

Harold Schorn -Testimony
2021 Special Committee on Child Support Enforcement and Collection
November 9, 2021- morning session

Senator Carolyn McGinn and other committee members, thank you for allowing me to be here today. My name is Harold Schorn. I am the District Court Trustee of the Ninth Judicial District.

I reviewed what this committee is directed to do and accomplish. I must say thank you and praise you all for this difficult undertaking. The issues that your committee is tasked to address are complicated and cannot be easily remedied.

A part of your study topic is the Court Trustee, non IV-D program. I and other District Court Trustees agree that a complete understanding of child support services in Kansas and how to improve them must include a better understanding of District Court Trustees.

As you recall at the last committee meeting, Carl Wheeler, District Court Trustee of Sedgwick County, gave a great presentation about the District Court Trustee program. I like to expand on his presentation. As Carl spoke from one of the larger offices. I like to review briefly the history and operation from one of the smaller ones.

The judicial district I am responsible for covers Harvey and McPherson counties. I have lived in Newton, (Harvey County) Kansas all my life except when I was obtaining my math and philosophy degrees from Benedictine College in Atchison and my law degree from Washburn Law School, here in Topeka. I maintained a general law practice from 1984 with an emphasis in domestic relations law until I became a deputy District Court Trustee in 2002 and then District Court Trustee in 2013. The position I currently still hold.

My predecessor, Charles Prather started a Trustee program in 1986 for this judicial district. He served as District Court Trustee from that time until his death in 2013. From this early beginning to now, this Trustee office provided the same enforcement and modification services of child support orders that you are evaluating right now.

In fact, from at least 1990 to 2013, this Trustee office was also providing these services under IV-D contracts. Similar contracts that you are currently discussing and reviewing. That is, for over 23 years, this Trustee office was providing enforcement and modification services in both IV-D cases and non IV-D cases. As a result, everyone who had a child support case in this district readily knew to contact this Trustee office. There was little confusion.

Also, there was a great working relationship between this Trustee program and IV-D program staff, who were state employees. During this time, SRS (Department of Social and Rehabilitation Services now known as the Department for Children and Families) regularly honored this Trustee office for our high performance under these IV-D contracts.

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However, even with our long and effective history with these contracts, DCF abruptly in 2013 did not offer this Trustee office and other Trustee offices the same opportunities to continue under these contracts as afforded in the past. It was perplexing, as I believe DCF has the records to prove that this particular Trustee office continuously maintained a high collection rate and exceed all required federal standards in the 9th Judicial District. I am not fully aware what lead the Brownback administration in 2013 to full privatization. However, such a policy change appeared to overlook this Trustee office's performance under these contracts.

Nevertheless, here we are now, 8 years later. This Trustee office as well as others survived. I can humbly state, this Trustee office continues to be very successful with high collection rates and strong support from the local legal community and parties we serve. The success of this Trustee office is not only evident by our longevity, but by our adaptability to survive after losing all government funding from the IV-D contracts. From 2014 to present, the only source of revenue for this office is collection fee income. As you may know, the statutory fee limit on support orders cannot exceed 5% of the amount collected. Hence, this Trustee office has to maintain a high collection rate in order to survive. Though other Trustee offices receive some county funding. This Trustee office receives no federal, state or county funding and is not governed by profit margins or shareholders. Most importantly, a lot of credit of this long-term achievement should go to my three very dedicated support staff. One has served over 12 years, another for over 18 years. My third staff member, I like to specifically name. She is Debi Thompson who has been with this Trustee office for over 31 years.

Beside this Trustee office, there are 12 other similar successful Trustee offices providing child support services throughout the state. These offices serve 16 judicial districts and 55 counties, which include all the major urban areas. Nearly half of the state of Kansas. Though we each may differ in size, I can assure you that most of us have comparable history and background, similar dedicated and long term staff and same extensive knowledge and experience with child support services whether under a IV-D contract or not.

Many of us are here present today and if I could, after my presentation, ask each one of them to come to the podium and at least introduce themselves to the committee.

I included with my written testimony, an exhibit A, contact information for all Trustees. Please, feel free to contact any of us at any time. A listing is also located on www.kscourts.org. Just select Public at top of website, then Child support guidelines, scrolled down to Forms and appendices, then continue to scroll down after Plain forms, Fillable forms to Appendices then select Court trustee contact list.

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In addition, I included with my written testimony, Exhibit B, as I did not want to inundate you with too much detail during this presentation. The exhibit provides further explanation of our statutory authority, duties and responsibilities. This exhibit also includes a list of the many similarities as well as advantages and disadvantages of the Trustee and IV-D programs. I strongly encourage you to review and study at your convenience.

I sincerely appreciate this opportunity to talk about the District Court Trustee office of the Ninth Judicial District. This office and the mission is a large part of my life and the staff's lives. We all work very hard. I easily put in more than 40 hours each week and take few vacations. My work ethic, commitment and dedication I attribute to the great parents I was fortunate to have. Also, in 2013 I was suddenly entrusted with leading this office. As I mentioned, Charles Prather, the founder, died that year of a heart attack while driving back to work. He was a brilliant attorney and yes could be difficult at times. However, he had the foresight to recognize a great need years before others did. He dedicated most of his legal career to this cause. Many children and families for many years were better off due to his focused work and efforts. I am compelled to continue his legacy.

Hence, all District Court Trustees stand here united today and implore you to maintain the Court Trustee, non IV-D program. Granted the IV-D program is having some issues, but it is a huge operation with many responsibilities. There are no easy and quick solutions. All of us are advocates of the IV-D program. However, do not be lead to believe that a takeover of the Trustee program by the IV-D program is the answer.

Such action could easily dilute all the expertise, knowledge and effectiveness the Trustees developed over all these years. Weakening further the overall child support services for the state. Such a drastic measure ignores the long-standing history of these two programs working side by side without any problems. These two programs can easily co-exist. The District Court Trustees are always willing to discuss, work, or cooperate with DCF or their contractors on any matters.

Adding Trustee cases to the IV-D program could possibly bring in additional federal dollars to the state. However, is it wise to throw more money into a system that currently has flaws? Also merely adding money and creating a single child support services model is simply not going to fix all the problems.

In addition, many parties may not appreciate the only service provider being an agency that is heavily regulated and controlled by the federal government. Why consider taking the choice away from Kansans in half the state to a single governmental solution that has some issues? Does not competition usually lead to better service?

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Further, all Trustees sympathize with Ms. Katie Whisman’s testimony regarding her difficulties navigating the child support system in Kansas. Her case highlights some of the difficulties with a fully privatized single program. Though a Trustee was initially involved in her case, once she converted the case to Title IV-D status, DCF strictly demands no further involvement or any assistance from Trustee in the case. Hence, she was limited to only one system for her child support services and it appears there was no designated person or method to resolve her complaints.

However, I can assure you if a Trustee was involved and did not communicate or respond at the level as presented by her testimony there is definitely a party she could call. That call would be to the Chief Judge of the Judicial District that appointed the Trustee. I am confident after such call; a prompt and appropriate response would be the outcome.

So what is the bottom line here, what should happen next? My understanding there will be a formal discussion on this question later this afternoon. However, I must emphasize now that an informed decision must include a good understanding of the Trustee program and a close examination of their operation and proven effectiveness. If you need more information and convincing to continue with the current dual program system, then do not hesitate to contact any of us. I believe a better understanding of both programs will lead to better child support services overall for Kansas.

Thank you.

Harold Schorn

Harold Schorn District Court Presentation
November 9, 2021 Exhibit A

JID	County	Trustee	Phone	Fax	Email	Street Address	City	Zip Code
2	Jackson	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
2	Jefferson	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
2	Pottawatomie	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
2	Waubesaunsee	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
3	Shawnee	Marc White	785-235-0400	785-233-1287	marc@whitelaw-dct.com	1200 S. Kansas Ave. Ste 2	Topeka	66612
7	Douglas	Mary Elizabeth Diaz	785-832-5315	785-838-2408	mbdiaz@douglascountyks.org	111 E. 11th Street, Unit 101	Lawrence	66044
8	Dickinson	Ed Wheeler	785-762-2583	782-762-3903	ewheeler@8thjd.com	P.O. Box 1570	Junction City	66441
8	Geary	Ed Wheeler	785-762-2583	782-762-3903	ewheeler@8thjd.com	P.O. Box 1570	Junction City	66441
8	Marion	Ed Wheeler	785-762-2583	782-762-3903	ewheeler@8thjd.com	P.O. Box 1570	Junction City	66441
8	Morris	Ed Wheeler	785-762-2583	782-762-3903	ewheeler@8thjd.com	P.O. Box 1570	Junction City	66441
9	Harvey	Harold Schorn	316-283-6547	316-283-8452	harold@schorn-law.com	P.O. Box 111	Newton	67114
9	McPherson	Harold Schorn	620-241-3220	620-241-3101	harold@schorn-law.com	P.O. Box 1162	McPherson	67460
10	Johnson	Nicolette Bennett	913-715-3600	913-715-3700	Nicolette.Bennett@jocogov.org	150 W. Santa Fe Street, Ste 1400	Olathe	66061
12	Cloud	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
12	Jewell	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
12	Lincoln	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
12	Mitchell	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
12	Republic	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
12	Washington	Stephanie Petrie	785-335-2278		trusteeattorney@ncken.com	P.O. Box 292	Scandia	66966
13	Butler	Stephany L. Hughes	316-452-5640	316-452-5641	galshughes@gmail.com	218 W. Central	El Dorado	67042
13	Elk	Stephany L. Hughes	316-452-5640	316-452-5641	galshughes@gmail.com	218 W. Central	El Dorado	67042
13	Greenwood	Stephany L. Hughes	316-452-5640	316-452-5641	galshughes@gmail.com	218 W. Central	El Dorado	67042
15	Cheyenne	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Logan	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Rawlins	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Sheridan	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Sherman	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Thomas	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
15	Wallace	Leslie Beims	785-728-8081	888-511-7049	leslie.beims.attorney@gmail.com	P.O. Box 96	Goodland	67735
16	Clark	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
16	Comanche	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
16	Ford	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
16	Gray	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
16	Kiowa	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
26	Meade	Dawn Hayes	620-225-0579	620-225-4922	dph16dct@yahoo.com	P.O. Box 1695	Dodge City	67801
18	Sedgwick	Carl Wheeler	316-660-5909	316-660-1039	cwheeler@dct18.org	525 N. Main, 9th Floor	Wichita	67203

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JD	County	Trustee	Phone	Fax	Email	Street Address	City	Zip Code
21	Clay	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
21	Riley	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
23	Ellis	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
23	Gove	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
23	Rooks	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
23	Trego	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Edwards	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Hodgeman	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Lane	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Ness	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Pawnee	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
24	Rush	Julie A. Grabbe	785-259-8478	785-621-2551		P.O. Box 794	Hays	67601
26	Grant	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
26	Haskell	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
26	Morton	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
26	Seward	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
26	Stanton	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
26	Stevens	Kendall McVay	866-296-0311	785-228-2685	kmcvay@mcvaylaw.net	3615 SW 29th Street	Topeka	66614
29	Wyandotte	Tracey Johnson	913-573-2992	913-573-4176	tjohnson@wycokck.org	710 N. 7th Street, Suite 520	Kansas City	66101

District Court Trustee presentation
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Exhibit B

Statutory authority:

The Kansas Legislature in 1972 recognizing the need for increased efforts to enforce support orders authorized judicial districts to establish court trustee programs in 1972. The relevant statutes are found in K.S.A. 20-375 *et seq.*

Hence, District Court Trustee offices can operate in every judicial district and county. However, the development is dependent on commitment and support from District Court Judges, attorneys and county commissioners to commence and maintain this type of program in their districts and counties.

Statutory duties and responsibilities:

Per these statutes, Trustees are charged with the collection of support from an obligor (non custodial parent) upon the order of the court or upon written request of the obligee (custodial parent). The statutes grant certain powers to Trustees. Although no attorney-client relationship exists, Trustees are authorized and empowered to pursue all civil remedies, which would be available to the obligee or obligor in establishing and enforcing payment of support or restitution. Trustees can file motions for an increase or a decrease of the amount of support on behalf of a child. Additionally, Trustees maintain official records of all support payments of cases enforced by Trustee offices using the Kansas Payment Center payment records. The accounting of what is owed in every case is not KPC responsibility, but Trustee offices in non IV-D cases.

Similarities/Advantages and Disadvantages:

Now the Trustee program and the IV-D program are similar in many respects. Also, there are advantages and disadvantages using one over the other as well. Both programs follow Kansas statutes; however federally funded IV-D services mandated guidelines and procedures while Trustees can be more flexible.

The similarities include but are not limited to are following enforcement tools;

- 1) Income Withholding
- 2) Garnishments
- 3) Demand Letters
- 4) Aid in Execution
- 5) Order to Appear and Show Cause
- 6) Involuntary Assignment of Worker's Compensation

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- 7) Occupational License Suspension
- 8) Driver's License Restriction
- 9) Filing proof of claims in bankruptcy cases filed by obligor
- 10) Requesting assistance from Tribal Courts to attach per capita payments
- 11) State Tax offsets (KDRS system which now includes set offs on gambling winnings from the State casinos)

Also, both IV-D and Trustee programs are authorized to seek modifications of child support orders. Though not all, but many of the Trustee offices provide this service.

Although there are similarities between programs there are benefits to the IV-D program.

Those benefits include but are not limited to:

- 1) Establishment of child support orders
- 1) Automated notification of delinquencies to credit bureaus
- 2) Automated Offset of Federal tax refunds and stimulus; and Kansas income tax refunds
- 3) Memorandum with Kansas Department of Labor to withhold from Kansas unemployment benefits
- 4) Additional assistance in location of an Obligor
- 5) Automated Passport denial
- 6) Ability to send a case to another state via the Uniform Interstate Family Support Act (UIFSA) and ask for administrative enforcement in other states (example: Missouri unemployment and works compensation)
- 7) Use of a federal portal to obtain information about Social Security Benefits for adults and their children and electronic document and data exchanges with other states
- 8) Multi-State Financial Institute Data Match (bank garnishments including Federal Thrift Savings Plans)
- 9) Federal and state funding.

There are also benefits to having the support obligation enforced by a Trustee. Those benefits include but are not limited to:

- 1) Smaller caseload
 - a) Increased accessibility
 - b) Quicker response times
 - c) More time devoted to each individual case
 - d) Enhanced customer service experience

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- 2) One stop shopping
 - a) Less confusion regarding roles and responsibilities
 - b) 1 attorney
 - c) 1 case worker
 - d) No call center or customer service department – you always get to talk to the attorney or caseworker assigned to your case
- 3) Enforcement of Spousal Maintenance only cases
- 4) Collection of interest on unpaid support
- 5) Collection on cases closed by IV-D programs which they deem uncollectible or meet federal closure criteria such as loss of locate or lack of cooperation; or once child support is collected IV-D funding cannot be provided for spousal maintenance only orders which then come to a Trustee Office to enforce.
- 6) No federal or state funding and minimal or no county funding. Main source of revenue is the 3% to 5% collection fee.
- 7) Greatly accepted and strongly supported by all District Court Judges and attorneys of the Judicial Districts.
- 8) Well established offices with high performance standards.
- 9) Long term staff with years of experience.
- 10) More education of services provided.