

Incarcerated Fatherhood: The Entanglements of Child Support Debt and Mass Imprisonment¹

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With evidence comprising three years of ethnographic research in child support courts and 125 in-depth interviews with formerly incarcerated fathers, the author shows how criminal justice and child support provisions work in tandem to create complicated entanglements for fathers. She develops the concept of *incarcerated fatherhood*—a matrix of laws, policies, and institutional practices that shape formerly incarcerated men’s relationship to parenting. On the one hand, she analyzes the *debt of imprisonment*, or the material costs of paternal incarceration; on the other, she examines the *imprisonment of debt*, or the punitive costs of child support debt. She then brings these two entanglements together to analyze their effects on men’s lives as fathers. Instead of “piling up” in men’s lives, these entanglements work in circular ways to form feedback loops of disadvantage that create serious obstacles for men as parents and complicate precisely those relationships proven essential for reintegration after prison: familial relations of care, reciprocity, and interdependence.

“Damn, I hate it when they don’t give us warning. Who’s there? Is that Attica calling?” Officer Gordon asks as she points to a large video screen facing the courtroom. Staring back on the screen is a bewildered African-American

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man, wearing a prison jumpsuit with his hands shackled together. Suddenly, a voice emerges from behind him: "Yes, this is Attica calling for our 10:15." Judge Maddox then takes over, delivering a speech she repeats countless times a day:

This is New York City family court. We are here to inform you that we are issuing a child support order against you. New York State, and not the mother of your child, is seeking this order because of the public benefits received by your minor son. You are entitled to hire an attorney for these proceedings if you see fit, but you will have to cover the cost yourself. Because you are currently incarcerated, the order will be set at \$0 for now. Do you accept the order?

Perplexed, the man responds, "Huh, a child support order?" Judge Maddox confirms. "For my son, Malik?" he continues. "Then, yeah, I guess it's ok." As soon as he approves, the Attica video cuts out and a new inmate from another prison shows up on the screen. This goes on for three hours, with different prisons calling in eight-minute intervals to stream in images of unsuspecting inmates who are instructed that child support orders have been issued against them because of public assistance cases. And this goes on every Friday morning in Judge Maddox's Manhattan courtroom. "We've been on a prison tour across New York State," she jokes with me one day. "Courtesy of the New York Office of Child Support Enforcement."

It has been over 30 years since the United States began its social and political experiment of mass incarceration. Statistics evidencing the scope of the experiment are quite familiar to many social scientists: there are over 2.2 million citizens in prison and jail and another 5 million under correctional supervision through parole, probation, and community programs (Bureau of Justice Statistics 2014). Moreover, since the majority of both male and female inmates are parents of minor children, roughly 2.5 million children have a parent in prison, which is more than the prison population itself (Western and Petit 2010). Put another way, roughly 10% of all children have a parent under correctional supervision, while 3% have a parent in prison (Wakefield and Wildeman 2013; Geller, Jaeger, and Pace 2016).

While U.S. jails and prisons were filling up, major policy changes were under way in other state systems, from social assistance to public assistance to foster care. One system often overlooked in this period of state restructuring is also one of the largest: public child support programs. Until the 1970s, child support programs were small and were run at the state level (Garfinkel 1992). This shifted over the last 30 years as federal involvement in child support increased and new enforcement tools were instituted, such as mandatory payback for families receiving public benefits. Since 1986, there was a 10-fold

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increase in child support debt. The \$11.3 billion owed in 1987 jumped to \$114.7 billion in 2017, an amount more than federal expenditures on public assistance and food stamps combined (OCSE 2017). Close to half of this debt is owed to the state, not custodial parents, to repay the cost of public benefits (OCSE 2014).

Developments in these state systems may seem unrelated, but they actually intersect—as is clear every Friday morning in Judge Maddox’s courtroom. Yet most scholars remain focused on these systems as separate in terms of their processes and outcomes—with some analyzing the causes and consequences of mass imprisonment (Garland 2001; Western 2006; Wacquant 2009; Gottschalk 2015) and others of social policy reform (Gustafson 2011; Soss, Fording, and Schram 2011; Sykes et al. 2015). Only recently have sociologists begun to explore the connections among state arenas: They have studied the relationship between criminal justice and the institutions of health care (Lara-Millan 2014; Comfort et al. 2015), education (Rios 2011), family and kin (Braman 2004; Arditti 2012; Western et al. 2015), and social services (Miller 2014; Schept 2016; Stuart 2016). By examining this institutional intersectionality, or what Lara-Millan and Gonzalez van Cleve (2017) call “penal-welfare hybridization,” their research reveals the spillover effects of incarceration. It also tracks the collateral consequences for work, family, and civic life—and how they accumulate to weigh down offenders as they struggle to reintegrate (Visher and Travis 2003; Berg and Huebner 2010; Sampson 2011; Harding, Morenoff, and Herbert 2013; Kirk and Wakefield 2018).

This article contributes to the scholarship on institutional intersectionality by exploring how systems of governance work in tandem. It takes up Morgan and Orloff’s (2017, p. 3) call to disaggregate and then to reaggregate seemingly disparate state processes. It does so by analyzing what binds two particularly consequential processes of governance: the physical confinement of incarceration and the financial confinement of child support debt. The sheer number of people caught in these two systems is indicative of their overlaps. Nationally, half of all prison inmates have had child support cases, while over one-third of prisoners have open cases (NCSL 2016; ASPE 2017). And close to 40% of child support debt is owed by men with no reported income, in part because of imprisonment (OCSE 2004; Sorenson, Sousa, and Schaner 2007). What are the specific links between the criminal justice and child support systems: how do the policies and court practices that set, modify, and enforce child support orders affect the incarcerated and cause their arrears to soar? What are the consequences of these systemic overlaps for those they target: how is the maze of child support debt and judicial surveillance navigated by parents?

To address these questions, I develop the concept of incarcerated fatherhood, which I view as a matrix of laws, policies, and institutional practices

that shapes poor men's relationship to parenting. On the basis of three years of ethnographic research in child support courts in New York, Florida, and California and a review of national and state support policy, I unpack this matrix to expose how criminal justice and child support provisions work together. Instead of viewing these state systems as contradictory or in conflict, I reveal how they intersect to create complicated entanglements for fathers (Nurse 2002). I also argue that these entanglements do not operate like the collateral consequences or spillover effects described by many others (Morenoff and Harding 2014; Western et al. 2015; Rios, Carney, and Kelekay 2017; Kirk and Wakefield 2018). These entanglements do not flow in a linear way from one institution to another but are multidirectional, with some emerging from criminal justice policy and others from child support provision. Rather than "piling up" in men's lives, they work in circular ways to form feedback loops of disadvantage. This article dissects two of the entanglements creating these feedback loops: the *debt of imprisonment*, which encompasses the material costs of incarceration, and the *imprisonment of debt*, which includes the punitive costs of child support debt.

In addition to unraveling these entanglements, I analyze their consequences for men's lives as fathers. The debt of incarcerated fatherhood is distinct from the other criminal justice debt that has received so much scholarly attention: it exerts an even stronger financial influence and exacts its economic toll while breeding new forms of paternal confinement (Harris, Evans, and Beckett 2010; Martin et al. 2018). On the basis of my observation of 1,200 support cases and interviews with 125 formerly imprisoned fathers in Florida, New York, and California, I reveal the obstacles it presents to men as caretakers. Many of them are financial: when released from prison, the fathers in my sample owed an average of \$36,500 in child support, which is two to three times more than other criminal justice debt. Just as important, though, are the parental obstacles. For men already ambivalent about their roles as parents, the obstacles only solidify, or help to justify, that ambivalence. Yet for those with the best parental intentions, of whom there are many, the obstacles derail men from becoming better parents. These obstacles thus complicate precisely those relationships essential for reintegration: familial relationships of care, reciprocity, and interdependence (Laub and Sampson 1998, 2006; LaVigne et al. 2005; Visser 2013; Turner and Waller 2017). In doing so, they push men to be the kind of parent this system is designed to govern: bitter, absentee fathers in need of discipline and punishment.

The article begins by exploring how, for many men, fatherhood is experienced under the weight of two state systems and how scholars understand the effects of each on their parenting. Drawing on extensive qualitative data, I then peel apart the overlaps between these systems and the policies and practices linking them. I examine two main ways in which fi-

nances, punishment, and paternity mix together in men's lives: through the debt of imprisonment and the imprisonment of debt. I then bring these parts of incarcerated fatherhood together to analyze their implications for men as fathers, showing how some become paternal heroes and some iconic deadbeats, while most fall somewhere in between, cycling in and out of their kids' lives in ways that make them seem irresponsible and unreliable. I conclude by arguing for the importance of theorizing the webs of inequity produced by incarcerated fatherhood and innovative ways of ameliorating them.

CONCEPTUALIZING INCARCERATED FATHERHOOD

The concept of incarcerated fatherhood captures how the financial confinement of debt and poverty interrelates with the physical confinement of incarceration for many poor fathers. My conceptualization of it thus draws on and extends social scientific work in two areas: research on the dynamics of disadvantaged fatherhood and on the familial politics of mass incarceration.

The State of Disadvantaged Fatherhood

Public stereotypes about the supposed familial irresponsibilities of poor parents are mainstays of U.S. culture (Moynihan 1965; Mead 2011). Social scientists have worked for decades to debunk the myth of the iconic "unwed mother" embedded in these portrayals, but less has been said of fathers. While fatherhood surfaced in classic accounts of disadvantaged men, from those on Tally's corner to those on Jelly's corner, it was rarely the focus of analysis (Liebow 1967; Anderson 1978). In the last several years, however, researchers began to center on disadvantaged men as fathers—and on the stereotypical portraits of them. Unlike work on poor mothers, which tends to focus on the state and social policies affecting them, research on fathers centers more on contextualizing men's parenting and exposing the economic and cultural constraints shaping it (Holzer 2009; Smeeding, Garfinkel, and Mincy 2011; Burton, Burton, and Austin 2016).

More specifically, with the rise in public concern over the "crisis of fatherhood" in the 1990s and the subsequent focus on "responsible fatherhood" in the 2000s, researchers began to study an array of factors shaping disadvantaged fatherhood (Randles 2013; Young 2016). From policy documents to social scientific studies, research exposed the many economic, community, and cultural influences on poor fathers (Young and Austin 1996; Berger and Langton 2011; Marsiglio and Roy 2012; Mincy, Jethwani, and Klempin 2015). Perhaps most prominent has been research on the economic obstacles affecting them: from structural economic shifts to limited paid employment

to wage depression to educational barriers, these men face serious material challenges to meeting their parenting ideals (Sum et al. 2011; Harding et al. 2016). Also important are the social and community pressures men face, especially those that make them vulnerable and insecure about becoming the fathers they want to be (Roy 2005, 2006; Young 2011, 2016). Then there are all the cultural expectations they encounter: from the bravado of hegemonic masculinity to the demands of the breadwinning ideal to the condemnation of the deadbeat, the paternal expectations for these men are as contradictory as they are unattainable (Young 2004; Harding 2010; Rios 2011). Together, these challenges have led some to argue that poor primarily African-American men confront a “perfect storm of adverse effects” on their fathering (Smeeding et al. 2011, p. 13).

In addition to documenting the economic and cultural context surrounding disadvantaged fathers, others have analyzed men’s experiences of parenting. For instance, Edin and Nelson (2013) link context and experience to reveal how poor men navigate the terrain of fatherhood. They show how, despite all the challenges they encounter, these men continue to experience the lure and pleasure of fatherhood. In fact, many poor men view fatherhood as a form of redemption—as a turning point in, and a route out of, their tumultuous lives (Edin, Nelson, and Paranal 2004). They also document how, instead of feeling oppressed by the perfect storm of adversity, some men redefine fatherhood to imbue it with new meaning. Rather than accepting the stigma of the deadbeat dad or failed father, they transform their ideals into a new “package deal” that deemphasizes breadwinning and highlights their roles as caretakers (Townsend 2002).

This research on the context and experience of disadvantaged fatherhood reveals both the constraints on and possibilities in poor men’s lives as parents. As Orloff and Monson (2002, p. 61) point out, just as the “crisis of fatherhood” was construed in largely cultural terms, so was much of the scholarly response to it. At the forefront of scholarly accounts are fathers’ economic and cultural contexts, while the state policies and laws shaping them remain in the background. While this research might mention public policy and its possible influence on fathers, those effects remain underexplored. This emphasis is perhaps clearest in “responsible fatherhood” programs, which focus on teaching men to construct alternative paternal identities but often fail to address the state policies targeting them (Randles 2013; Mincy et al. 2015).² As a result, the weight of state imperatives on fathers

² This emphasis is at the heart of responsible fathering programming. Beginning with Bush’s 2002 Healthy Marriage Initiative and continuing with Obama’s 2011 Fatherhood, Marriage, and Family Innovation Fund, considerable federal funds have been channeled to fatherhood education, while most of the punitive family and child support policies were left intact. As Randles (2013) has shown, programs based on this approach tend to link men’s ability to be breadwinners to their motivation to earn, which they then

remains underestimated, while their autonomy is overestimated, which, at the extreme, can feed stereotypical portrayals of their paternal practices as deinstitutionalized and unregulated by common norms or obligations (Blankenhorn 1995; Bennett 2001; Mead 2011). Such claims ignore all the state intrusions into men's lives as fathers, or what Fernandez-Kelly (2015) calls their "distorted engagements" with the state.

These state interventions are particularly consequential for disadvantaged fathers. Much as Nurse (2002, p. 6) found young fathers "caught in the middle" of juvenile justice and child support policies, fatherhood is doubly mediated for the older men discussed in this article: experienced from behind prison walls and under the weight of support orders. Their numbers are significant: Over 5 million men live under correctional supervision, half of whom have child support cases. And 70% of \$115 billion in child support debt is owed by men with incomes under \$10,000 (Sorenson et al. 2007). These two state systems are so pervasive in the lives of poor men that few remain untouched by their dictates. Yet we know little about how states govern poor men as fathers, or what Hobson and Morgan (2002, p. 3) call the "social politics of fatherhood." We know even less about how that governance shapes men's lives as parents.

The Familial Politics of Mass Incarceration

If the state has been in the background in research on fatherhood, the reverse is the case with work on the penal state: there is little attention to men as fathers. Research on the penal state has been slow to acknowledge the familial effects of mass incarceration. When it has, the primary focus has been on women and children. Feminist scholars have produced important work on female inmates' struggles as parents, revealing how prison has turned their lives as caretakers upside down and forced them to rear children from afar (Enos 2001; Ferraro and Moe 2003; Flavin 2009; Haney 2010, 2013; Kruttschnitt 2010). Feminist work has also shown how the care work of mass incarceration has been feminized, placing pressure on women who are already overburdened financially and straining kin relationships (Comfort 2008, 2016; LeBaron and Roberts 2010). And it has had disastrous effects on children. Researchers find that parental incarceration adds new levels of disadvantage to already disadvantaged kids (Wildeman 2009; Arditti 2012; Wakefield and Wildeman 2013; Wakefield, Lee, and Wildeman 2016). Young children experience developmental delays, separation anxiety, and attachment difficulties (Cho 2009; Geller et al. 2009). School-age children have behavioral problems, educational delays, and emotional troubles (Seymour and Hairston 2001;

connect to marriage and "marital masculinity" as opposed to the many state policies structuring fathers' lives.

Western and Petit 2010; Hagan and Foster 2012; Haskins 2014; Andersen 2016). Older children are more likely to drop out of school and become incarcerated themselves (Johnson, Levine, and Doolittle 1999; Western and Wildeman 2009; Andersen and Wildeman 2014; Kirk and Wakefield 2018).

Fathers are curiously missing from family portraits of mass incarceration. They are absent in two respects. First, they are largely missing as the objects of empirical investigation. Although the majority of male inmates have minor children, they are rarely studied as parents, with parental needs and identities. Second, when men are studied as parents, they tend to be examined in absentia. This family portrait is one of denial and separation, where the missing parent, usually the father, is important for what he does not provide. For instance, we know that children with incarcerated fathers are less likely to receive financial support; and when they do, it is, on average, \$1,300 less a year than those with nonincarcerated parents (Geller, Garfinkel, and Western 2011). We know that the children of the incarcerated are more likely to live in poverty (Western 2006; DeFina and Hannon 2010; Harding et al. 2016). And we know that paternal incarceration can be more harmful to kids than maternal incarceration (Geller et al. 2012; Haskins 2014; Turney and Wildeman 2015; Kirk and Wakefield 2018). Thus, it is through the father's absence that punishment operates; the loss of his financial support makes families suffer.

As Lara-Millan (2014) has pointed out, when men do enter the picture as family members, they are analyzed as the mechanisms through which the effects of imprisonment disperse in families. They are the conduits through which the "ubiquity of the prison" touches all kin and community networks (Clear 2007, p. 9). And that touch is usually a slap: the research here documents the many negative outcomes emanating from male inmates, from disease to poverty to emotional turmoil to social stigma (Nurse 2002; Schnittker and John 2007; Schnittker, Massoglia, and Uggen 2011; Wildeman and Muller 2012; Comfort 2016). In terms of the family specifically, data from the Fragile Families Study reveal an enormous amount about how paternal incarceration exacerbates childhood disadvantage (Wildeman 2009; Wakefield and Wildeman 2013), familial instability (Turney 2015; Apel 2016; Harding et al. 2016), domestic violence (Western 2006), and parental depression (Turney, Wildeman, and Schnittker 2012). As Lara-Millan (2014, p. 883) summarizes, "Essentially, it is the inmate who receives the negative effects from having been incarcerated and then exposes family members to these effects."

This research on the collateral consequences of imprisonment, and the ways they spill into family life, illuminates the lived reality of incarcerated fatherhood. Yet there must be more to the picture. Since most research on familial spillover effects relies on large data sets, one wonders about familial processes that are not so easily quantifiable. Instead of focusing on what men contribute financially, what might we find if we examined men's lives

as fathers? Instead of analyzing familial practices as discrete outcomes to be quantified, what if we viewed familial relationships as processes? Might we then be able to disentangle why so many negative effects seem to flow to these men's families and to give shape to their lives as parents?

To explore these issues, this article proposes a refocusing. Rather than excluding fathers or viewing them as the conduits through which spillover effects reach their families, I suggest we probe into how state systems shape what is possible for poor men as fathers. Many men are deeply embedded in the penal and child support systems, which leads to a series of multifaceted entanglements. These entanglements are more complicated to analyze than the discrete outcomes of spillover effects. They operate on multiple state terrains, often in nonlinear ways, to form feedback loops of disadvantage among institutions. They also differ from the other monetary sanctions used by the criminal justice system since these entanglements extend beyond financial debt to impinge on men's identities as parents (Harris 2016; Eisen 2017; Martin et al. 2018). To capture these dynamics, this article analyzes the *debt of imprisonment* and the *imprisonment of debt*—two of the entanglements that form the basis of incarcerated fatherhood.

RESEARCHING INCARCERATED FATHERHOOD: DATA AND METHODS

The data used in this article are drawn from a multimethod study of incarcerated fatherhood. Because incarcerated fatherhood operates on multiple terrains, from federal agencies to state legislatures to local courts, my research crossed empirical arenas. Most generally, I was interested in the nature of state institutional overlaps and the dynamics of judicial practice, which led me to policy analysis and ethnographic observation in court. Yet I was also interested in incarcerated fathers' experiences as parents, which were best explored through in-depth interviews. The result was a multitiered project, which included three types of data.

First, the data collection began with a study of the national legal patterns through which criminal justice connects to child support enforcement. Here I tracked policies in all 50 states related to three issues: child support order establishment, modification, and enforcement. This was a complex undertaking since these were moving targets, changing several times over the course of the research. I coupled this national research with an in-depth study of three states: New York, Florida, and California. I chose these states because they are "high-arrears" states, together holding a large percentage of the nation's child support debt, while taking different approaches to incarcerated fathers.³ When the study began, these states adhered to different

³ More specifically, the arrears owed in just six states account for half of those owed nationally: California, Florida, New York, Michigan, Ohio, and Texas (Meyer and Warren

rial, and administrative discretion as child support—I collected a second type of data: a three-year ethnographic study of child support courts. This fieldwork occurred in the three case study states and in two locales in each state: Jacksonville, Miami, Brooklyn, the Bronx, Los Angeles, and the Bay Area, where I observed the processes and practices of support adjudication. Since few states separate out different types of child support cases, I observed the full court docket.⁵ I spent five to eight hours in court each day, documenting an average of eight cases per day. This average varied by locale since some courts operated like assembly lines that processed cases quickly and hastily. It also varied by type of case: there were days when one or two cases took up the court’s calendar, particularly if they involved legal contempt. In total, I observed 1,208 child support cases, with roughly 400 cases per state and 200 cases per locale within each state.

I conducted all of the court observations myself, from 2014 to 2017, usually in three-month intervals, beginning with Florida, followed by New York, and ending in California. Gaining access to these courts was relatively straightforward given their semipublic nature. Although courtrooms varied in their organization and degree of privacy, all judges granted me access to court proceedings. I observed the complete slate of judges and magistrates, which in some locales (e.g., Brooklyn) meant observing over a dozen judges several times. Despite the sensitive nature of their court proceedings, these judges facilitated my observations. In fact, many of them drew me into their work, talking to me after each case and explaining their judicial reasoning. Some even took me back to chambers to elaborate on legal issues they did not want to discuss in open court. The same was true of state lawyers, who often whispered points to me during cases and offered clarifications after court. These informal interactions proved invaluable, making the court research less like a one-sided observational study and more like an ethnographic exchange.

This ethnographic research became the empirical center of the study. From these data, I analyzed state-level variation in the social organization of courts and in the focus of their support process. Although not all of the cases I observed involved incarcerated parents, or even support enforcement, they all helped to illuminate the dual nature of incarcerated fatherhood—or how the debt of imprisonment and the imprisonment of debt

⁵ That is, support courts do not tend to treat compliance, modification, or enforcement cases separately. Nor do they adjudicate cases involving incarcerated parents separately. The one exception here is New York City, which separates support cases involving public assistance and incarcerated parents. Because of the relevance of this population for my study, I did a targeted substudy of 50 New York cases involving the incarcerated. In addition, in New York and California, contempt cases tend to be heard in separate hearings since incarceration is a possible punishment and thus must be heard by a superior court judge (as opposed to a support magistrate). Florida, on the other hand, does not hold special hearings for contempt cases.

led to institutional entanglements for parents. Moreover, by observing such a large sample of cases, I could document variations in the lived experience of those caught in these entanglements. The ethnographic data also provided a clear window into actually existing practices of child support enforcement and the ongoing disjuncture between what was stated in law and what was done in court.

Because ethnography is not always an ideal way to capture the motivations underlying social action—or the subjective scripts people tell themselves to justify their actions—I collected a third type of data: 125 qualitative interviews with formerly incarcerated fathers with child support debt. The interviews ran for one to two hours and were recorded, transcribed, and coded. Most of them took place in public places, from state offices to coffeehouses, although a few occurred in respondents' homes when they had child care obligations. The interviews probed men's experiences with the penal system and child support enforcement and their lives as parents. These interactions were quite emotional as my respondents fluctuated between extreme happiness and distress. Formerly incarcerated fathers always seemed thrilled, even grateful, to be addressed as parents. They beamed with pride as they described their kids' traits; they showed me pictures of them, even pulling up Facebook pages of them together. But that happiness could quickly morph into sadness, especially when the interview turned to prison and child support. Men got upset when discussing how they had missed much of their kids' upbringing; they cried when recounting how bonds that were once strong became mediated and frayed. Most of all, they became distressed when describing the yawning gap between their parental ideals and realities—and how prison and child support contributed to it. These were difficult issues for many fathers, which would not have been apparent from court observations alone.

My interview sample was evenly distributed among the three case study states and the five locales within them. I recruited equal numbers of fathers through the criminal justice and child support systems, sampling a similar percentage of men from prisoner reentry programs, offender registration offices, child support programs, and legal aid offices. Here I relied on state penal and child support programs to gain access to formerly incarcerated fathers, either through their client lists or by recruiting directly in their offices. This sampling procedure resulted in a diverse sample of fathers, in both their experiences and backgrounds. Table 1 includes the demographic breakdown. While these were clearly disadvantaged men, they were also quite typical of formerly incarcerated fathers and men with child support arrears, in terms of their income level, time served in prison, and residential patterns (Sorenson et al. 2007; Harding et al. 2013; Western et al. 2015). The one area in which they were somewhat unique was in the complexity of their family structures: the men in my sample were more likely to have multiple

Incarcerated Fatherhood

TABLE 1
INTERVIEW SAMPLE DEMOGRAPHICS, 125 FORMERLY INCARCERATED FATHERS

Sample Characteristics	Number (<i>N</i> = 125)	%
Marital status:		
Never married	66	53
Divorced/separated	47	37
Married	12	10
Number of children:		
One	13	10
Two	27	21
Three	28	22
Four or more	57	46
Resides with:		
Alone	32	25
Partner	22	18
Relatives	24	19
Roommate/friends	15	12
Homeless	32	26
Reported income:		
None	38	30
Less than \$10,000	55	44
\$10,000–\$20,000	20	16
\$20,000–\$40,000	7	5
\$50,000 or more	5	4
Time in prison:		
Less than 1 year	15	12
2–5 years	51	41
5–10 years	39	31
More than 10 years	20	16
Incarcerated for child support:		
Yes	32	26
No	93	74

children (four plus) and to never have been married, which, as I would come to learn in the research, may itself be a by-product of the collision of these two state systems in their lives.

THE DEBT OF IMPRISONMENT

LeRoy James is a 42-year-old African-American man who has lived his whole life in South Florida. Effectively orphaned at the age of 4 when his parents were sent to prison for drug trafficking, LeRoy bounced around from relative to relative until his early teens, when he decided to start his own branch of the family business. Drug dealing came easy to him; he made a lot of money at it without getting into much trouble with the law. He recalls the 20 years that followed with a tinge of nostalgia and embarrassment. “I ran the streets hard,” he explained to me. LeRoy had two “baby mamas” and three kids, all of whom he insists he supported. “I was good to my women, always took care of them.” In 2000, LeRoy was arrested for drug

TABLE 2
RESPONDENTS' CHILD SUPPORT ARREARS

Amount Owed	Number (<i>N</i> = 125)	%
Less than \$5,000	15	12
\$5,000–\$10,000	12	10
\$10,000–\$30,000	29	23
Over \$50,000	47	38
Don't know	22	17

NOTE.—Average of known arrears is \$36,500.

trafficking and sentenced to 10 years in Florida State Prison. He served the full sentence.

When I met LeRoy in the summer of 2015, he was aging out of crime. With tears streaming down his tattooed face, he talked at length about his kids and how terrible he felt about losing so much time with them. Yet those tears gave way to anger when the interview turned to his child support arrears. While he was in prison, Janette, one of his baby mamas, went on public assistance for two years to make ends meet. He knew nothing about this until he saw the child support bill waiting for him when he got out. “When I opened that letter, and found out how much they wanted me to pay, my eyes jumped out of my head.” Long after he had served his time and left parole, he was still deep in debt. “It’s hell,” LeRoy declared. “At least with prison, you serve your time and it’s over. . . . This just keeps going on and on and on.” For LeRoy, two years of public assistance has turned into 15 years of child support entanglements.

LeRoy’s experience represents the iconic link between criminal justice and child support, whereby the physical confinement of imprisonment leads to the financial confinement of child support debt. Although national-level data are limited, state-level studies show that incarcerated fathers’ support debt doubles over their imprisonment (Thoennes 2002; Pearson 2004; McLean and Thompson 2007; Roman and Link 2017). Table 2 presents my interviewees’ debt obligations and average debt of \$36,500.⁶ The financial entanglements are clear: serving time in prison can initiate a support order and cause the debt to increase exponentially. I call this the debt of imprisonment.

Why does incarceration lead to so much debt? A vast array of policies underlies this since there are essentially 50 criminal justice and 50 child support systems in the United States, all with local variations. Propelled by the mantra to “make men pay,” the federal government exerted some control over state support systems, from the 1974 Social Security Amendments to the 1986 Bradley Amendment to the 1988 Family Support Act to

⁶ This was true not only for the fathers in my sample. A recent Missouri study projected prisoners’ average debt even higher at \$46,320—and that was without calculating interest or fees. See Hager (2015).

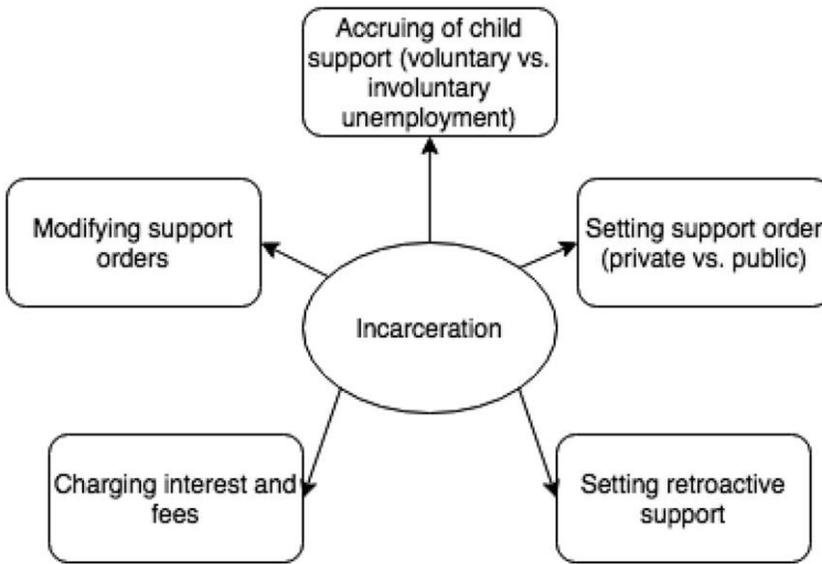


FIG. 2.—The debt of imprisonment

the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) to the 1998 Deadbeat Parents Punishment Act. Such legislation created interstate procedures, such as federal requirements for support processing, public assistance payback, and “deadbeat dad” databases. With each national policy, though, came new state variations since states and courts retained discretion in program design and implementation.

Yet in all states there is an assemblage of policies that create a perfect storm of debt for low-income parents. While researchers have analyzed these provisions separately, only by viewing them as an assemblage does the full extent of their influence become clear. And while others have focused on their effects on disadvantaged parents overall, only by separating out the incarcerated does the uniqueness of the debt of imprisonment become clear—exposing how the perfect storm of debt that engulfs poor parents becomes a tsunami of debt for the incarcerated. Figure 2 offers a representation of how the debt of imprisonment emerges.

Perfect Storm of Debt: Private and Public Child Support

Child support debt is unique in that a small number of noncustodial parents (NCPs) owe the majority of it: close to 60% of this debt is owed by only 10% of obligators (OCSE 2004). They are not the privileged few. The overwhelming majority of these obligators are poor, with little or no reported income in the past year (OCSE 2014). Overall, there are two types of state-enforced

child support orders, and the procedures for setting and enforcing them vary.⁷ First, there are private orders between custodial and NCPs. Federal guidelines stipulate that states must set formulas to calculate the amount of these orders, and courts must follow them to consider the earnings (or earning potential) of one or both parents.⁸ When NCPs are not present at support hearings, or fail to provide the required income documentation, courts can impute income for them. Most do this through default orders based on how much these parents “should” earn, which is usually calculated according to the state minimum wage for full-time employment, even if the NCP cannot work at that rate (OIG 2000; NWLC 2002; Brito 2012). These cases are hardly exceptional: a California study found that 70% of support orders for low-income fathers were set by default (Sorenson et al. 2003).

In addition to private orders, courts also issue public child support orders related to “welfare payback” policies. Originating in the 1970s and expanding with the 1996 PRWORA, these orders charge NCPs for public assistance received by their families. As such, the cost of everything from Temporary Assistance for Needy Families (TANF) to Medicaid is calculated as child support and owed to the state itself. Public orders thus mark a critical change in the meaning of “making men pay”—a shift from paying custodial parents as support for their children to repaying the state for the cost of public assistance. These payback orders then have cascading effects as they turn stigmatized public welfare into paternal debt.⁹ Moreover, this debt is federally mandated, so states cannot allow parents to opt out of it. The most states can do is decide how to calculate welfare debt and to create repay-

⁷ There are also child support orders that fall outside state enforcement and are thus completely private in nature; they constitute roughly 40% of all support cases in the United States. These also fall outside the empirical scope of this project since my focus is on the state entanglements that disadvantaged and incarcerated fathers find themselves in—not on all of the different financial burdens placed on them. For more on the national patterns of public/private child support, see OCSE (2004, 2014, 2017).

⁸ The actual process for setting support is quite complex. Overall, 31 states use an “income shares” model, in which support is set at a rate related to the NCP’s income, while 15 use a “percentage of income” model, which links support to both parents’ incomes (the remainder use a combination of the two). Even within these models, there are variations and differences, including how income is computed, what the income percentages are, and if there are minimum order amounts. For more on the complexities of this process, see OIG (2000) as well as Cancian, Meyer, and Han (2011).

⁹ In this way, public assistance payback is unprecedented practice in the U.S. welfare state that has received far too little scholarly attention or analysis. While there are parallels in other state arenas, as in court-mandated legal debt, the federally mandated repayment of public benefits remains unmatched. Moreover, the interest policies and enforcement apparatus that accompany public assistance payback make it all the more unique as state practice. For more on the policies and patterns of this debt, see Sorenson (2004) and OCSE (2014). And for more on their cascading effects, especially as they relate to poverty and foster care placement, see Cancian, Meyer, and Caspar (2008) and Cancian et al. (2017).

ment programs.¹⁰ And many states have done this by offering low-income support orders to allow some NCPs to pay a reduced, flat rate for a limited amount of time until their incomes increase (OIG 2000; Patterson 2008).¹¹ Despite this, public debt has largely generated the explosion of arrears represented in figure 3, as the spike in debt following PRWORA indicates (OIG 2002; OCSE 2010, 2014).¹²

Another key component of this policy assemblage is provisions that charge NCPs retroactive child support, which can be added to private and public orders (Roberts 2001; Pearson 2004). There is considerable state variation in how far back private orders can go: some states go back to the birth of the child, while others go back for a set number of years (NWLC 2002). For public orders, until the late 2000s retroactive support could be added to cover all previous public assistance received by an NCP's family, thus including all past welfare debt in the child support bill.¹³ Moreover, retroactive debt can be calculated according to an NCP's imputed income. So even if a parent had no income in the preceding years, he is charged retroactive sup-

¹⁰ For instance, while TANF debt is calculated according to parents' computed income, other public benefits are charged at different rates. So if a parent's income was computed at minimum wage, this rate is used for his TANF debt. For Medicaid, most charge the full amount; i.e., the cost of medical coverage is added as child support. Other states authorize the "repayment" of Medicaid costs of pregnancy and childbirth, which, on average, add another \$3,000–\$7,000 to an NCP's child support debt. The difference here lies in state variation in medical costs and the type of birth: an uncomplicated birth is, on average, billed at \$3,100 and a caesarian section at \$6,700. For more on these differences, see NWLC (2002).

¹¹ Low-income orders vary significantly by state. While about half of the states have them, they differ in terms of how often they are used and what their low-income thresholds are. For instance, some states keep minimum orders at the court's discretion and allow judges to decide which NCPs are eligible to receive one, which leads to all kinds of inequities among parents. In addition, there is considerable variation in the amount of minimum orders: some states set them at around \$200 per month although the average is in the \$25–\$100 range. And states differ in how long they allow these orders to remain in effect: some states grant them for a fixed amount of time while others require NCPs to engage in court-mandated programs or job searches as a condition of keeping them. For more on these orders, see OIG (2000).

¹² While close to half of all child support debt is owed to the state for public benefits, roughly 25% of it is to reimburse TANF benefits; the remainder comprises other public benefits. This percentage actually marks a significant decline since 2002, when TANF benefits alone constituted 50% of all arrears and 70% of all arrears were for public assistance payback. There are several reasons for this decline, including an overall reduction in the number of TANF cases and an increase in the amount owed in non-TANF arrears. For more on these national trends, see OCSE (2014) and Sorenson (2010). To track where different states come out on the non/TANF debt breakdown, see OCSE (2017).

¹³ In 2009, this retroactive welfare debt was limited to the cost of the current public assistance by the 2005 Deficit Reduction Act. Since there was no federal mandate to wipe out past arrears, many low-income parents are still carrying large amounts of retroactive welfare debt.

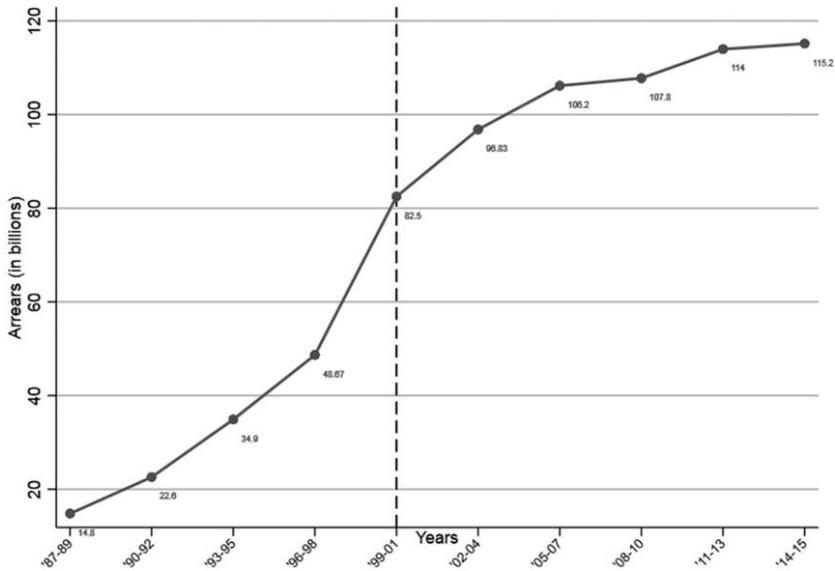


FIG. 3.—Rising child support debt, 1987–2015. Color version available as an online enhancement.

port as if he did. These policies clearly affect disadvantaged parents who find themselves in debt for past public support irrespective of the economic realities of their lives (Roberts 2001; Brito 2012).

Finally, adding to the perfect storm of debt are the interest and fees charged on child support debt. The former resulted from the 1986 Bradley Amendment, a federal mandate that child support arrears be considered a judgment by operation of law (Cammatt 2011). States were then allowed to charge interest on support debt, which more than half did at a rate of up to 12% (NCSL 2016). Arrears have since soared in these states, increasing six-fold in states that routinely assess interest on arrears (Sorenson et al. 2007).¹⁴ These interest charges are in addition to fees that accompany support orders: processing fees, paternity testing, court fees, and income withholding fees. Thus, over 25% of all child support debt consists of unpaid interest and fees; in states with high arrears and high interest rates, like California, the majority of child support debt is accumulated interest (Sorenson 2004; Turetsky 2007).

¹⁴ More specifically, arrears in interest-charging states jumped from \$7 billion in 1987 to \$58 billion in 2006. The corresponding amounts in non-income-charging states are \$2 billion in arrears in 1987 and \$20 billion in 2006 (Sorenson et al. 2007).

Tsunami of Debt for the Incarcerated

When taken together, these policies create an environment in which child support debt accumulates rapidly for low-income fathers: it is estimated that their average debt is \$8,000–\$11,000.¹⁵ For incarcerated fathers, though, the average debt is over three times as much. Since there are few child support policies aimed specifically at the incarcerated, to understand how the physical confinement of prison leads to the financial confinement of child support debt, we must examine policy implementation. And to grasp this, we must go inside local-level courts.

At every point in the child support process, the incarcerated are at a disadvantage. From the start, incarcerated fathers are usually unable to attend support hearings, so their support orders get worked out in their absence. Oftentimes, judges have no idea why they are absent; since few states have integrated databases to link their child support and penal systems, it can remain unclear if an NCP is in jail or prison.¹⁶ Yet the domino effects of men's absence are clear. Judges see them as no-shows and thus as absentee deadbeats. This then prompts them to come down especially hard on these NCPs and to set their orders at the maximum amount allowed. Unable to provide accurate income information to the court, these men's support orders are set much higher than those of other fathers. And even in those rare cases in which incarcerated fathers coordinate among institutions to call in for their hearing, the stigma of prison often leaves judges unsympathetic. "What do you think he's in for?" I observed a Bronx judge joke about one such father. "Being a disorganized, hot mess of a man?"

Courts are also more likely to apply the maximum retroactive support on incarcerated fathers: if fathers are no-shows, judges throw the book at them with retroactive support. This is particularly true in public assistance cases,

¹⁵ This varies considerably by state, with states such as California, New York, Texas, and Florida having the highest averages (Sorenson et al. 2007). There are many factors that go into these rates, including state policies on low-income orders, debt modification, and debt compromise programs. Also important are state rates of TANF usage: states like California, which have relatively large TANF programs, also have higher debt for low-income NCPs given the required welfare payback policies. Finally, the variation in this average debt depends on how data on debt were collected. Those that come from surveys like *Fragile Families* tend to estimate lower average debt rates than those using state administrative data. For recent examples using the former, see Turner and Waller (2017).

¹⁶ This is so complex that the California Department of Child Support Services had to contract with a private research firm (APRISS, Inc.) to study its caseload and determine what percentage of NCPs were incarcerated. In the absence of an integrated database, child support caseworkers often have no idea if a hard-to-locate NCP is actually in prison. Moreover, with criminal justice realignment, fathers are spread out among Department of Corrections facilities as well as local jail systems. Some child support offices actually send their caseworkers into county jails to look for fathers with child support cases that need to be updated or modified.

which allow for more discretion in setting orders. Here attorneys for the state always ask for the maximum amount of back support, and judges usually grant their request. Thus, incarcerated fathers find themselves on the hook for reimbursing the state for all public assistance paid to their families, even that predating their incarceration. And the justification is always the same: as if reading a script, judges explain that state assistance is a “loan” these men took from the state. As Los Angeles Judge Randal repeatedly put it, “We’re helping care for your family while you’re away. But it is a loan. Like all loans, you need to pay us back. Child support is your IOU.” Or, as Judge Cox always added, “The citizens of Florida paid your bills for you. . . . Now it is the time to repay them.”

Moreover, once public assistance orders are set, judges often try to convince mothers to go off assistance, thus making their orders private, or between parents. In fact, New York City refers all public assistance support cases to one Manhattan court, which can facilitate the public/private switch. In the fathers’ absence, judges promise mothers more money from private orders, especially when retroactive support is included. Judges remind women that if they wait to file a private order, the amount of that order will be less if any of the fathers’ other baby mamas file first.¹⁷ While judges cannot force mothers to terminate a public order, they often overrule mothers uninterested in collecting retroactive support from incarcerated fathers. “I am ordering back support for the child,” Judge Matthews once explained to a mother. “If you have no interest in defending your child, I will.” As Devon, a Florida father who was incarcerated during his support hearing, put it in an interview, “There I was, sitting in my cell, and there was some man sitting at his desk down in Tallahassee adding up everything I owed. They went to court without me. Then they sent me a bill. It was waiting for me when I got out. And there ain’t nothing I can do about it.”

At least Devon knew about his case. Most of the incarcerated fathers I interviewed had no idea they had child support cases pending while in prison—particularly those with public orders. Prior to imprisonment, they insisted they had contributed to their kids’ upbringing informally, without a support order. Once incarcerated, that informal support stopped and their kids’ mothers turned to public assistance, which men claimed to be unaware of. So they were shocked to learn they had support orders. Like Mario, who had not spoken to his son’s mother in years when he got notification in prison: “I got a letter from social services, saying I owed this money. I was like ‘Not

¹⁷ This is a key way in which child support courts pit mothers against each other. Since private child support orders take into account existing child support obligations when calculating the amount of a new order, the later an order is filed, the lower its amount—in cases of multiple orders. Child support judges routinely lectured mothers about this, urging them to “get at the front of the line” by going off public assistance or being the first to modify a private order.

me, must be a mistake.’ So I ignored it. Until I couldn’t [ignore it] anymore.” Or like Omar, who was unaware his kids had moved to another state until he got a letter in prison. “I’m like, Kansas? Why is Kansas writing me in prison? Why are they asking me for money?”

Nowhere is this shock clearer than in those Friday morning video tours in Judge Maddox’s Manhattan court. As inmates are streamed in from across the state, none know why they are there; they were plucked out of cells and plopped in front of a video screen, totally unprepared for the legal proceeding taking place. Although New York instituted this notification process to benefit inmates, the assembly line quality of it—with calls coming in eight-minute intervals, with no time for questions or elaboration—makes it appear duplicitous. Moreover, most men accept the orders since the court initially set them at \$0 because of their imprisonment. Accordingly, men assume they had no financial implications.¹⁸ Little do they realize that, once set, the amount can change and they can become private orders with retroactive support. In all of these cases I observed, only one father asked for an attorney before agreeing to the order. “They have no idea what’s going on,” a lawyer for the state explained to me during a Friday video tour. “They hear \$0 so they agree. They think they’ll deal with it later, when they get out.”

Yet not knowing what awaited them made reentry all the more difficult since, if anything, the legal landscape got more difficult to traverse upon release—when men confronted the amount of their debt and the maze of policies guiding its modification. There are two ways to modify a support order, and the incarcerated are disadvantaged in both. First, modifications can be requested prospectively. This can be done if an NCP can prove a significant change of circumstance, which in theory imprisonment should constitute. But, as figure 1 showed, one-third of states have defined imprisonment as “voluntary unemployment” and excluded it outright as grounds for modification (OCSE 2012).¹⁹ These states set orders according to strict formulas, which computed inmates’ income often at the full-time, minimum wage or the area wage rate (Noyes 2006; Turetsky 2008). Child support debt

¹⁸ This \$0 New York policy applies only to public assistance cases. And it is quite new, the result of the 2010 Low Income Support Obligation and Performance Improvement Act. Before that, New York, like most other states, charged inmates regular child support orders. Thus, many of the men I interviewed in New York had large arrears from their time in prison.

¹⁹ It is interesting that there is no universal standard here. For instance, in *The State of Oregon v. Vargas*, the California Supreme Court ruled that because incarcerated parents involuntarily have no opportunity to work, their orders should be set at \$0. But there is enormous variation across and within states in how this is implemented. New York State recently adopted the same stance—with the same types of variation. Other states ruled that their criminal behavior be viewed as “voluntary,” so their imputed income must be calculated following the usual child support guidelines. As discussed in n. 3, EO 13563 requires all states to have some modification policy on the books. It remains to be seen what those policies will look like.

then accrued at this rate during imprisonment, along with interest and legal fees for “complicated” cases—none of which could be modified.

Owing to new federal mandates, these states may not be able to continue to reject the incarceration justification outright, so they are likely to join the other third of states that consider incarceration as possible grounds for modifying a child support order. This involves a judicial process that inmates must initiate before their arrears accumulate.²⁰ And this involves petitioning the court upon entering prison to request that a support order be lowered or held in abeyance for later review. Yet this process implies that parents know about their options and have the legal wherewithal to pursue them—at the exact time they are adjusting to prison life. The obstacles here are obvious: incarcerated parents have a hard time organizing their cases, getting financial affidavits, collecting the relevant documentation, and negotiating the dynamics of testifying from prison. These were the hurdles facing Florida incarcerated parents, and in my interviews with 50 of them, I did not encounter one father who even knew about the modification option.

This was demonstrated on a grand scale in a reentry forum I participated in at Florida’s Baker Correctional Facility. As we entered the auditorium, several hundred male inmates were waiting—all of whom were within months of release. Our job was to provide them with a sense of the legal landscape awaiting them upon release. Before doing so, I took a survey: “How many of you have been on child support while in prison?” Over half the men raised their hands. Then I asked how many had applied for debt modification. Silence. So I elaborated: “Did anyone apply to put their child support on hold by the court? Did anyone know you could do this?” I was met with hundreds of blank stares. After the forum, that silence broke and I was bombarded with questions from the inmates: What did I mean by modification? Could they do it now? Why not? “How come no one told me about this when I could do something about it?” an incarcerated father exclaimed. “I got five kids. Support built up. Now I can’t do nothing?” Indeed, he was right—it was too late to do anything.

It was too late to do anything because once debt accumulates it is close to impossible to modify. Even in the final third of states that consider incarceration grounds for modification, requests must be made before arrears accu-

²⁰ In these hearings, they not only must show a significant change in circumstance, which is fairly straightforward if they are incarcerated, but also must meet the “good faith” standard to prove that their incarceration was not related to child support debt. Here it must be shown that the NCP did not “foresee” that incarceration would lead to nonpayment and his crimes were unrelated to child support. While this also sounds straightforward, it has been an issue in some states. In Florida’s *Mascola v. Lusskin*, the court ruled that any criminal behavior resulting in incarceration was done voluntarily, in bad faith and with the intent of avoiding a child support order. While that was subsequently overruled in *Department of Revenue v. Jackson*, this had been the law in Florida for decades.

mulate. This places these fathers in a situation similar to that of the Florida fathers, facing the same hurdles of adjudicating their cases from prison. And all fathers are in the same predicament with the second type of modification—retroactive modification. When the Bradley Amendment made arrears final judgments of law, it essentially forbade backdated modifications. But even this law is applied unevenly: some courts use Bradley to reject all modification requests; others use it to restrict modifications to public arrears; and still others use it as a bargaining tool in legal proceedings. Since most modification reviews remain judicial processes, the incarcerated are disadvantaged here too since they tend to have little knowledge of their rights or the ability to litigate their cases from afar.²¹

For example, despite being “modification friendly” states, on-the-ground realities of debt modification in New York and California revealed the obstacles for incarcerated fathers—and the systemic entanglements underlying them. Both states now consider incarceration grounds for modification; both states have enacted \$0 orders for the incarcerated. But fathers in these states have little knowledge of the modification process; a minority of them actually secure modifications. In part, this is due to resistance from prison staff, who set up barriers to inmates’ accessing information. It is also due to the child support system’s failure to overcome those barriers. In New York, the video prison tours are to set new support orders, not to modify existing orders; there is no equivalent procedure for the latter. In the more than 250 support adjudication cases I observed in New York, only three involved modification requests from the incarcerated. All three became spectacles, with fathers calling in their testimony to the jokes and jeers of everyone in the courtroom. And all three were denied: for waiting too long to apply, for filling out the paperwork improperly, or for failing to “make the case” for the modification.²²

²¹ In a few states, support orders can be modified through an administrative process and handled by local child support offices. This is the case in California: in 2015, it introduced this policy to allow modifications to be granted through an administrative process handled by local child support offices. It did so in recognition that the previous policy had a judicial requirement that was a serious obstacle for imprisoned NCPs. While this new procedure has yet to be put into place across the state, it could result in more access to modifications. But this is assuming that child support workers can determine which NCPs are incarcerated. And many told me they worried these adjustments will reach very few inmates because they are unaware of which NCPs are in prison and because modification provisions are met with resistance from prison staff. For a discussion of attempts to assist inmates with this process in other states, see Griswold (2001).

²² These modifications are essential since, although states such as New York and California now have some of the most progressive child support provisions for the incarcerated, this was not always the case; most of these policies were enacted only in the last few years. This means that there are hundreds of thousands of formerly incarcerated fathers in these states with enormous child support debt, with no way to modify it retroactively. In fact, it was in California that I encountered fathers with the highest accumulated debt, with one

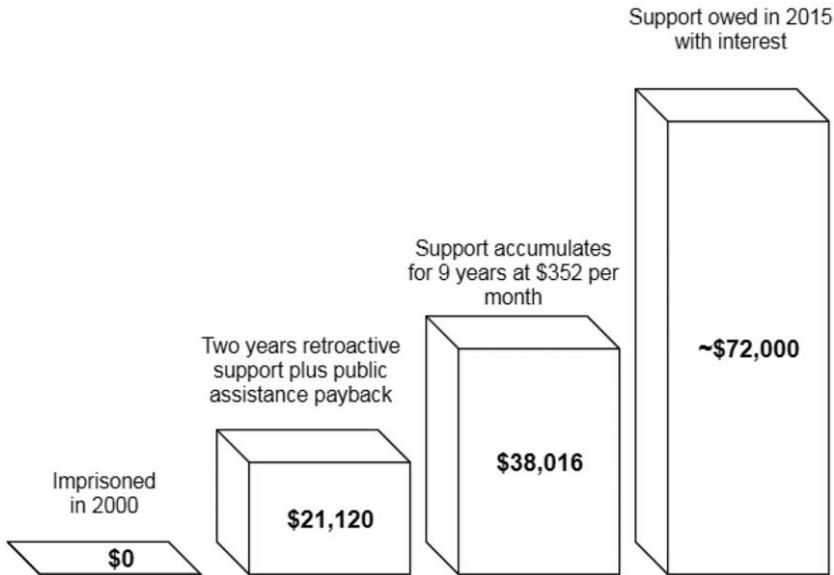


FIG. 4.—How two years of public assistance became 15 years of child support debt

To conclude by returning to LeRoy’s case: it should now be clear how two years of public assistance led to a 15-year child support entanglement. Figure 4 illustrates exactly how it occurred. Welfare payback drew LeRoy into the system, and his order was set by default. Florida defined incarceration as voluntary unemployment, so his order was set at minimum wage, or \$352/month. The court also set two years of retroactive support, so within his first year doing time LeRoy’s debt was over \$20,000. It then increased by \$352/month for the next nine years of his sentence, bringing the total to over \$70,000 with interest. Unaware of modification rules, LeRoy left prison with no legal recourse to adjudicate his arrears. Those arrears have haunted him years later. Since his release, he had his driver’s license revoked, lost several jobs, and did two stints in jail for nonpayment of child support. “All for two years of social services,” he repeated, shaking his head. His pathway perfectly illustrates the debt of imprisonment—whereby the physical confinement of prison led to the financial confinement of child support debt.

father owing more than \$500,000 in back support. Because their debt racked up before incarceration was grounds for modification and before \$0 orders were enacted, they have no legal means to modify their debt.

THE IMPRISONMENT OF DEBT

Every weekday at around noon, a corrections van pulls up to the Miami Family Court, and out come five to 10 men in bright orange prison jumpsuits. They are ushered into a courtroom and lined up in front of a judge. “So this is our yield from last night?” Judge Baker always asks. She then calls each man up to the bench and reads aloud a summary of his sins: an accounting of his child support debt. In these accounts, no one has a name and everyone is a computation. “So there is \$15,000 in arrears on a \$160 bi-monthly order for two minors last paid in 2014 through a \$500 purge.” The men in jumpsuits then explain the numbers, chronicling how they cannot keep up with their support payments given the realities of poverty. All of them are out of work; many are also homeless. Finally, the negotiations begin: How much can they pay, at that moment, to get out of jail? How much can they get after a few calls to friends and family? “Just how much do you want that orange jumpsuit off?” Judge Baker likes to query. “Then show me the money!”

As I watched these spectacles day after day, it became clear there were additional routes to incarcerated fatherhood—routes other than the classic “prison to debt” sequence exemplified by LeRoy. For some, the route was reversed: the entanglements of poverty and child support debt led to criminal justice involvement. When I asked my respondents about their financial problems, few mentioned incarceration first. It wasn’t because they were hiding their criminal history; all of them spoke openly about their criminal records. And they discussed how prison led to their child support debt. But prison was just one contributing factor—and not always the most significant. Among these men, the correlation between time served and the size of child support debt was tenuous. Those with the longest periods in prison did not always have the most support debt; those with high arrears did not have particularly long histories of incarceration.

In this way, the prison to child support pipeline flowed the other way as well, beginning with child support debt and spilling into criminal justice involvement. Or with child support debt deepening criminal justice entanglements, which then looped back to worsen child support debt. The process was mutually reinforcing, leading to what I call the imprisonment of debt. Several policies and practices created these entanglements, all of which relate to the assemblage of enforcement measures. Figure 5 illustrates the different dimensions of the imprisonment of debt.

Punishing Debt

The first line of offense against parents failing to meet their child support obligations is the interception of funds. The most common of these is wage garnishment, which is mandated at the federal and state levels. These with-

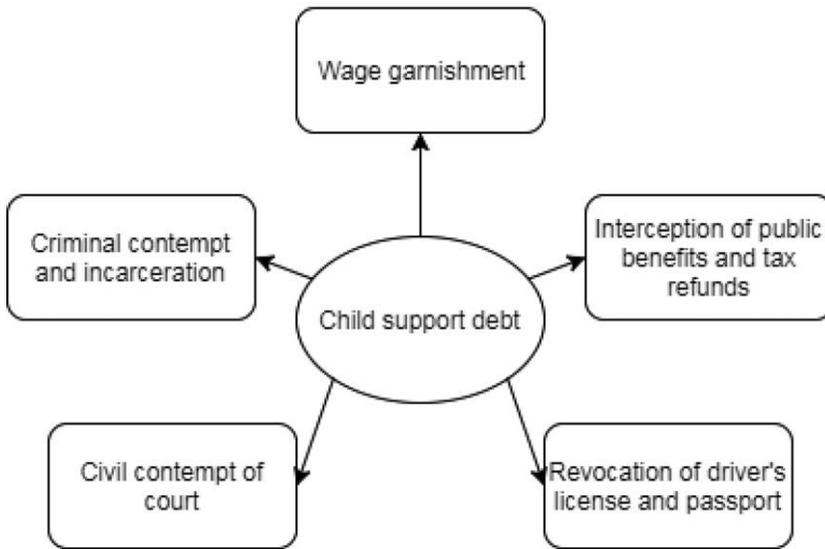


FIG. 5.—The imprisonment of debt

holdings are administrative sanctions—done automatically, in a computerized, centralized fashion. As with the setting of support orders, states vary in terms of how much income is withheld, with some garnishing up to 65% of the obligator’s wages if arrears are involved (Meyer and Warren 2011; Brito 2012). Support magistrates and judges have little say over these garnishments; they must adhere to state guidelines set for them. Indeed, judges often complain about their lack of discretion here, blaming faceless bureaucrats—or “the people over in Tallahassee” and “politicians in Albany”—for tying their hands.

Income withholding applies only to NCPs with formal employment. For parents who lose their jobs and fall behind on child support, there are additional financial sanctions that involve other forms of civil action. At the federal level, they include intercepting tax refunds and unemployment compensation; at the state level, they include freezing bank accounts, issuing liens against property, and reporting debt to credit agencies. As figure 6 shows, the amount of support recovered from these measures is minimal: 6.7% for tax and 5.3% for unemployment intercepts. Yet they are very consequential for those they target.

Next in the arsenal of enforcement tools are nonfinancial civil punishments, often called “remedial sanctions.” They are used to pressure parents into paying current and back support and include everything from the revocation of passports, which happens automatically at the federal level when

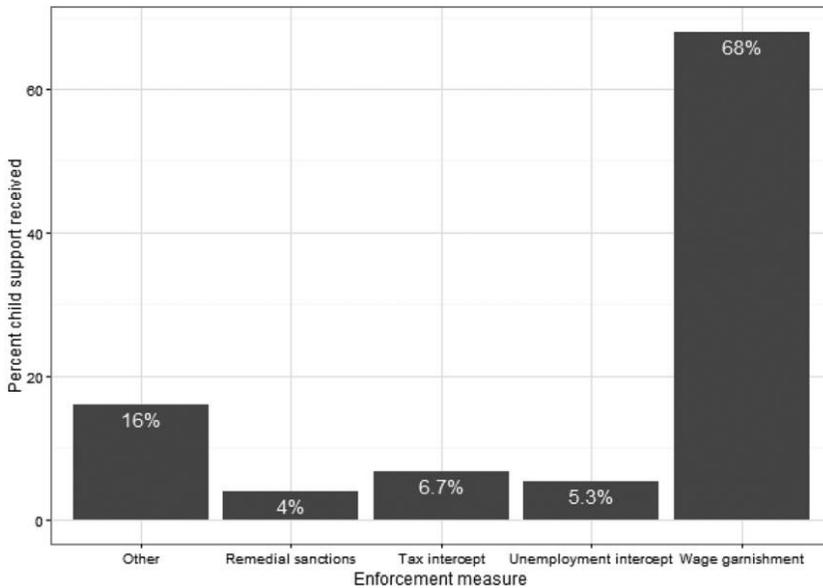


FIG. 6.—Child support received, by enforcement measure

back support reaches \$5,000, to the state-level suspension of driver’s licenses and professional licenses. For instance, Florida automatically revokes driver’s licenses when back support reaches \$400 (FOSCA 2012). These suspensions are so common that 85% of the Florida fathers I interviewed had their licenses suspended. Despite their ubiquity, remedial sanctions account for only 4% of child support collections.

The final enforcement tool is perhaps the most serious: the contempt action, or violation order. This is used when the parent is deemed noncompliant and in contempt of court, which makes the legal sanction criminal. The process of determining contempt varies by state, in terms of both how they determine parents’ unwillingness to pay and their standards of due process.²³ Yet, in all states, these processes are highly discretionary since courts decide when noncompliance is willful contempt. It is also up to the court to

²³ For instance, some states have clear standards for assessing intent and willfulness, while others leave this largely to judicial discretion. Some states have clear due process standards, requiring full and unambiguous notification of the accusation of contempt, while others apply lax standards for notification. Perhaps most importantly, states are split in whether there is a right to appointed counsel in a child support contempt case: some require it (New York, California) while others do not (Florida). Indeed, in *Turner v. Rogers*, the U.S. Supreme Court ruled in 2011 that the due process clause did not mandate legal counsel in support proceedings, even when imprisonment was at stake. For more on how states come out on these dimensions, see OCSE (2006, 2007) and Solomon-Fears, Smith, and Berry (2012).

set the conditions of remediation, that is, if parents can “purge” themselves of contempt through financial payoffs, employment, or participation in a state program. This is where the battles of child support court occur: Is the parent willfully neglectful? Is the father a deadbeat? Or is he dead broke? The stakes are high in these battles as they can end in a finding of civil or criminal contempt, which can result in incarceration.²⁴

In this way, having child support debt can get parents sent to jail. This outcome has received considerable media attention, given how it harkens back to the debtor’s prison. Since no reliable national-level data exist on how often imprisonment is used to punish child support debt, researchers have been left to guesstimate. For instance, Zatz (2016) approximates that 15% of all African-American fathers have been incarcerated for child support. These incarceration rates also vary across states and locales (Pearson and Davis 2002; Noyes 2006). In some states, it is standard practice to incarcerate fathers for nonpayment—with 15% of the South Carolina jail population imprisoned for nonpayment of child support (Brito 2012). Imprisonment was also quite common in Florida, as the morning Miami roundups indicate. Indeed, close to 40% of my Florida respondents did jail time for child support, while it was under 20% in California and New York. These patterns also vary over time. States such as California and New York used incarceration quite frequently in the not-so-distant past, but currently do so less often. As a Bronx judge explained to me, “We used to send fathers to jail all the time. It was standard practice 5 or 10 years ago. But in the last few years, we’ve stopped. State attorneys don’t ask for it much anymore. If they don’t ask for it, I don’t usually offer it. Only when I see a really, really bad father who hasn’t paid anything in years will I send him up [to Superior Court to be jailed].”

Arrests and jail time for child support can be very consequential. Materially, they can set fathers back and cause them to lose their jobs. Legally, they can lead to parole violations, even in cases of civil contempt. In cases of criminal contempt, fathers can be charged with new crimes, which can lead to the revocation of parole. And emotionally, all of this can take a toll on fathers, making them angry, depressed, and vindictive. Like Willie, the Miami father who still seemed traumatized three years after he spent time in jail for child support:

²⁴ In theory, civil and criminal contempt differ in both purpose and procedure. For example, in the former punishment is to be remedial, while in the latter it is to vindicate the authority of the court. This then implies many other differences, including the corresponding purges, legal proceedings, and due process standards. Most of all, for incarcerated parents, criminal contempt brings new criminal charges, which can jeopardize parole, probation, etc. NCPs can also be charged with criminal nonsupport of a minor, which carries new charges as well.

I'm an African-American man who made it to 40 [years old] without ever going to prison. That's success. But then one day they caught me jumping over the subway turnstile. The cop was like, "I'll let you go if your name is clean." But I knew it wasn't 'cause of my child support problems. So they ran my name and of course took me in. They left me there for three months 'cause I couldn't pay. It almost killed me, physically and spiritually. I got ill from a sickness I caught in there. . . . The way the guards treated us was like animals. I will never forget. . . . I still wake up at night, from nightmares about it.

Debt and Desistance

In addition to incarceration, the imprisonment of debt worked in less dramatic and less obvious ways. At every stage of the enforcement process, formerly incarcerated fathers can feel squeezed into stretching, bypassing, or breaking the system's rules. Some did so unwittingly: with so many rules dictating their lives, they were bound to break a rule at some point. Others developed survival strategies that led them to illegal activity, thus deepening criminal justice involvement and worsening the imprisonment of debt.

From the first enforcement measure, wage garnishment, fathers often felt financially strapped. If they were fortunate enough to have found stable employment, it was almost always low-wage work, usually in the service sector. With their wages garnished at 40%–60%, most found themselves unable to make ends meet. This was especially tough for those living in pricey urban environments. It was even tougher for fathers with multiple support orders or with public and private orders, which made their arrears higher. As a result, some stopped paying support. This response is so common that states have done research to determine the tipping point here: at what point fathers feel so squeezed that they stop paying (Gardiner et al. 2006). Yet the risk is not merely nonpayment: it is that fathers may exit the formal labor market altogether.

While others also find that child support debt can undermine men's pursuit of formal employment, my qualitative data expose the precise pulls of informal work (Miller and Mincy 2012; Cancian, Heinrich, and Chung 2013; Link and Roman 2017; Turner and Waller 2017). The most obvious was financial: after doing the math, many realized on-the-books employment was not in their interest. Unlike criminal justice and legal debt, which can average \$7,000–\$13,000, my respondents' child support debt was over three times their yearly income.²⁵ As figure 7 shows, with a monthly arrears payment of \$100, it would take over 30 years to repay this debt. But with interest, this debt balloons to over \$400,000 in the same period. And this does not consider

²⁵ Estimates of the average amount of legal monetary sanctions vary depending on where and when such debt is studied as well as the data used. Overall, researchers have estimated court-related fines and fees for the incarcerated to be between \$7,000 and \$13,000. See Harris et al. (2010) and Harris (2016) for these estimates and Martin et al. (2018) for a discussion of the data issues involved in these projections.

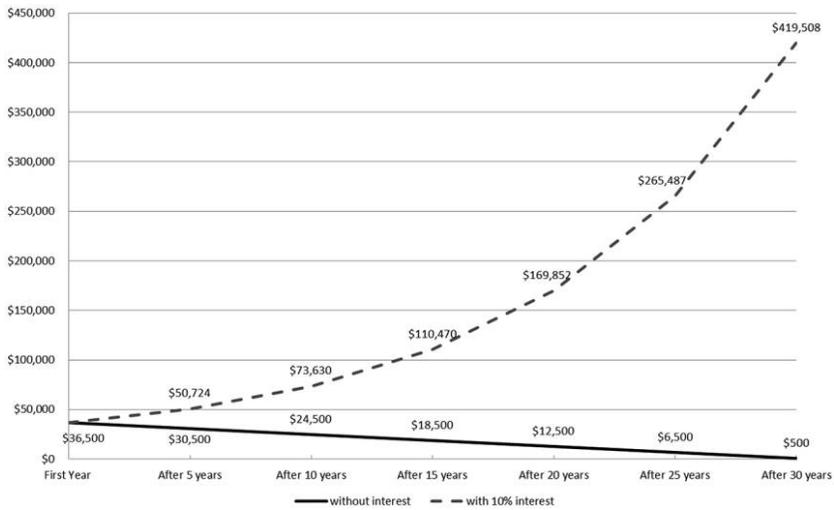


FIG. 7.—Paying off child support with minimum monthly payment (\$100). Color version available as an online enhancement.

men’s ongoing support payments, which average \$260/month. Table 3 reveals what the average incarcerated father with arrears has left at the end of the month: \$485. And this does not consider other legal debts, which can further reduce their monthly net.²⁶ When faced with such numbers, many men moved to informal work and paid what they could when they could without being held to the wage garnishments of formal employment.

Informal work was also a pull since it gave fathers the flexibility to direct funds where they were needed. Being poor is a balancing act, and wage garnishments on formal-sector earnings could throw things out of balance. Men were often left unable to deal with urgent financial crises, such as the need to fix a car, pay for medical care, or secure housing. Several fathers also linked the flexibility of informal work to child rearing, claiming that it allowed them to move funds around for their kids, as needed. As one father, Arian, explained, “I just couldn’t say no to my babies whenever they wanted something. Was I gonna say ‘Go get the money from the men down in Tallahassee’? Whenever I saw them, they asked for stuff. I could stop seeing them or I had to get them stuff . . . to feel like a daddy.”

Yet opting out of formal employment also carried risks. For some, this opt-out was a way to get paid for otherwise legal work. For others, it slipped

²⁶ Since I did not collect data on fathers’ other criminal justice fees, I cannot calculate how much that debt would reduce their monthly income. But given others’ estimates of legal debt and my respondents’ incarceration histories, it is likely that legal debt would reduce their net income by an additional \$30–\$50/month. See Harris (2016) and Martin et al. (2018) for these estimates.

TABLE 3
 MAKING ENDS MEET WITH CHILD SUPPORT DEBT: N = 125

Average monthly wage (net)	\$844*
Average arrears payment	-\$100
Average child support payment	-\$260
Remaining for living expenses	=\$484

* Based on the average yearly income of \$10,128 reported by respondents, which is consistent with Western’s (2006) wage estimates for formerly incarcerated men (converted to 2016 dollars).

them into the illegal, underground economy and exposed them to dangers. At a minimum, they risked angering child support judges, who knew they were doing something to support themselves despite their claim to no income. So courts upped their scrutiny, often punishing these men more harshly and for longer periods. Moreover, formerly incarcerated fathers could find themselves in violation of the rules governing parole, housing, public assistance, and reentry programs, many of which required men to engage in formal work. In this way, surviving wage garnishments could push men further into criminal justice involvement and deepen their material entanglements.

The same risks confronted fathers who tried to manage other financial sanctions. These interceptions also created material problems for men: With their bank accounts seized, they could not save funds safely; with their unemployment compensation withheld, they could not get through bouts of job loss; and with their credit tarnished, they could not use credit to make ends meet. So many men broke the support enforcement rules and then covered up their indiscretions in court. Like Tyrell, who opened a bank account in someone else’s name in order to save funds to buy a car and then lied about it in court so the account would not be seized. Or Chris, who squirreled away funds to cover a deposit so he could move into his own apartment and then lied about it in court so the funds would not be taken to cover his TANF arrears. Again, while these activities helped fathers get by, they moved them into illegal realms. This could be disastrous for these fathers who, if caught, were often in violation of the terms of parole, halfway houses, or reentry programs—which only worsened their material and punitive entanglements.

Of all these remedial sanctions, the most difficult to manage was the driver’s license suspension.²⁷ It was also the most common: over 75% of the men

²⁷ This does not mean that the others were nonconsequential. Having a professional license revoked was critical for some men, especially those who work as contractors. Similarly, passport suspension hurt men’s family and work lives: some were unable to visit parents and relatives abroad. Others claimed to have missed out on work on fishing boats and oil rigs since it would have taken them abroad. One Miami man insisted that he lost a lucrative soccer contract playing in the Colombian soccer league because of his inability to travel.

I interviewed had had their licenses revoked. In court, fathers pointed out how this impeded their ability to work and how they lost good jobs as cab-drivers, truck drivers, and deliverymen. Others bemoaned the time they spent taking inconvenient public transportation to work, time they could have spent working for wages. This was especially true in California and Florida, given their limited public transportation systems. In interviews, these men often admitted to driving on suspended licenses to get to work or to visit their kids. Most felt justified, insisting that they were doing what was necessary to fulfill their obligations. As Marcus, a Miami father of two explained, "It just makes no sense. He [the judge] yells at me to work, work, work. But then they take my license away. I haven't had a license in 7 years. Who's gonna hire me if I can't drive? If I'm always late getting to work 'cause of the buses. And what about my kids? How would I get to see them? Where would I take them? Somewhere on the bus?"

While Marcus may be right, his survival strategy got men like him into serious trouble. Driving on a suspended license is often a felony that carries jail time, which means it can have cascading effects: complicating men's employment, child custody arrangement, parole, and ability to stay out of jail. It is yet another way their vulnerability in one state arena exacerbates their vulnerability in another. As Michael, a Florida father described these cascading effects,

I knew I wasn't supposed to drive. My jobs were close by so I didn't have to [drive for work]. But then my family in South Carolina was fixin' to move and told me to come get all my stuff. I couldn't let all that stuff go. So I went. I drove. And wouldn't you know it, I got caught up in a police roadblock? It was over. They took me in, threw the book at me. . . . Left me in jail for weeks. I lost my jobs, fell behind in my rent. . . . Everything got worse from then on. I had to hustle again to get myself back on my feet. . . . It took years.

Michael's story raises a final survival strategy: criminal misconduct. These men were so tangled up in the child support system that crime seemed like the only route out. They faced contempt of court for nonpayment and had been ordered to purge themselves of it by paying large sums of money in short periods of time—so much money that the only way they could imagine coming up with it was through crime. Indeed, when judges issued these purges, they knew they were asking the impossible: as when they ordered an unemployed, homeless man to come up with hundreds of dollars in a week. Or when they demanded a man working at Burger King pay three times his monthly salary in a week. Several Florida judges routinely referred to crime when they set these purges: "I don't care how you get the money," Judge Matthews would say after issuing a purge. "Go rob a bank if you have to. Just come back with the money or you won't be going home." As one of his colleagues, Judge May, once told a father, "You aren't even a

good criminal. If you were, you wouldn't be in this predicament. . . . So become a better criminal or go get yourself a bunch of new jobs."

Just as judges could be this cynical, fathers could be calculating. James, the "bad criminal" berated above, described how he first considered killing himself after Judge May's tirade. Then he decided to return to drug dealing to get himself out of the immediate threat of reincarceration for his child support debt. Here's how Jesse, a 30-year-old father of three who had been rearrested for robbery to pay off a child support purge, explained his cost/benefit analysis: "I think about it like this. I can get incarcerated now for not paying what he [the judge] ordered. If I go back to court without the money, I know I'm going away. . . . Or I could 'find a way' to get the money. My way. Maybe I won't get caught. Maybe I will. But at least there's uncertainty there. It's a gamble. Sometimes I win. This time, I lost."

When the proclamations of officials like Judge Matthews and Judge May are juxtaposed with the words of fathers like Jesse, it is clear that the imprisonment of debt can complicate men's desistance from crime. As child support and criminal justice sanctions become intertwined, they push some fathers back onto criminal trajectories and further entangle them in the system of incarcerated fatherhood. In the process, this system seems to have produced exactly the kind of subjects it is designed to govern: men who break rules, violate laws, and commit crimes.

PARENTING THROUGH INCARCERATED FATHERHOOD

In addition to affecting men's ability to desist from crime, the system of incarcerated fatherhood shaped men's lives as parents. The debt of imprisonment and the imprisonment of debt created a common set of obstacles for fathers—obstacles that were consistent across states and locales. The perpetual surveillance, financial burdens, and legal hurdles surrounding these men created a series of mutually reinforcing constraints on their lives. Yet not all fathers managed them in the same way; their responses to these constraints varied. So while all of them found reintegrating into their children's lives challenging and fraught, these men developed different approaches to parenting as incarcerated fathers.

Through both my interviews and fieldwork, I uncovered three general ways men responded, as parents, to the constraints of incarcerated fatherhood. For those who were already unresponsive or ambivalent parents, these constraints only solidified their indifference. Then there were men who responded in heroic, almost superhuman ways—meeting the many demands on them while caring for their kids. In between these groups was the vast majority of fathers: men with the best parental intentions, but who got ensnared in the entanglements of incarcerated fatherhood. These men cycled through

their kids' lives, fluctuating between feeling entitled as parents and overwhelmed as indebted fathers.

To begin with the two extremes, first were those men who acted as undependable, unreliable, and uncommitted parents. Men who fit this model were a small minority of those caught up in these systems, representing at most 10% of the hundreds of men I encountered in court observations and interviews. Yet he is the father we hear so much about in the media: the male equivalent of the welfare cheat, he is the iconic "deadbeat." He is the specter that haunts all men in the child support system. When child support workers or judges "trap" one, they hold him out like a hunting prize. He is the man for whom all the criminal justice and child support punishments are designed. He has a long rap sheet and an even longer support enforcement file. He has many kids, from multiple women—none of whom he sees regularly.

These men were a small yet vociferous bunch. In court, they acted in the most belligerent and adversarial ways, both to their kids' mothers and to legal authorities. In fact, it often took months, even years, to get them into court. In New York, where the rules for serving legal papers are rigidly enforced, it seemed impossible to hold these fathers accountable. They slipped out of sight when court servers showed up, they changed addresses without notification, and they left jobs to stop paying child support. When they did end up in court, these men appeared noncompliant, even cynical, toward the entire process. Some refused to provide basic information about their income or family lives. Others defiantly ignored the maze of rules and regulations swirling around them, expressing rage when one of these sanctions was imposed on them.

None of this behavior freed these men from the power of the two state systems they lived under. These fathers still accumulated huge debts and many arrest warrants. In interviews, they spent hours describing to me the litany of things done to them, by both state authorities and women. Indeed, they frequently equated the two, accusing them of colluding to ruin their lives. Like the Bronx father who claimed his ex-wife was sleeping with the judge so he would come down harder on him. Or the Miami father who arrived to our interview with a bursting file folder, full of "documentation" of how child support officials were out to get him. In their angry tirades, some men pointed to real injustices: from how much their arrears had increased to how modifications were impossible to how counterproductive it was to revoke their driver's licenses. But these injustices became justifications for why they should not care for their children. As a Jacksonville father of four, who hadn't paid support in years, put it, "It seems like I'm expected to pay to see my kids. I have to pay admission for a visit. . . . They are my kids. I'm not gonna pay to see them. If that's the game, I just won't play."

In observing these fathers, it was never clear if they had always been hostile and disengaged parents or if the system of incarcerated fatherhood had hardened them to act as such. But, ultimately, it didn't much matter. The system provided them with the excuse they needed to opt out and disengage from their kids' lives. The faceless quality of that system—as well as its complex combination of state policies and legal sanctions—left men searching for someone to blame. And this often led them to their children's mothers, whom they used to personify the system. In this way, instead of forcing them to become better parents, the debt of imprisonment and the imprisonment of debt personalized their anger and solidified their neglect.²⁸ As one father exclaimed to his girlfriend, as they left a Los Angeles child support hearing, “That bitch thinks she can get me, but I'm smarter . . . smarter than this whole system. I'll go underground. . . . They'll never find me. [They] won't get no money from me, I swear.”

In contrast to the iconic “deadbeat dad” were those at the other extreme: men who seemed herculean in their ability to weather the storm of incarcerated fatherhood. These men were also the exceptions, constituting at most 20% of the fathers I encountered. They defied all the odds to meet their competing, and sometimes conflicting, obligations. They stayed in good standing with parole and kept up with their child support payments. When they fell behind, they employed legal survival strategies to get back on their feet. They came to court on time, with all their documents in order. These fathers also ended up haunting other men in the system since they, too, were held out as models by legal authorities. But for different reasons than deadbeats: they were the fathers who proved the seemingly impossible was possible. “I just had a father in here who's working four jobs and mows lawns on the weekends,” Judge Palos scolded a father facing contempt. “Don't tell me you can't do it.”

While they made it look easy in court, once inside their lives it became clear why only a minority of men could juggle what they did. With the exception of the lucky few with unionized employment, all these men worked two or three low-wage jobs. Most were in the service sector, so they used the wages from one job to pay their child support debt and those from the second or third to sustain themselves. Most took public transportation to and from work. These men moved in with family, friends, or roommates to keep their living expenses low. They seemed to devote every minute to making money. Like 38-year-old Barry, who worked from 9:00 to 2:00 in a barber-

²⁸ This personification is often what underlies the link between child support enforcement and domestic violence, with fathers turning their rage at the system onto the children's mothers. For more on this connection, see Fertig, Garkinkel, and McLanahan (2007).

shop and from 5:00 to 11:00 as a busboy in a restaurant, and whose commute via four buses added over three hours to his daily grind. Or Manuel, a father of two whose three service-sector jobs took him to three New York City boroughs each day and then back to a fourth at night, where he slept in a room he rented.

All the while, these men showed enormous commitment to their children. In between their long commutes to their multiple jobs, they found time for their kids. Some insisted on seeing their kids every day. Like Roman, who organized his subway commute to his second job so he could see his kids after school and take them out to eat. Others condensed all their work into six days, so they could spend one day a week with their kids. “We go to the park, play, eat out,” Justin described. “Those days sustain me.” Others made a point to call their kids every day, with one Brooklyn father calling his kids each night during his dinner break to read to them. Still others insisted on setting aside special “daddy funds” every month, even if only a few dollars, which they used to buy their kids special gifts as expressions of love—opposing them to the obligation of state support in ways reminiscent of Zelizer’s (2005) separation of finance and intimacy. And all of these men beamed with pride as they recounted details of their kids’ lives—from their hobbies to personality traits to friendships. As Jerry, a Miami father of two, explained, “We guys get real emotion when it comes to our kids. Whenever I need to stay positive, I think of them. When I think I can’t go on, I call them. Or I look at their faces on my phone. I remember all our good times. And all this shit I go through is worth it.”

Although these fathers could seem superhuman, a few key intervening variables helped them manage the matrix of incarcerated fatherhood. All of them had social support to rely on. For some, support came from a good reentry or job readiness program. But those were hard to come by, and as Halushka (2016) has shown, these programs guard their coveted connections for a select few—not for men with the messy entanglements of incarcerated fatherhood. For others, support came from family members, usually female kin, who helped stabilize them after prison. And for these fathers, female partners were especially key. But not just any partner: it was best if she was a partner with material stability from a secure job, social benefits, or public housing. Such women offered much-needed material and emotional support; they cushioned men so they could avoid reverting to illegal strategies to manage their material entanglements.

Of course, those entanglements are precisely what made it difficult for these men to find and maintain partners. They were often at the bottom of the dating pool because of all their issues and complications (Edin and Kefalas 2005). This may explain why the majority of these men did not have stable support systems. Perhaps this is why few of them fit the heroic model of success. But that did not push them to the other extreme; they did not act

like disengaged deadbeats either. Instead, the overwhelming majority of men I researched, about 70% of them, were simply dead broke—and dead set on changing their lot. They were just having a very hard time doing it.

These men's lives were a constant struggle. Staying afloat and out of jail was a challenge. Yet they insisted they had the best paternal intentions. As Nurse (2002) found with a younger group of formerly incarcerated fathers, "doing right" by their kids was important to these men. So if men who acted like deadbeats were the most vociferous, and those as heroes the most inspiring, these men were the most emotional. Most of them broke down several times in our interviews. They cried when discussing their guilt for missing much of their kids' upbringing. They cried when describing the yawning gap between their parental ideals and their realities. Every one of them claimed a "good father" was one who showed love through attention, care, and "just bein' there." Yet those were the precise things that these men had trouble providing, given their time in prison and work demands. As Ricardo, a Brooklyn father of two, explained, "I never had a role model. I never had a father. He was never around. . . . So I was gonna be different, man. I was gonna love my kids and shower them with attention. Go to every school thing, sports thing. But here I am, the same as my dad. Locked up, I missed it all. Now I'm workin' all the time to keep up with [child support]. I still never see them."

Men like Ricardo rode all the waves of incarcerated fatherhood: they experienced the debt of imprisonment and the imprisonment of debt. Those waves frequently derailed them from adhering to their plans to change. There was something quite cyclical about the accounts of their lives. Getting by was always a struggle, but they described times of improvement. As when they finally secured a second low-wage job—as Michael did when he landed a gig cleaning nearby parking lots, after regular working hours. Or when they scored a coveted job placement—as Alex did when he finally got a Miami reentry program to pay for his training as a forklift operator. Or when they found a stable partner—as Jorge did when he hooked up with a woman who had a rental subsidy and a disability pension. For a while, they would get by and start fulfilling their legal obligations. Things looked hopeful; an end was in sight.

Then something would happen. They would get tripped up by a legal, bureaucratic, or personal barrier. They would teeter on the edge, eventually falling off when they did something clearly transgressive. Like Michael, who drove on a suspended license—right into a police roadblock. Or Jesse, who developed depression and lost his job—and then got arrested for a robbery he did to pay off a large child support purge. The entanglements in one area worsened those in other areas. Then the cycle would start again. At any given moment, these men could appear like the deadbeat or the hero, depending on which part of the cycle you caught them on.

These cycles often left incarcerated fathers feeling depressed and desperate. They looked at their futures with despair: as figure 7 and table 3 demonstrated, if they stayed current on their child support and arrears payments, it would be 20–30 years of extreme hardship before their debts were paid off. The enormity of what they owed, combined with their limited job options, left many feeling hopeless. Some used those feelings to embolden themselves to be better parents, expressing increased entitlement to parenthood because of the financial sacrifices it involved. But others just felt defeated and overwhelmed. As Jose, a Los Angeles father of two, explained as he pulled out a letter he had received from child support court, “I’m sorry it’s all ripped up. . . . I got so upset when I read it. I lost my temper. . . . Here I am just out of prison and doing everything right. I got a good job with the city. . . . I am living with my mom so I can see my kids. Then I get this letter from child support. How am I ever going to pay this? It gives me so much stress to think of it. . . . how much I owe.”

Just as these fathers’ material lives went through cycles, so did their connections with their kids. In court testimony, men would report being present in their kids’ lives, only to retreat for a while and then reengage later. In interviews, these fathers described coming out of prison ready to reunite with their kids and make up for lost time. They discussed how, after getting back on track with their child support, they would resurface with optimism about reconnecting with their children. Eventually, they would hit another snag or get entangled in a new legal snafu. And the cycle would start again. Their ongoing derailments left these men frustrated and discouraged. In court, they often gave testimonies in soft, almost inaudible voices, with their heads bowed down. As a Jacksonville father who was facing civil contempt explained to Judge Matthews, “Yes, your honor, I did go six months without seeing my kids. I could not bear to tell them, again, that I had been locked up. I was ashamed. I told them it wouldn’t happen again, but then it did. But now I’m over that. I’m gonna get back on track. Give me a chance, just one more chance.”

As I listened to men describe these cycles, I imagined how they must have seemed to the officials surveilling them—as noncompliant, unruly, defiant. Or how they must have appeared to their kids’ mothers—as inconsistent, unpredictable, irresponsible. Indeed, on the rare occasion that women could speak in court, these were their main complaints: men’s disappearing acts and erratic involvement. As a Brooklyn mother exclaimed to me after her support hearing, “Why can’t he just do what he says? Why can’t he just pay what he supposed to pay? Be where he’s supposed to be? Why does he act like a baby? He thinks the world needs to take care of him. Why can’t he just stop making mistakes and getting locked up?”

Finally, how must these fathers have come across to their children? Most men insisted that these entanglements did not affect their relationships with

their kids. As a Brooklyn father put it, “I separate the love from the debt.” Yet these men also admitted to regret and guilt as fathers; they spoke about their embarrassment at revealing mistakes to their kids. It is hard to imagine that those feelings did not factor into men’s inconsistent, cyclical parenting. It is equally hard to imagine that those cycles left their kids feeling safe, secure, and nurtured. In this way, just as the entanglements of incarcerated fatherhood operated in circular ways to form feedback loops of disadvantage, so did men’s parenting: they looped in and out of sight, and into and out of their kids’ lives. And just as those loops had serious financial and punitive costs, they also undermined precisely those relationships proven essential for men’s well-being and reintegration: relations of care, reciprocity, and interdependence with their children.

CONCLUSION

This article analyzed the lives of disadvantaged fathers struggling to survive at the intersection of the criminal justice and child support systems. In addition to situating them in a larger economic and cultural context, I exposed the depth of their embeddedness in larger state systems. Here I demonstrated how fatherhood was doubly mediated for these men, shaped by physical and financial confinement. Rather than viewing their confinements as the result of collateral consequences or spillover effects, where men are the conduits through which prison’s negative effects reach others, I argued that they are better understood as modes of governance that operate through complex state entanglements. I analyzed two such entanglements. On the one hand was the debt of imprisonment, or all the ways incarceration bred paternal debt and worsened men’s poverty. On the other was the imprisonment of debt, or all the ways support enforcement led to criminal justice involvement and undermined men’s desistance from crime. Together, both entanglements created feedback loops of disadvantage that complicated men’s social reintegration and put pressure on their familial networks, often to the breaking point.

This argument about how state entanglements work is not simply empirical: it has conceptual implications. It highlights how processes of governance cut across and loop through diverse state institutions. Instead of flowing in a linear way from one institution to another, these entanglements emanated from different state arenas: some originated from men’s involvement in the criminal justice system, others from child support, and still others from a combination of the two. They also emerged from assemblages of federal and state policies—from federal public assistance payback policies to state modification laws to local enforcement measures. These policies were then implemented through local judicial practice, in ways that were uneven and yet consistently disadvantageous to incarcerated fathers. Just

as the legal landscape of incarcerated fatherhood spanned from federal agencies to state legislatures to local courts, its sanctioning power blended civil, administrative, and criminal law—combining fines, withholdings, revocations, and reincarceration. This created a legal hybridity that only added to its institutional complexity. In this way, my conceptualization of incarcerated fatherhood points to the importance of theorizing how social control can link, loop, and overlap across state terrains.

Indeed, it was the looping nature of state entanglements that made them so consequential for so many men's lives. There were obvious material effects, or all the ways being a father in prison and having child support arrears spiraled into excessive debt. There were punitive effects, or all the ways the punishments of one state system exacerbated those of another. And there were emotional effects, or all the ways guilt, anger, and regret made it hard for fathers to remain caring parents. These effects could themselves crisscross and intersect, as when anger over prison arrears made a father noncompliant with child support enforcement, which then led to criminal sanctions and reincarceration. Or when men's cyclical struggles with state bodies led to cyclical parenting, prompting them to move in and out of their kids' lives inconsistently and irresponsibly. Thus, this analysis of state entanglements helps explain why men can get stuck in a web of systemic constraints and how this breeds forms of inequity around their roles as fathers.

This analysis also suggests new ways to address those inequities—reforms that are both easier and more difficult to implement than other research suggests. While the economic and cultural contexts of disadvantaged fatherhood are enormously important, focusing on them alone can make change seem overly abstract, as if broad societal shifts must occur for reform to come. The adverse effects analyzed in this article emerged from concrete policies and laws, so there are real reforms that could alter them. But given the entangled nature of those policies, such reforms are difficult to conceptualize. When it comes to child support policy, reform ideas abound: spanning from “work first” provisions, subsidized employment, an expansion of the Earned Income Tax Credit, responsible fatherhood programming, and higher TANF pass-throughs for families (Turetsky 2000; Roberts 2001; Cancian and Meyer 2006; Cancian et al. 2011; Mincy et al. 2015). Although promising, focusing on child support policy alone is not that effective at addressing the institutional loops of state entanglements.

When it comes to incarcerated fatherhood, more effective reform would be coordinated across institutions and target feedback loops. A few scholars have begun to chart the path here, proposing federal reforms that could address these institutional overlaps. When it comes to debt accumulation, Cammett (2011) argues that revising the Bradley Amendment would open the door for more states to modify arrears retroactively and to opt out of interest

charges. Indeed, reforming state interest policies alone would slow the accumulation of these fathers' arrears considerably. Others propose reforms modeled after what is done in parts of Europe, where child support is always expressed as a fixed percentage of a parent's income, so those with no income would also have no support obligation, and where publicly financed child support benefits cover families with a parent without income (Garkfinkel and Nepomnyaschy 2010). Still others suggest using Thirteenth Amendment jurisprudence to challenge incarceration as a method of child support enforcement, which could block both ends of the prison-child support pipeline (Zatz 2016). At the level of institutional practice, which is critically important for incarcerated fathers, reforms would target how child support is administered for prisoners. This would entail establishing clear judicial limits on default orders and retroactive support, guarantees of debt modification, and access to legal representation. All of these reforms would lessen both the debt of imprisonment and the imprisonment of debt—and thus go a long way toward unraveling the policy entanglements of incarcerated fatherhood.

In conceptualizing these reforms, we might also take some advice from incarcerated fathers themselves. In our interviews, these men offered original ideas for policy reform: from the creation of public works programs for debt repayment to caretaking benefits for debt forgiveness that would enable them to spend time with their children. Before this could happen, they asked that state institutions stop seeing them as failed fathers, labor market rejects, and broken work machines. They asked that state law stop holding them up to outdated parenting ideals that reduce fatherhood to breadwinning. And they asked that state officials stop pushing them into, and punishing them through, the exact fatherhood standards they are least able to meet. While their requests may seem simple, they will be more difficult to secure than the most ambitious legislative reforms since they involve a profound shift in how men with criminal records are viewed and valued as fathers. Yet such a rethinking is precisely what must occur in order to bridge the yawning gap that separates state policy and law from the lives they govern.

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