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Procedural Justice is More than Just a Buzz Word

October 26, 2016 by [Danielle Wermund](#)

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Do you recognize this superstar on the right? Probably not, but he a superstar to me, he is my dad. I grew up in the small town of Lafayette, Indiana where my dad was a judge for thirty years. At some point everyone met my dad because he did weddings, small claims, family law and a lot of other case types. He was quite recognizable and when we would go to the grocery store or movie theatre he would always have someone call him by name. When I was probably about twelve we ran into someone who said, “Hey I know you, and you are Judge Donat”. My dad of course smiled and said hello, but did not recall who he was. The man went on to say, “You heard my case Judge, and ruled against me”. Oh no, I thought this is not going well. He followed up with a sincere smile and said, “But you heard my story, you listened, and it was fair”. It was fair. Those words have stuck with me through my legal career. Perception is reality. If people perceive that the system is fair, they buy into the system. The Judicial system is one of the three pillars of our democratic government. Without perceived

fairness, the judicial system fails. This idea of fairness impacts so many of the outcomes we experience in child support. Procedural Justice may be a current buzz word, but understanding the concepts and how important procedural justice is to our child support clients, can directly impact the outcomes we see in child support.

In the modern world of do-it-yourselfers, the number of self-represented litigants is only increasing. The judicial system has been studying ways to adapt to handle the number of self-represented while maintaining the belief that everyone has access to the justice system and it is a “Justice for All” world. The California Courts, along with many courts around the country, are trying to address procedural fairness and develop protocols in which litigants will have a voice, be treated with respect, develop trust in the system, have transparency and experience neutrality. One of the first things the courts have done is implement user survey tools and resources to assess the court user’s perceptions. They assess elements from the user experience in coming to the courthouse with signage and ease of finding the courtroom, to forms and instructions, to perceptions of how they were treated by the judicial staff. These tools and analysis can be helpful to child support agencies as well to figure out the difference between what you think the users’ perceptions are versus how they actually feel after their interaction with the agency. In addition to assessment of current perceptions, training staff on the importance of procedural justice and connecting the dots with outcomes for child support clients and families, will build support for making necessary changes and empower staff to make recommendations for changes that may bolster efforts. Provide customer service training to all staff, no matter what their job function is because everyone in your office is a provider of customer service and understanding the importance of providing respectful service is the cornerstone of fairness.



Programs that assist parents in finding resources to address parenting time are important in giving the perception of accessibility to the court and the concepts of fairness. In child support, there can be a perception that the agency is only concerned with money. Without giving an exhaustive explanation to the clients regarding federal financial participation and federal funding, we can provide resources on where to go for help. One such example would be the California agreement between the Administrative Office of the Courts, Child Support Offices or Bar Associations for positions called Family Law Facilitators. These professionals assist the parents with courtroom procedures, protocols and finding resources if needed. These types of programs help the public not to fear the judicial process and also speeds up a court hearing when parties understand how the process will run. By creating collaborative partnerships with Human Service and workforce agencies, child support can direct parents to resources that may assist in keeping them self-sufficient and paying child support. The perceptions by the client improve by feeling like their issues have been heard and that the process is transparent and fair. In the end, child support collections may improve and lead to better outcomes for the children.

Innovation and creativity using technology can also be very effective in increasing procedural justice. Providing clear and informative electronic forms and instructions can be very cost-

effective. Child Support offices should ensure that clients are aware of expectations if they are to appear in court. For example, give instructions online, or be creative and create a YouTube video. Detailing the appropriate dress one should wear as well as the rules and time frames one should expect. Employ alternative communications methods that work for the clientele, by e-mail, texting, social media, etc. Social media can be a cost-effective way of communicating emergency management or resource information to clients.

If one small town judge can bring procedural justice alive, so can Child Support Services. Child Support can play a vital role in collaborating with the Judicial Department to ensure that the public perceives that they have access when needed to the Judicial process and that the process is fair.

“Procedural Fairness in the California Courts” By Judicial Council of California, 2007, –
http://www.courts.ca.gov/documents/profair_brochure_092507.pdf

Office of Child Support Access to Justice Innovations:
<http://www.acf.hhs.gov/programs/css/resource/access-to-justice-innovations>

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