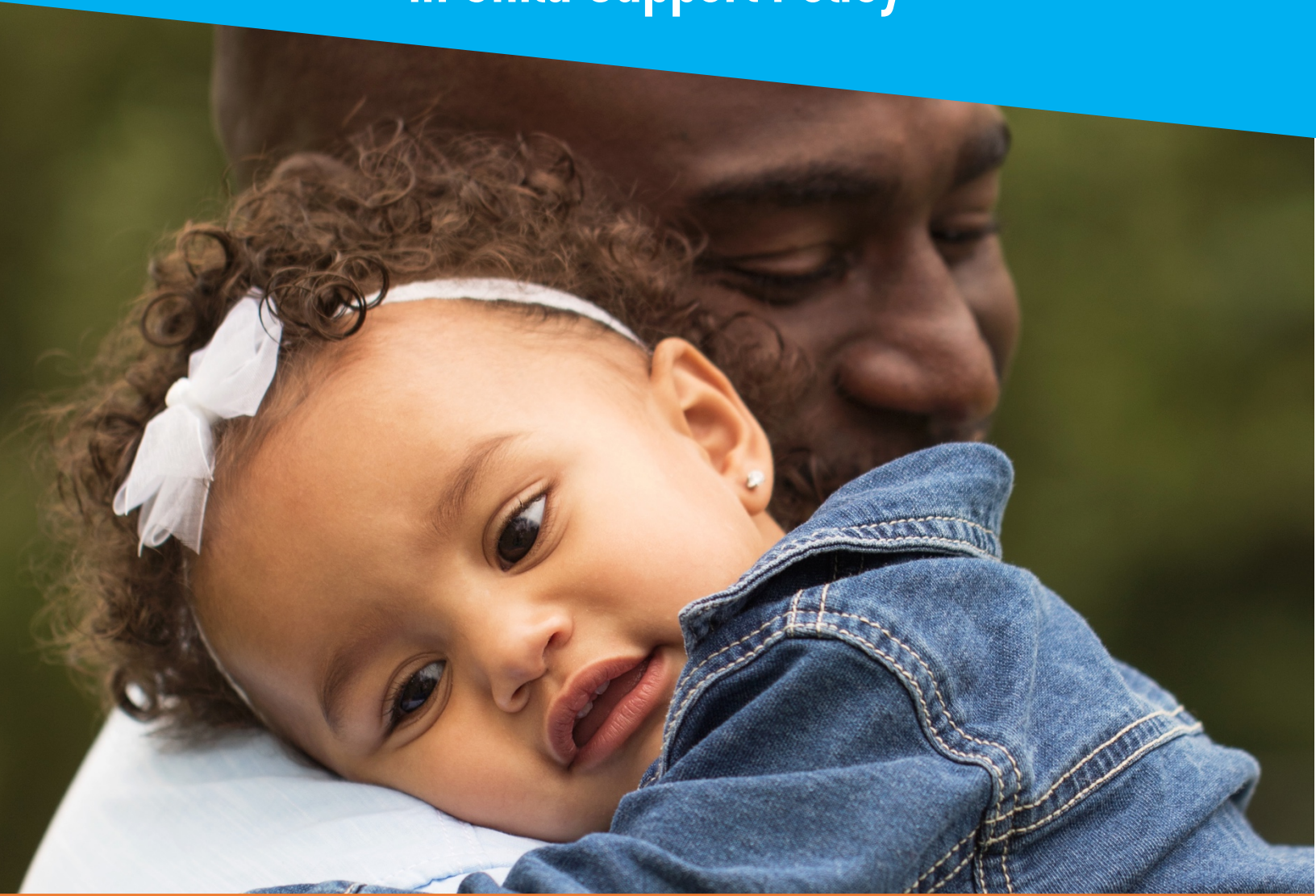


CENTERING CHILD WELL-BEING in Child Support Policy



The central goal of child support policy must be child well-being. Child support policies designed to maximize child well-being can increase financial and other resources available to children, help remove barriers to consistent child support payment, increase employment retention among noncustodial fathers with support orders, support noncustodial parental engagement, and facilitate healthy co-parenting. Unprecedented levels of job loss, economic instability, and family isolation during the pandemic have raised the child support policy stakes for fathers, families, and communities.

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Introduction

The child support program touches more families for a longer period of time than almost any other social program in the United States. One in five children and both parents participate in the program throughout childhood and beyond.¹ Regular child support payments can increase family financial stability – improving the odds that children will have access to regular meals and safe, stable housing. However, noncustodial fathers with the lowest incomes and the most barriers to employment are often expected to pay a disproportionate share of their income toward child support.² Outstanding child support debt has grown to \$116 billion over the last 40 years.³ 70 percent of this debt is owed by noncustodial fathers with annual incomes under \$10,000 and, for the most part, will never be collected.⁴

The central goal of child support policy must be child well-being. Child support policies designed to maximize child well-being can increase financial and other resources available to children, remove barriers to consistent child support payment, increase employment retention among noncustodial fathers with support orders, support noncustodial parental engagement, and facilitate healthy co-parenting.⁵ However, when child support policies are not designed to prioritize child well-being, they can interact with family life in counterproductive ways. They can push noncustodial fathers in low-wage employment out of jobs and into the underground economy, weigh them down with insurmountable debt, and make it harder for them to maintain enduring relationships with their children.⁶ Unprecedented levels of job loss, economic instability, and family isolation during the pandemic have raised the child support policy stakes for fathers, families, and communities.

For the last three decades, researchers have studied the ways child support policies can either enhance or undermine family stability. Through careful and rigorous research, we know that there is a better way to approach child support policy to build strong families and communities. Across the country – states, counties, and tribes have embraced the research and are modernizing their child support programs through innovative policies and practices that work better than traditional enforcement efforts. These holistic, family-centered approaches build partnerships with parents instead of adversarial relationships. They go beyond collecting money to address underlying reasons for nonpayment, ensure that children benefit from payments, and facilitate effective co-parenting. Family-centered child support policies put children where they belong: at the center of child support policymaking.

The culture of the child support program is beginning to shift as states adopt family-centered child support policies and practices.⁷ However, the pandemic has put existing contradictions and gaps in child support policy in sharp relief. As

courts closed and agencies limited services, child support administrators have had to make difficult operational decisions often hampered by outdated and inflexible policies and technology. The innovative family-centered solutions born out of this emergency are accelerating enduring change in the program.

The purpose of this toolkit is to support and deepen this culture change. We recommend promising policies and practices to facilitate child support payment, employment, and paternal engagement to build stronger families and support child well-being. The expansive reach of the child support program provides an invaluable opportunity for family-serving professionals to sustain long-term partnerships with parents by providing a gateway to services and supports that can help families build and maintain stable, nurturing environments for their children. Effective, family-centered child support policy should be part and parcel of any state's two-generation (2Gen) approach to family supportive services to help children and the adults in their lives reach their full potential.

Why Should We Care About Noncustodial Fathers?

Engaged, supportive parenting is the foundation for healthy child development. Research shows that children with actively engaged fathers have better language skills, reading ability, and executive functioning.⁸ Consistent, on-time child support payments can be a significant source of family income. For families with incomes below the federal poverty level, child support averages 41 percent of family income when received.⁹ Child support receipt is also associated with better school performance by children.¹⁰

Fathers love their children and want to support their healthy development—regardless of their financial situation or the status of their relationship with the other parent. Research finds that the birth of a child is a “magic moment” for unmarried fathers.¹¹ They step into their new role and life stage with joy and resolve. And, like mothers, fathers want their children to look up to them, thrive academically, lead happy and healthy family lives, and realize their full potential.

Fathers also recognize the importance of financial stability to their children's healthy development and well-being. When child support is paid, custodial and noncustodial parents of children experiencing poverty contribute financially to their children in about equal measure.¹² Even when noncustodial fathers struggle to meet their formal child support obligations, the majority provide in-kind or informal support payments for their young children. According to studies, fathers who provide informal support payments spend more time with their children and form stronger father-child relationships.¹³ Custodial mothers report that two-thirds of noncustodial fathers with a child support program case spend

time with their youngest child.¹⁴ Researchers find that Black fathers in particular are more likely to be involved in the daily care of their children.¹⁵

Despite this evidence, noncustodial fathers are too often disparaged, and their importance to their children is minimized. Here is the reality: Most noncustodial fathers who fail to pay child support have incomes below the federal poverty level. 90 percent of noncustodial parents who made no payment and 60 percent making partial payment were incarcerated or did not have year-round employment, according to a University of Wisconsin study.¹⁶ Fathers paying all of their monthly child support earned an average of \$44,000 per year, while fathers who did not pay any of their current support obligations earned \$7,350, according to a University of Maryland study.¹⁷

Noncustodial fathers live in the same communities and have many of the same barriers to employment as the custodial mothers served by social services systems. Like custodial families, noncustodial fathers are at heightened risk for unemployment, housing instability, and food insecurity during the pandemic. Yet, these services systems too often neglect noncustodial fathers. Eligibility for income support programs is usually tied to households with children. This includes higher benefit levels for the Earned Income Tax Credit (EITC), which is a significant source of income for workers in low-wage employment who live with their children. While noncustodial fathers are expected to work and financially support their children, their parental responsibilities are too often not honored by the systems and services designed to support families. By failing to invest in fathers, we shortchange their children, families, and all of our communities.

How Did We Get Here?

Every state, as well as 60 tribes, operates a child support program, which was established by Congress in 1975 under title IV-D of the Social Security Act, to make sure that fathers and mothers living apart from their children contribute to the support of their children.¹⁸ Two-thirds of all custodial families and 80 percent of those custodial families experiencing poverty participate in the child support program.¹⁹ Custodial families who receive cash assistance are required to participate.²⁰ Although less than 10 percent of custodial families in the child support program receive cash assistance, about half of the families received it at some point.²¹ The majority of custodial mothers receiving child support services have only one child and are more likely to have never married than to be divorced.²² Half of custodial mothers receiving child support services are white, one-fourth are Black, and one-fourth are Hispanic.²³

Parents who hire private attorneys to negotiate divorce settlements or child support obligations are not automatically enrolled in the public child support program but may apply for public services to enforce their orders. The public

and private child support systems are two parallel, but quite different, systems. Many people form their impression of child support through private divorce cases, which generally involve parents who have stable incomes and are handled by lawyers and mediators. They may not be aware of the public child support program or the disparities in child support outcomes when parents are experiencing poverty compared to parents with more financial resources.

In many ways, the child support policies put in place over the last four decades have been successful. In 2019, state and county child support programs collected more than \$29 billion, three times the amount collected 40 years ago.²⁴ 70 percent of all custodial mothers who are supposed to receive child support do receive payments.²⁵ Over the past two decades, income from child support has doubled for custodial mothers experiencing poverty.²⁶ Child support policies have also driven largely positive changes in societal values and expectations. Today, there is broad agreement that all children deserve to know and have healthy relationships with their fathers and receive ongoing financial support.

Many child support policies were adopted in response to profound social, economic, and demographic changes in our society that occurred 40 years ago: rising divorce rates, large income disparities between divorced fathers and mothers, and the entry of middle-class mothers into low-wage employment and cash assistance.²⁷ When the national child support program was created, child support policies were fundamentally redesigned and broadened beyond traditional welfare cost recovery to address the problem of fathers with moderate incomes failing to support their children. Over the decades, states implemented computer systems and interstate databases, made it easy to voluntarily acknowledge paternity, adopted standardized child support guidelines for establishing orders, added real teeth to enforcement, and provided for child health care coverage.

The child support program was primarily designed for divorced families in which fathers had stable connections to employment and the financial means to pay child support—and it worked. As a result, income disparity between divorced parents has largely disappeared. A study by the University of Wisconsin found that for divorced parents, child support equalizes incomes between mothers and fathers so that children benefit from the resources of both parents—exactly what the system was designed to do. However, the program was not designed for parents with limited incomes, education, and work opportunities or for parents who did not marry. For parents who never married, the Wisconsin study found that mothers are more likely to have higher incomes than fathers after payment of child support.²⁸

In fact, the very child support policies that have resulted in consistent child support payments by noncustodial fathers with steady incomes have had unintended and sometimes devastating consequences for fathers with very low incomes. In many states, child support policies have been based on a set of outdated assumptions about the earning capacity of noncustodial fathers with less education. These policies often fail to account for dramatic long-term changes in labor market opportunities for men and women, the debilitating role of high incarceration levels, reworked gender roles, and fundamental changes in family formation.

While child support payments raised one million people out of poverty nationwide before the pandemic, they also pushed 200,000 people into poverty.²⁹ The ongoing challenge of child support policy is striking the right balance so families receive consistent child support payments while ensuring that fathers in low-wage employment are not pushed out of jobs and their children's lives because of child support orders set beyond their ability to comply with them. The purpose of child support is to support children. It should not be used to repay welfare benefits, generate state revenues, or punish noncustodial fathers with low incomes. Family-centered child support policies are designed to strengthen and support both parents, because we know that when both parents are supported, children thrive.

When Traditional Child Support Policies Undercut Family Support

Although the child support program is open to all, regardless of income, most custodial and noncustodial parents receiving child support services have more limited incomes and less education than those who do not receive them. Even before the pandemic, one-third of custodial families receiving child support services were experiencing poverty, with an income of less than \$17,240 for a custodial mother with one child in 2020.³⁰ At the same time, an estimated one-fourth of noncustodial fathers were also experiencing poverty, with an income of less than \$12,760 for a noncustodial father living alone in 2020.³¹

Some policymakers believe that higher child support orders and tougher enforcement will increase collections for families. But traditional child support policies do not adequately distinguish between fathers who are evading payment and those who lack the ability to pay what is ordered, and they can discourage noncustodial parents in low-wage jobs from working and paying child support.³² These policies simply do not reflect the realities of the labor market for noncustodial fathers with less education and limited job opportunities, particularly for young, less-educated Black men—few full-time jobs, unstable part-time work often located far from home, racial discrimination, health problems, and high incarceration rates. For example, a University of

Maryland study of state child support program cases in 2017 found that over 40 percent of employed noncustodial fathers earn minimum wage or less.³³

Unrealistic and counterproductive child support policies can send families backward and increase community distress. There is mounting evidence that unrealistic child support policies can lead to reductions in labor force participation, earnings, stable housing, and child support payments by noncustodial fathers with low incomes. There is also growing evidence that these policies can exacerbate tensions between parents and reduce paternal engagement. Examples of unrealistic policies include:

+ **Inaccurate Child Support Orders**

The best predictor of compliance with a child support order is a noncustodial father's monthly gross earnings. A growing body of research has found that compliance declines when monthly support order amounts are set too high.³⁴ Child support order amounts are supposed to be based on ability to pay. Yet, many fathers experiencing poverty are issued standard minimum wage orders that far exceed their ability to pay them. Studies find that fathers with standard minimum wage orders may be ordered to pay well over half of their already low incomes toward child support.³⁵ By contrast, fathers with moderate incomes are typically ordered to pay about 20 percent of their incomes.³⁶

+ **Unmanageable Debt**

The main reason for nonpayment of child support is the noncustodial father's inability to pay the amount ordered. When fathers fall behind on their payments, the result is unpaid debt. Parents who owe high arrears are more likely to become discouraged and leave formal employment, leading to increased job-hopping and participation in the underground economy.³⁷ A large-scale federal study finds that as many as one-quarter of fathers with low incomes who owe child support and participate in employment programs suffer from major depression, making employment and parenting more difficult.³⁸

+ **Ineffective and Counterproductive Enforcement Efforts**

Most large child support debts will go uncollected.³⁹ Overly aggressive enforcement efforts, particularly incarceration and driver's license suspension, can make matters worse by interfering with work and family responsibilities. The trade-off is rarely between making fathers pay and letting them off the hook, but instead between chasing after nonexistent

or sporadic payments now and developing the potential for steady support over the long haul.

+ **Welfare Cost Recovery**

Custodial families who receive cash assistance are required to sign over to the state their rights to child support payments. On average, two-thirds of child support payments collected for families receiving cash assistance are kept by states to reimburse cash assistance, although state policies vary.⁴⁰ Welfare cost-recovery policies discourage compliance with child support orders and send a mixed message about the importance of supporting children. Although the message is that children deserve to receive child support, the reality is that many child support payments for children from families with the lowest incomes are treated as state revenues and used to fund government operations. Welfare cost-recovery policies contribute to parental distrust and avoidance of the child support system.⁴¹

An Evidence-Based and Pragmatic Approach to Child Support

A realistic and balanced approach to child support policy is essential to securing regular child support payments that actually provide meaningful support to children. Three-fourths of families in the child support caseload are paying child support through income withholding, and nothing more may be needed. However, when noncustodial fathers have barriers to payment, there is a better way to increase support for families: by adopting realistic policies that build partnerships with fathers and offer services and supports to help them build their capacity to pay child support, strengthen relationships with their children, and improve relationships with the custodial parents of their children.

When fathers have barriers to payment, family-centered child support policies that emphasize supportive partnerships with both parents and build capacity to pay can work better than traditional, enforcement-oriented approaches. Research testing this approach with noncustodial fathers finds that parents are more trusting of the child support system, have higher earnings, pay more child support, have more contact with their children, and use more effective parenting approaches.⁴²

In the fall of 2019, we surveyed state child support directors who identified several innovative approaches to increasing child support payments by building stronger families. We found that many states are moving to adopt more pragmatic and family-centered child support policies, including the following innovations.⁴³ These are explored in detail in the fact sheets that follow.

+ **Ensure Families Receive All Child Support Payments**

Parents are more willing to pay when child support fully benefits their children. Research has found that when child support payments went directly to families instead of being used to reimburse welfare costs, more noncustodial fathers paid more child support and agreed more readily to establish paternity, reliance on cash assistance decreased, and child maltreatment reports decreased. Federal law permits states to pay 100 percent of collections to families.⁴⁴

+ **Set Realistic and Accurate Child Support Orders**

The evidence is clear that setting an accurate child support order and keeping it up-to-date greatly improves the likelihood that noncustodial fathers will make regular payments and continue to pay over time. When orders are more realistic, parents make more payments, pay a larger share of their orders, pay more regularly, and accumulate fewer arrears. Federal rules issued in 2016 clarified that child support orders must be based on the income, earnings, and other factual evidence of the noncustodial father's ability to pay. The rules limit the use of standard assumptions about earning capacity and require support orders to take into account the basic subsistence needs of noncustodial fathers. In addition, federal rules prohibit states from treating parental incarceration as a disqualifying factor in setting or updating an order amount.⁴⁵

+ **Implement Sensible Debt Reduction Strategies**

States have the authority under federal law to write off, reduce, or cancel debt owed to the state to repay cash assistance.⁴⁶ Research suggests that debt reduction strategies can increase employment and child support payments.⁴⁷ State debt reduction is particularly important for noncustodial fathers unable to file requests to reduce their monthly support payments during court shut-downs. The majority of states have debt reduction programs or compromise debt on a case-by-case basis.

+ **Provide Employment and Income Supports When Noncustodial Parents Have Barriers to Payment**

Many state child support programs offer diversion programs that provide employment and other services to noncustodial fathers with low incomes instead of ineffective enforcement measures. A few states offer

expanded EITC benefits to noncustodial fathers. These approaches can increase the commitment and financial ability of noncustodial fathers to support their children and give them hope that there is light at the end of the tunnel.

+ **Provide Family Stabilization Services**

Several states use trauma-informed and behavioral approaches to engage fathers and offer services that help them stabilize their housing situations, get finances in order, effectively co-parent, gain parenting time orders, and positively engage with their children. States also provide domestic violence safeguards and services.

+ **Improve Equal Access to Justice**

Some states provide legal assistance centers to provide both parents with legal information about their child support cases. Other states have implemented child support-related problem-solving courts. A number of states are improving their communication efforts with parents, including texting and video case conferencing. The 2016 federal rules require state child support agencies to avoid pursuing civil contempt and jail time when noncustodial fathers lack the ability to pay their support order amounts.⁴⁸

Criminal Legal System Considerations

Incarceration is a major contributor to increased unemployment and large child support debts upon release. When noncustodial fathers are incarcerated, their children lose out.

- + Noncustodial fathers can be incarcerated for failure to pay child support. In some states, fathers can face civil contempt charges and serve time in a jail when they fall behind on payments. Fathers can also be prosecuted for criminal nonsupport or jailed for criminal contempt. Staying current on child support payments is sometimes a condition of parole, and failure to pay is treated as a parole violation that can send a parent back to jail.
- + More than half of people in state prison are fathers of minor children, and half of these fathers have open child support cases.⁴⁹
- + In prison, child support debt can continue to accrue monthly; unless orders are reduced, the amount owed can grow exponentially during incarceration. On average, fathers enter prison with a \$10,000 child

support debt and leave owing \$20,000 or more.⁵⁰

- + When noncustodial fathers go to prison, many do not realize that their child support continues to accrue even though they lack any ability to pay it. Most parents in prison have little or no income and do not have any realistic ability to pay child support while in prison.
- + Noncustodial fathers also can incur a long list of additional legal financial obligations, including fines, restitution, fees, and assessments associated with criminal cases and driver's license suspensions.⁵¹
- + Faced with overwhelming financial pressures, some noncustodial fathers try to ignore their unmanageable orders, pay only a portion of their debt, or work in the informal economy where it is difficult to track earnings and collect payments. Others may generate income through illegal activities to support their children and themselves and to pay down their debts.

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⁴⁴ 42 U.S.C. § 657.

⁴⁵ 45 C.F.R. § 302.56(c)(3); 303.8(c).

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Good+ Foundation has offices and warehouses in New York City and Los Angeles and strategically distributes more than \$6 million worth of goods each year across the country. In 2019, 87 percent of expenses went directly back into Good+ programs. The organization has earned seven consecutive 4-star ratings on Charity Navigator – the highest rating possible – as well as a GuideStar Platinum Seal of Transparency and accreditation by the Better Business Bureau's Wise Giving Alliance for transparency, efficiency and operations.

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