvent a local rule limiting the number of interrogatories is an abuse of the discovery process.").

separate subjects into one interrogatory. *See* Advisory Committee Notes to the 1993 Amendment to FED. R. CIV. P. 33 (“Parties cannot evade this presumptive limitation through the devise of joining as ‘subparts’ questions that seek information about discrete separate subjects. However, a question asking about communications of a particular type should be treated as a single interrogatory even though it requests the time, place, persons present, and contents be stated separately for each such communication.”).

5. Defendants object to each interrogatory insofar as it seeks the disclosure of information that is already within Plaintiffs’ possession, custody, or control or is obtainable from another source that is more convenient, less burdensome, or less expensive on the grounds that such discovery is unnecessary, duplicative, burdensome, and harassing.

6. Defendants object to each interrogatory as unduly burdensome and duplicative to the extent it seeks materials already produced in this litigation.

7. Defendants object to each interrogatory insofar as it seeks information or documents protected from disclosure by attorney-client privilege, the attorney work product doctrine, or any other privilege recognized by law, statute, or rule. To the extent that Defendants inadvertently or otherwise disclose any such privileged or protected information or documents, such disclosure shall not be construed as a waiver by Defendants of any privilege or protection, and Defendants reserve the right to claim such privilege or protection with regard to both the inadvertently or otherwise produced information or document, as well as any other privileged or protected information or document that has not yet been disclosed or produced.

8. Defendants object to each interrogatory as irrelevant as none of the requested information is germane to the claims asserted by Plaintiffs in this lawsuit.

## RESPONSES TO INTERROGATORIES

**INTERROGATORY No. 17:** Of the 41,903 non-custodial parents who have their driver's licenses suspended for failure to pay past-due support as of June 10, 2019 (per Defendants' Response to Interrogatory No. 7), how many of those parents' suspensions have been active for:

- a. more than 6 months;
- b. more than 1 year;
- c. more than 2 years;
- d. more than 3 years;
- e. more than 5 years;
- f. more than 10 years;
- g. more than 15 years;
- h. more than 20 years;
- i. more than 25 years; and
- j. more than 30 years.

**ANSWER:** Defendants incorporate by reference each of their General Objections as if fully set forth herein. Defendants specifically object to the phrase "past-due support" as vague, ambiguous, and overly broad to the extent that it contemplates support other than child support. Defendants also specifically object to the phrase "driver's licenses suspended for failure to pay past-due support" as vague, ambiguous, and overly broad because it includes many driver's license suspensions that are not included in the putative class. Plaintiffs' proposed class is limited to "[a]ll individuals whose Missouri driver's licenses are, or will be, suspended for failure to pay child support under MO (sic) Rev. Stat. § 454.1003 and whose reason for nonpayment was, or will be, inability to pay." *See* Doc. # 1 at ¶ 162. As drafted, Interrogatory No. 17 seeks information on all

**ANSWER:** Defendants incorporate by reference each of their General Objections as if fully set forth herein. Defendants also specifically object to Interrogatory No. 19 because it seeks an explanation for each of Plaintiffs' sixty-two (62) Requests for Admission. Given that each such explanation counts as a separate subpart, this Interrogatory exacerbates Plaintiffs' violation of the limits of twenty-five (25) interrogatories. *See* General Objection No. 4. Subject to and without waiving these objections, Defendants refer Plaintiffs to their responses to the Requests for Admission.

Dated the 23 day of September, 2019.

Respectfully submitted,

ERIC S. SCHMITT  
Attorney General

*/s/ Laura M. Robb*  
Laura M. Robb, 64117MO  
Robert Phillips, 50470MO  
Assistant Attorneys General  
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573-751-3321  
573-751-5391 FAX  
laura.robbs@ago.mo.gov  
robert.phillips@ago.mo.gov

*Attorneys for Defendants*

ATTESTATION

Upon being duly sworn, I Steven V. Kissinger, state upon my oath that the above answers to Plaintiff's Second Set of Interrogatories Directed to Defendants of the Department of Social Services, Family Support Division, are true and correct according to my best knowledge, information and belief.



Subscribed and sworn to me this 23<sup>rd</sup> day of September, 2019.

  
Notary Public

My commission expires: Feb 28, 2023



MARLA DIANE KNIPP  
My Commission Expires  
February 28, 2023  
Moniteau County  
Commission #15148729



ATTESTATION

Upon being duly sworn, I Spencer Bartlett, state upon my oath that the above answers to Plaintiff's Second Set of Interrogatories Directed to Defendants of the Department of Revenue, are true and correct according to my best knowledge, information and belief.

Spencer Bartlett

Subscribed and sworn to me this 23<sup>rd</sup> day of September, 2019.



CASSANDRALYNN WREN  
My Commission Expires  
February 21, 2022  
Moniteau County  
Commission #18704414

Cassandralynn Wren  
Notary Public

My commission expires: 02/21/2022