

HOW THE CHILD SUPPORT SYSTEM AFFECTS LOW-INCOME FATHERS



What Policymakers Need to Know

Guidelines formulas that determine child support orders are a matter of state discretion and these guidelines can be formulated in statute.

Not all dads who do not pay child support are deadbeat dads; some fathers lack the financial resources to pay mandated child support amounts.

Low-income fathers face many of the same barriers that welfare mothers face—low literacy, few job skills and poor employment history.

Child support enforcement agencies are traditionally a cost-recovery agency set up to reimburse the state for welfare payments, although fewer than 15 percent of welfare families actually receive support.

Child support agencies were not designed to deal with low-income parents who were never-married.

Most enforcement tools are targeted toward parents with assets and those who have means to provide support but actively evade paying support.

Current child support policy does not have effective mechanisms to distinguish fathers who evade paying support from those who would pay support if they had the resources. No longer is enforcement “one size fits all.”

Granting a downward modification to low-income fathers may make it easier for them to make continuous child support payments.

Many fathers do not know they can ask for a modification, or what circumstances warrant a modification

What Policymakers Can Do

- 4 Establish formulas and guidelines that take low-income obligors into consideration.
- 4 Ensure that guidelines allow low-income parents enough income to meet their needs after their child support is paid.

- 4 Connect fathers with employment and training opportunities that allow them to obtain employment and develop skills that provide wage advancement opportunities, and establish (or modify) realistic support order amounts.
- 4 Establish child support orders that reflect a father’s real income.

- 4 Include service delivery and referral mechanisms alongside traditional cost-recovery efforts.
- 4 Create customer service centers within IV-D agencies to allow fathers easier access to information about their case and the child support enforcement process.
- 4 Devise policies to serve both parents as a family unit regardless of their marital status.
- 4 Ensure that child support agencies develop partnerships with court systems, welfare agencies and local service providers to assist fathers to meet their financial obligations.

- 4 Develop procedures to sort deadbeat dads from deadbroke dads and determine whether punitive enforcement, referral to services or modification is the appropriate course of action.

- 4 Develop customer service lines that can answer basic questions regarding modification procedures.
- 4 Ensure that fathers are aware that they can ask for a modification if their economic situation changes.
- 4 Ensure that agencies and courts have procedures to streamline the modification process.

What Policymakers Need to Know and What They Can Do

HOW THE CHILD SUPPORT SYSTEM AFFECTS LOW-INCOME FATHERS (CONTINUED)



What Policymakers Need to Know and What They Can Do

What Policymakers Need to Know

Many child support orders for low-income men are set as a result of a default order that may not take into consideration the actual wage earnings of a father, resulting in an order that is set too high.

Fathers often receive default orders if they do not attend their court hearing. Fathers avoid these hearings because they are fearful that the child support system's only interest is in punishing them.

Most families who receive welfare do not receive any collected support because the state retains this money to reimburse itself for money spent on welfare. Fathers view this as a disincentive to pay through the system.

One of the barriers that low-income men face in paying child support orders is the massive arrearages that accumulate once a mother receives welfare.

Many low-income fathers are present at their child's birth and are in a serious relationship with the child's mother.

Women may begin receiving welfare without disclosing the location of the father, though the father may, in fact, be present within the house

What Policymakers Can Do

4 Insist that child support workers establish proactive procedures that encourage fathers to come forward before default orders are entered.

4 Provide easy access to information about the child support system that helps both mothers and fathers navigate the court system.

4 Inform fathers about their rights and the child support proceeding before their court date to eliminate any misperceptions that could discourage fathers from attending.

4 Pass through collected support to families—states can count these expenditures in their maintenance of effort.

4 Develop procedures that ensure welfare caseworkers adequately communicate the implications of assigning child support rights to the state in exchange for receiving welfare benefits.

4 Compromise arrearages for fathers who demonstrate a compliance with payment plans or employment requirements.

4 Develop flexible policies regarding the accumulation of interest on past arrearages.

4 Require that state agencies set welfare debt equal to the amount of a father's support order.

4 Analyze how arrearages are set—retroactive to birth or to the date of a court proceeding—and craft policy that insures a father's debt will be set at an amount he is likely to pay.

4 Conduct paternity establishment as early as possible. Suspend enforcement of an order if parents are cohabitating.

4 Connect families with services to assist them to develop parenting and relationship skills.

4 Conduct outreach to connect fragile families with services before they apply for welfare.

4 Connect families with services to assist them to become and stay employed to minimize the use of welfare.

HOW THE CHILD SUPPORT SYSTEM AFFECTS LOW-INCOME FATHERS (CONTINUED)

Q: Why should child support enforcement agencies give fathers who don't pay child support "a break" instead of putting them in jail or using other enforcement measures?

A: Child support agencies should use their enforcement tools for fathers who actively evade child support. For fathers who lack the financial resources to pay support, directing strong enforcement measures does not result in increased child support payments—an ineffective use of state and federal dollars. These policies may well keep fathers from participating in the formalized system. Child support enforcement results in collections for less than 20 percent of poor families. Developing policies that make it more feasible for fathers to pay support can help ensure they will pay continually over time.

Q: Aren't child support policies set by the federal government, leaving the states with little discretion to decide on alternative policies?

A: Most child support decisions regarding establishing and modifying orders are a matter of state law or regulation. Federal law sets general guidelines regarding enforcement, but states can use their discretion to decide how orders are set and modified and when they are enforced. State legislatures can affect on these policies by directly putting policy in statute, directing agencies to follow specific guidelines, or developing outcome-based performance measures for agencies to follow.

Q: What can child support agencies do if they find an obligor who can't pay child support because he is unemployed or underemployed?

A: Agencies can modify support orders to make the current order more feasible and refer fathers to service providers who can help them find jobs or find better jobs.

Q: Won't lowering a support payment result in less money for the mother and child?

A: In most cases the mother and child are not getting *any* support, so applying a downward modification can be an investment in ensuring future payments. It can help to establish a positive relationship between the father and the child support agency.

Q: Why should a state forgive part of a father's debt—isn't that money he should be obligated to pay?

A: Depending on the amount of the debt, it may be unrealistic for a low-income father to ever repay massive amounts of past debts—in many cases these amounts are thousands of dollars. Forgiving a portion of arrearages also can help ensure future payments if fathers see repayment as a realistic achievement, reducing the likelihood that fathers will revert to providing "underground support." Given the poor collection rates for this population, states have little to lose by trying a new approach.

Q: Won't a state be losing money if it forgives child support debt?

A: States are not collecting large amounts of money on state debt from this population. Essentially, they are spending money on enforcement with little cost benefit. Forgiving some portions of past arrearages may help generate future payments.