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Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research

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Abstract

Since 1984 policy makers have increasingly turned their attention to reforming the child support system. Despite this attention, the child support system has often failed to increase the economic security of single-parent families. This article synthesizes findings from recent qualitative studies to explain why the child support system “breaks down” for so many low-income families. This research suggests that parents often prefer informal arrangements of support and do not comply with child support regulations they perceive to be unfair, counterproductive, or punitive. It also suggests that economic and social constraints many parents face make it difficult for them to comply with existing policy, even when they desire to do so. In light of these findings, the authors consider the likely efficacy and unintended effects of various policy reforms.

Keywords: Child Support; Unmarried Fathers; Qualitative Research

The high incidence of divorce and nonmarital childbearing in the United States means that at least half of children born today will probably spend part of their childhood in a single parent family and that many of these children will be eligible for child support. Child support policy seeks to ensure that parents who live apart from their children contribute to their financial support. This objective serves several important public policy goals: reducing poverty and financial insecurity among children and their custodial parents, preventing single-parent families from entering the welfare system, helping families on welfare leave more quickly by substituting private, parental income for public welfare, and reducing public spending for welfare. Child support policy also seeks to affirm the widely held belief that parents are morally and socially obligated to support their children.

Over the past quarter century, a series of major policy reforms has been implemented in pursuit of these goals. Though these reforms have brought improvements in enforcing child support obligations, the child support system is still widely criticized for poor performance. In 1993, only 60 percent of custodial mothers in the U.S. had a child support order, a figure that has remained nearly constant since 1978. For never married mothers, the chances of having an order were only 44 percent [Committee on Ways and Means, 1998, pp.605, 608]. Of parents with orders in 1993, 61 percent actually received payments, and only 30 percent received full payment. Of the total child support due, 38 percent was not received [Committee on Ways and Means, 1998, pp. 605, 608; Office of Child Support Enforcement, 1998, tables 32, 33].¹

This article seeks to understand why the child support system is ineffective for many low-income families. It does so by synthesizing findings from recent studies on how child support

¹ In 1996, child support agencies failed to find 27 percent of all noncustodial parents requiring location to establish support obligations [Office of Child Support Enforcement, 1998, tables 35, p. 41]. Establishing paternity, or legal

regulations affect the economic situations of low-income unmarried parents and their children, the relationships between custodial and noncustodial parents, and the willingness of both parents to co-operate with child support authorities. Because the studies' findings represent common perceptions among unmarried parents and are consistent across research sites, they provide significant insights into the difficulties parents experience in the child support system.²

Our review suggests that the reluctance of low-income parents to comply fully with the official child support system's rules is an important part of the explanation for weak enforcement. These rules are intended to facilitate and formalize financial interactions between unmarried parents. Low-income, unmarried parents generally endorse the concept of child support and believe that there are circumstances in which participation in the formal system is appropriate. However, many such parents prefer private, informal agreements for support and at times do not comply with child support regulations they perceive to be unfair, counterproductive, or punitive.

Child support legislation was developed mainly to apply to families with divorced fathers working full-time [Sorensen and Lerman, 1997].³ The studies suggest that legislation framed with this model in mind often clashes with the social and economic situations of many low-income parents. In particular, the rules of child support and welfare agencies interact so that parents often find it difficult to comply with them, even when they wish to do so.

OVERVIEW OF THE U.S. CHILD SUPPORT SYSTEM

fatherhood, is a necessary step in establishing child support awards for children born outside of marriage. However, paternity was established in less than half of all nonmarital births.

² While these studies document the most common reactions to the child support system, there are other responses on which this report does not focus. Notably, some parents of children receiving welfare (particularly women) report willing participation in the child support system and prefer formal support agreements [Achatz and MacAllum, 1994; Waller, 1996]. Moreover, the studies do not represent the entire universe of low-income, unmarried parents. For example, among families in which the noncustodial parent is truly absent, private informal agreements for support are not an option.

The modern era of child support policy began in 1975 with the *Title IV, Part D* amendment to the Social Security Act. This landmark law established the partnership in child support between federal and state governments that remains the basis of current policy. The IV-D program created the Office of Child Support Enforcement to provide national leadership and assistance in developing and managing child support policy. The states retained responsibility for finding noncustodial parents, establishing paternity, and establishing and enforcing child support orders. To qualify for federal welfare funds, states were required to implement child support programs that met federal standards. In turn, the federal government has paid most administrative costs of each state's child support enforcement program [Sorensen and Turner, 1997].

Child support policy traditionally was left almost entirely to the states. Major federal involvement grew out of important social changes that gained momentum during the 1960s and have continued through the 1990s. A sustained increase in divorce and nonmarital childbearing led to rapid growth in the fraction of children living in one-parent (mostly mother-only) families. Because many of these families have been poor and have resorted to welfare, wide concern has developed about the adverse consequences for children of growing up in these circumstances. A better child support system has come to be viewed as a major part of a national strategy for reducing poverty and welfare use.

The workings of the child support system itself generated other demands for reform. Prior to the IV-D legislation, local judges largely determined whether a noncustodial parent would be required to pay support, the amount of the award, whether the amount would be modified as circumstances changed, and how support obligations were enforced. Because of such broad local discretion, many parents eligible for child support did not have awards, awards varied widely

³ Because the noncustodial parent is male in the overwhelming majority of cases (86 percent in 1991 [U.S. Bureau of

among noncustodial parents in similar economic circumstances and were infrequently updated, enforcement was spotty and evasion of support obligations widespread. These conditions led some to conclude that the system was rife with caprice and inequities. Heavy reliance on courts proved costly and time consuming, and helped create or deepen adversarial relationships between parents [Garfinkel, 1992]. Partly in response to these problems of locally administered child support arrangements, another federal policy goal has been to rationalize this system. Since 1975, child support legislation has increasingly sought to reduce administrative discretion, improve equity and compliance, and coordinate enforcement across states.

Since 1975, Congress has revisited child support policy several times.⁴ The *Child Support Enforcement Amendments* of 1984 required states to adopt expedited procedures for establishing paternity and support orders, to develop guidelines for setting support levels, to establish income withholding and other means of ensuring compliance for noncustodial parents who fall behind in their payments, and to offer enforcement services to non-welfare families. The *Family Support Act* of 1988 strengthened the 1984 amendments by requiring automatic wage withholding in all cases, the use of guidelines for establishing support orders, state adherence to federal standards for paternity establishment, and statewide automated tracking of cases. In the 1993 *Omnibus Budget Reconciliation Act*, Congress required states to develop a simple administrative process for unmarried fathers to declare paternity voluntarily and to make the process available in hospitals so that unmarried parents could conveniently establish paternity at childbirth.

The *Personal Responsibility and Work Opportunity Reconciliation Act* of 1996, though best known for its changes in welfare policy, also reformed child support enforcement. It includes

the Census, 1995, p. 3], we use gender-specific language in the remainder of the report.

several measures to improve paternity establishment. To increase automation of support enforcement, states must set up a central registry of all IV-D support orders and any support order issued or changed after October 1998, a centralized, automated unit for collection and disbursement of payments, and a directory to which employers must report information on new employees. Information in these files is used to create a Federal Case Registry and National Directory of New Hires to track parents across state lines. Other new enforcement tools are also included.

A primer on how the public child support system works

Today's child support system involves a close partnership between the federal and state governments. The federal government reviews, approves, monitors, evaluates and audits state programs. It also provides technical assistance and helps states locate noncustodial parents and collect support payments. States set specific policy parameters and choose options consistent with federal requirements. They are also principally responsible for administering the program. The major services provided by the formal child support system include: opening child support cases, locating noncustodial parents, establishing paternity, and establishing, enforcing and modifying child support orders.

When a custodial parent starts to receive benefits from Temporary Assistance to Needy Families (TANF), the designated agency in her or his state (or county) must automatically open a TANF child support case.⁵ Special rules apply for such cases:

⁴ A summary of federal child support legislation and of current national policy and administrative procedures is in Committee on Ways and Means [1998, section 8]. Other information on child support policy and administration is available from the federal Office of Child Support Enforcement at <http://www.acf.dhhs.gov/programs/cse>.

⁵ The agency can approve a "good cause exception" in "the best interests of the child." Though rare, in such instances a case will not be opened. Upon request, a parent who is not receiving TANF is entitled to child support services from the agency as well. In 1996 (before TANF) about 48% of the nation's cases were non-AFDC [Office of Child Support Enforcement, 1998, table 32].

- TANF recipients must **cooperate with the state in locating the noncustodial parent, establishing paternity and obtaining support payments**. Failure to cooperate in establishing paternity will result in at least a 25% reduction in aid and could lead to removal from the TANF rolls.
- The custodial parent **must assign all rights to child, spousal, or medical support to the state up to the amount of aid received**. This includes all current and past due support and continues as long as a family is receiving TANF. If the applicant will not assign her rights, TANF and Medicaid benefits for the parent will be dropped. The children will still receive TANF and Medicaid benefits, but the check will be sent to a payee rather than to the custodial parent.
- **In most states the entire monthly support payment is used to reimburse state and federal governments for welfare payments and does not help increase the family's standard of living**. In about a third of the states the monthly "pass-through" is \$50. Only Wisconsin allows full pass-through.⁶
- **No credit is given for in-kind payments** made directly to the custodial parent, (e.g. clothes, food, school supplies, toys).

The tight linkages between welfare and child support policy created by these special rules appear to be major reasons for low-income parents' reluctance to co-operate with the official child support system.

When the child support agency opens a case, it asks the custodial parent to help locate the noncustodial parent. The agency may also obtain help from local and state agencies or organizations (e.g. telephone companies, motor vehicle registries, social services offices). If such sources are insufficient, agency staff may use the State Parent Locator Service, the registry for all newly hired employees, and the Federal Parent Locator Service, which compiles information from several large federal data sets and all state employment security agencies. The federal service is particularly helpful when the parents live in different states. In 1996, agency officials found 67

percent of all noncustodial parents requiring location [Office of Child Support Enforcement, 1998, tables 35, 41].

When an alleged father is located, the child support agency brings him before a court or administrative agency, where he can either acknowledge or dispute paternity. If he disputes paternity, an order for blood and other scientific tests is requested. If the alleged father denies paternity despite contrary test results, a court will decide paternity. States also administer in-hospital, voluntary paternity programs. In 1996 child support agencies established paternity for 718,152 children born out-of-wedlock, or about triple the number in 1986 [Office of Child Support Enforcement, 1998, table 44]. States vary widely in success at paternity establishment.

A support order requires the noncustodial parent to financially support his children and sets the payment. To comply with federal laws aimed at rationalizing procedures for setting awards and reducing judicial discretion, states use formal guidelines to establish the amount of each order.⁷ Some states' guidelines impose support obligations on low-income fathers that are high percentages of their incomes. In 1997, a noncustodial father of two with earnings of \$500-750 per month could plausibly have faced a monthly support order equal to 40+ percent of his income in 9 states, and 20-39 percent of his income in another 20 [Committee on Ways and Means, 1998, pp. 563-565].

Until 1988, it was generally presumed that the noncustodial parent would make regular payments to the custodial parent or the child support agency. This approach, which allowed noncustodial parents to easily fall into arrears, was decisively altered by the Family Support Act. For all new or modified orders, it required immediate withholding starting in November 1990. And

⁶ Between 1984 and 1996 federal law set the monthly "pass-through" at \$50 for all welfare families. The 1996 reforms allowed states to modify this rule. Most have done so [Gallagher, et al., 1998].

it required immediate withholding for all orders issued in 1994 or later. Increasingly stringent withholding led to a tripling of the amount of support collected via this route between 1989 and 1996 [Committee on Ways and Means, 1998, p. 572]. Nonetheless, custodial parents do not receive nearly 40 percent of the support owed them [Committee on Ways and Means, 1998, p. 608]. States and the federal government have many other enforcement techniques as well.

Under current law, reviews and adjustments of support orders are no longer mandatory. If either parent asks for a review or, for TANF cases, if the state asks, the child support agency must review and adjust support orders at least once every three years. States must also inform parents of their review and adjustment rights at least once every three years. If review indicates grounds for adjustment, the state must do so. The federal Bradley Amendment has prohibited retroactive modification of past due support payments in virtually all cases. Past due payments generally cannot be forgiven even if the noncustodial parent was unemployed, in jail or otherwise unable to earn income.

EVIDENCE FROM QUALITATIVE RESEARCH

Many low-income, unmarried fathers are missing from national surveys because they are difficult to sample. Others who are sampled do not acknowledge they have children [Garfinkel, et. al., 1998]. In response to this issue, researchers have used qualitative methods to effectively study low-income, unmarried parents. Qualitative studies also allow researchers to explore the meaning of issues in greater depth than is possible through survey methods. Researchers have interviewed low-income, unmarried parents about the child support system and how it affects their families, work, financial situations, relationships as couples, and other aspects of their lives to better understand why the child support system has often been ineffective for low-income families.

⁷ States must review their guidelines at least once every four years. Since 1988 the guidelines have been the “rebuttable

Table 1 summarizes characteristics of the seven studies analyzed in this article.⁸ All seven examine the experiences of low-income, unmarried parents living in urban areas.⁹ All investigations were also conducted in the early 1990's, before PRWORA passed. Because PRWORA did not change the fundamental structure of the child support system, we believe the problems identified by parents in these studies, and issues they raise for public policy, remain salient. As Table 1 indicates, African-American parents represent the majority of respondents in each study. Sullivan [1992], Achatz and MacAllum [1994], Edin [1995], Johnson and Doolittle [1995], and Waller [1996] include white parents. Edin [1995] and Johnson and Doolittle [1995] also include a small number of Hispanic parents. This racial composition reflects the fact that a disproportionate number of African-American mothers are single parents.

There are some notable differences among the studies to consider when interpreting their findings. First, because the studies were conducted in different sites, findings may vary because of differences in labor market conditions, child support enforcement practices, and other macro circumstances.¹⁰ Second, although Furstenberg and Waller interview mothers and fathers, other studies focus primarily on the experiences of either men or women. Edin's sample consists of single mothers (supplemented with the Furstenberg, Sullivan, and Sherwood findings about fathers). The other studies consist exclusively of noncustodial fathers. Third, all studies include respondents who have children in the welfare system who are likely to be affected by many of the same child support regulations. Two studies [Sullivan and Furstenberg] include interviews with

presumption" in any legal proceeding.

⁸ We draw on Sorensen and Turner's [1997] review of barriers to participation in the child support system but expand on this analysis by documenting and incorporating all available qualitative evidence. We include findings from all studies that provide information on each issue. Studies not cited in our discussion of an issue did not address that issue.

⁹ While this research generally examines the experiences of parents who have had children outside of marriage, studies by Edin and Johnson and Doolittle also document the responses of men and women who became unmarried parents following a divorce, and Furstenberg's sample includes one married couple.

low-income fathers whose children are not in the welfare system. Finally, the majority collected their data through interviews supplemented with other information, but two [Sullivan and Sherwood] rely exclusively on focus groups.

Because qualitative methods trade off depth for breadth, these studies have fairly small samples, with the exception of Edin. None of the samples was randomly selected. Four studies used multiple techniques (including institutional and snowball sampling) to generate diverse samples [Edin; Furstenberg; Sullivan; Waller]. Three selected their respondents from programs designed for low-income fathers with child support obligations [Achatz and MacAllum; Johnson and Doolittle; Sherwood]. Because all of the fathers in these programs had established paternity and had direct experiences with the child support system, they may differ from other low-income, nonresident fathers.¹¹ Similarly, other studies may include respondents with characteristics that differ from the general universe of low-income, unmarried parents.¹²

“Deadbeat” and Responsible Fathers

Child support policy is intended to encourage responsible behavior among unmarried fathers. Qualitative studies suggest that parents distinguish between deadbeat and responsible dads but do not believe that men who make formal child support payments are more responsible than those who provide informally [Waller, 1996].¹³

¹⁰ Furstenberg, Sherwood, Sullivan, and Waller primarily focus on one metropolitan area, while Achatz and MacAllum, Edin, and Johnson and Doolittle interview parents in multiple cities and states.

¹¹ About 48 percent of poor women with children did *not* have child support awards in 1993 [Committee on Ways and Means, 1998, p. 605]. Therefore, many fathers of their children may not have direct experience with the child support system.

¹² See Garfinkel, McLanahan, and Hanson [1998] for a portrait of nonresident fathers' characteristics.

¹³ Furstenberg [1992] finds that parents hold shared ideas about what it means to be a “good father” and can readily distinguish social fathers who are “doing for their children” informally from those who are not. Achatz and MacAllum [1994] also suggest that fathers in the program were “put off” by the idea that parents who paid formal child support were more responsible than those who contributed informally.

A lot of dads are deadbeat dads. A lot of mothers are deadbeat mothers. But they call them deadbeat dads because they're not paying child support to the establishment. You know, a lot of people, a lot of people don't like paying child support. A friend of mine just got out of jail day before yesterday. Spent ten days in jail for child support, and he does everything in the world for his son. He just doesn't like the idea of [them] taking the money (Larry).

Waller [1996] found that low-income, unmarried parents in New Jersey hold strong, collective beliefs about paternal responsibility and practices of caring for children. Fathers are expected to spend time establishing an emotional bond, providing guidance, and acting as role models to their children. Parents also believe fathers should make an effort to provide financial support to the extent they can. Although parents typically endorse the principle of child support, many believe that formal child support is appropriate only when private agreements cannot be established or maintained or when fathers do not accept their responsibility voluntarily. If the parents are in a romantic relationship, particularly if they are living together and sharing expenses, they typically do not believe participation in formal child support is warranted. Furthermore, if low-income fathers participate actively in their children's lives and make a significant effort to contribute to their support, parents usually prefer not to establish a formal agreement [Waller,1996]. The remainder of this article explains why this preference for informal support is so strong.

Financial Disincentives Created by Assigning Child Support to the State

Most studies find that parents object to the requirement that women receiving welfare must sign over their rights to child support to the state [Furstenberg, 1992, Sherwood, 1992, Sullivan, 1992, Edin, 1995, Johnson and Doolittle, 1996; Waller 1996]. Parents argue that their child support payments do not increase their children's standard of living and that their needs are not met with the "pass-through." While parents generally understand that the father's payment is used to

offset the costs of welfare, they do not consider the regulation fair. Joe, a father Waller interviewed, suggests:

The money doesn't go to the kid. It's not like you're buying the kids something. The money goes to them because they pay that girl some welfare. So all it is nothing but a payback situation. You know what I mean? You're giving us money to pay back what we had to give her. It's not like you say--alright, I know this \$35 will buy my son some Pampers. It ain't like that.¹⁴

The financial disincentives facing a low-income father can be substantial. If he pays \$200 per month yet his children gain only \$35 as a result of his contribution, the effective tax rate is 82.5 percent. Even if he only pays \$100 per month, the effective tax rate is still 65 percent.

A strong economic disincentive also exists for a mother if she believes her child's father would make direct contributions greater than \$50 a month. Several parents Waller interviewed suggested that the value of the father's in-kind support or direct cash payments before a child support order was in place equaled or exceeded \$50. Achatz and MacAllum [1994, p. 81] found that most fathers in the program they evaluated reported spending more than \$50 each month on their child. Edin and Lein [1997, p. 44] indicate that mothers on welfare reported receiving on average \$39 a month in cash from fathers in addition to in-kind support. According to one mother:

I actually discussed with him that I really don't want [to report him to child support, because I'm probably better off with him paying on the side.] It is better if he doesn't pay through them. Because they only give you \$50 no matter what he pays [Edin, 1995].

Karen, a father Waller interviewed, said:

I'd give them triple the amount...I mean I might buy a coat that cost \$50. You know what I'm saying? Sneakers cost \$50. You know, if I just say, I'll just pay up and don't get them nothing, then she coming out or my son coming out, with the bad end of the stick. 'Cause he might need some sneakers and a jacket. How you gonna get sneakers and a jacket with \$50?

Responses to financial disincentives

¹⁴ The actual value of what the mother received was about \$35 after her food stamps were taxed.

The economic disincentive created by assigning child support rights to the state often leads mothers and fathers to work out cooperative arrangements to circumvent the financial penalty they perceive. The fathers Waller interviewed said they often gave priority to their children's concrete needs for such provisions as clothing, diapers, and food rather than to child support payments. Pointing to his children's material needs, Yusef refers to child support payments as a "waste:"

...because you wind up doing for your child anyway. Why you have to pay somebody to take care of your child when you still have to take care of your child anyway? You know what I'm saying? You think that I pay the city so much amount, like \$200, \$300 a month, but I still have to get shoes and clothes and stuff.

Many fathers indicated they could not make regular child support payments and contribute directly to their children. Some fathers tried to provide for their children's needs while keeping child support enforcement at arm's length by making sporadic payments to the state. Others decided to ignore the child support order and give things directly to their children when they had extra income. As one father in Sullivan's [1992, p. 16] focus group stated: "She wasn't seeing nothing. And my son wasn't seeing nothing. So I wasn't paying nothing."

Mothers also resisted child support regulations in order to continue receiving financial assistance directly from the father. Edin found that about half of the mothers she interviewed engaged in "covert non-compliance," or gave "false or misleading information to child support officials" to avoid identifying the father and establishing a support order. She notes the majority of mothers who received "covert" cash or in-kind payments from the father reported doing so because they could receive more through informal support. Similarly, Waller found examples of mothers

not identifying the fathers to evade the child support system.¹⁵ Denise, a mother explains her economic motivations for doing so:

If they start taking money from him, then we wouldn't have anything to live on...I thought they would go after him for money and he would have to give money to the state that we would never see again. So, instead of giving money to the state that we would never see again, we really needed it, because, we were like on our own. So I told them I didn't know who the father was.

Waller also found some mothers backed the father's decision to withhold his name on the birth certificate, to ignore notices to appear in court for the hearing, or to make informal payments.

Not all women had information such as the father's address, place of employment, or social security number with them at the time of the intake interview. Many women were in contact with the father and could presumably obtain this additional information. However, they did not attempt to report it to child support unless they were pursuing an award. Both Waller and Edin report that by withholding some information about the father, mothers could satisfy the formal requirements of the child support system while not actively seeking an order. Compared to Edin, Waller found fewer incidents of mothers intentionally withholding information about the father.¹⁶ Whereas Edin considers giving incomplete information "covert noncompliance," Waller notes that some of these practices constituted more passive avoidance rather than active resistance. The different findings in Edin's and Waller's studies could reflect variations between the sites where the research was conducted, including diverse enforcement practices and labor market conditions.¹⁷

¹⁵ Recent implementation of hospital-based paternity establishment and heightened enforcement of penalties for non-cooperation and non-payment under PRWORA will probably give parents less opportunity to evade paternity establishment regulations.

¹⁶ Half of the mothers Edin spoke with intentionally gave false information or withheld the father's name or other information about him from their caseworker. In contrast, a small minority of parents Waller interviewed said that they or their child's mother withheld the father's name. However, other parents attempted to evade the system in different ways. Waller suggests that women's strategies varied by such things as the father's location, how their case was being handled by child support, and how their caseworker enforced the rules.

¹⁷ See Sorensen and Turner [1998, pp. 8-9] for a review of research on institutional and demographic factors associated with differences in paternity establishment rates.

To work out an informal arrangement for support, a mother needs to be convinced that the father is making a serious effort to cooperate with her and to contribute financially. Mothers who believe fathers are being irresponsible or uncooperative use the threat of reporting the fathers to child support authorities as a “negotiation tool” to garner informal support, induce them to be more responsible, and thereby bypass the formal system [Edin, 1995, p. 16]. In this way, the formal system gives a woman more power in negotiating with the child’s father, even if she does not establish a formal support order. This unilateral strategy is pursued by the mother without the cooperation or consent of the father.

Liza describes how mothers can use this leverage against fathers:

I would give that man an alternative--either you’re going to help me with my child without going to court, or we can go to court and take it from there. So I would advise women that are having it hard and feel that the fathers are not doing anything to take it to court and get that child support. But for the women who are having the fathers help them, I would suggest that they continue having that understanding with the father [Waller, 1996].

To avoid a child support order, the father of Liza’s youngest child did not put his name on the birth certificate. When they began to argue about whether she should have an abortion and whether he would support the child, she decided to pursue an award.

We weren’t getting along that great then and he called my bluff. And you do not call my bluff. You do not tell me that you are not gonna help me with your kids. He called my bluff, and I took him up on it. And I went and filed the child support papers against him (Liza).

Several mothers Waller interviewed suggested they changed their minds about child support after they saw that the father was not willing to take care of their children in the way they had expected. For example, Alicia said she initially wanted to tell her caseworker that she did not know who the father was because she did not want to “get him in trouble.” When he did not offer support or see their daughter regularly, she began to reconsider. Her mother also advised her to think about the future, when her daughter will need more expensive things. She considered how

her daughter would feel if she wanted to locate her father one day but paternity had not been established. A child support caseworker suggested that the father was trying to control the money. After considering all these factors, Alicia decided to seek child support and plans to tell the judge or hearing officer:

I'm gonna tell them everything he did. I'll tell them, "Yes, your Honor. Every time I need help I have to get on the phone and call him. It's not like he's giving me money out of his pocket every week or anything like that. I mean the majority of the clothes, the bottles—it's all coming out of my pocket. The only thing he bought was a bassinet, your Honor, car seat, a couple bottles. Everything else you see on her back is from me and money in my pocket."

At the same time, she would advise other mothers to use child support only as a "last resort."

Men recognize women have the power to pursue child support and take their threats to do so seriously. Salaam observes that women who withhold information can contact their caseworker at any time to pursue child support:

You know if you don't live up to your expectations from the agreement you that you and this lady made, first thing she gonna do is run down there and say "I know so and so, I know where he work at."

Achatz and MacAllum [1994, p. 84] similarly report that to keep mothers happy and deter them from seeking formal child support orders, fathers attempt to maintain friendly relationships and make voluntary financial contributions.

Some mothers who do not want the father involved with them or their children may also pursue unilateral strategies to evade cooperation with the child support authorities. Edin found that almost half of mothers who did not cooperate with child support mentioned issues such as fear of reprisal from abusive fathers, desire for exclusive control of the child, and beliefs that they did not have a legitimate claim for support from the father. Waller also found that women may be reluctant to identify fathers if they believe contact with them would be detrimental to their families. For example, Lynn, a mother in Waller's study, said she initially withheld the name of the father

because they had a marriage-like relationship in which he supported their family. But when the father became an alcoholic, began abusing her, and was sent to prison, she continued to withhold information about him because she does not want contact with him when he is released.

Family Conflicts Created by Rules Mandating Cooperation

Although the formal system gives mothers a “negotiation tool” to exert leverage against fathers, that tool can be a double-edged sword. The following example illustrates how conflicts between parents develop when men believe women are using the formal child support system as a weapon to get back at them. Joe, a father Waller interviewed, explains that some men interpret being called into court for child support as a hostile gesture on the part of mothers.

They don't know that once you do that, that puts a whole distance between you and the baby's father. Now the baby's father say, “So, you want to go that route? O.K. Then I'll give them \$35 a month, but you can't get another dime from me for nothing. Now you never know, this guy might come across this amount of money doing this or this amount doing that. Instead of giving it to you and your child--well here's your \$35. You know what I'm saying? So sometime the girl don't know and it hurts them more than it helps.

Many parents suggest that child support rules can pit mothers against fathers and create or exacerbate conflict in their relationships [Sullivan, 1992; Achatz and MacAllum, 1994; and Waller 1996]. These conflicts can make already difficult parenting arrangements more antagonistic and may lead to their dissolution.

The welfare system requires women on welfare to establish paternity for their children, and initiate the process of collecting support from low-income fathers, and limits the pass-through.

One might think that such legal limits to discretion on the part of women would reduce interpersonal conflict. Why in fact, does conflict arise?

From the accounts of parents in Waller's study, conflict seems to develop for the following reasons based, in part, on inadequate information and prior feelings of distrust between men and women [Furstenberg, 1992, pp. 41-42]. First, a minority of men do not understand that women are

required to identify them as a condition of receiving welfare. Second, fathers may blame mothers for applying for welfare and creating their obligation to the state. Similarly, mothers may attribute their reliance on welfare to the failure of fathers to support their children. Third, parents may not understand that the state keeps all but \$50 of the child support payment. This leads some women to believe that men are only paying \$50 and some men to believe that women receive the full payment and spend the money on themselves. Fourth, women sometimes have room to maneuver within the child support system and can decide how vigorously to pursue child support. When faced with a child support order, fathers may choose to withhold support or restrict contact. Finally, the economic demands put on poor fathers by child support, particularly when they build up large arrearages, add additional strain to their relationships.

Formal Payments Versus Direct or In-Kind Payments

All studies that included interviews with fathers suggest that men often did not comply with child support regulations, but they strongly endorse the belief that fathers have an obligation to support their biological children and be involved in their lives. The studies indicate that community beliefs recognize in-kind contributions as valid expressions of this paternal obligation and that the majority of fathers make informal monetary or in-kind contributions. Edin also finds that most of the mothers getting direct support from the father received in-kind contributions such as diapers, clothing, shoes, and gifts rather than cash payments.

In addition to believing that children may benefit more financially from informal support, parents describe strong emotional grounds for this preference. Waller found that because parents believe fathers should provide support out of a sense of love and responsibility for their children, formal child support represents a "forced" payment rather than an authentic expression of paternal

love. A father in Waller's study points out that children have difficulty comprehending child support, particularly when it is an add-on to the mother's welfare check.

It would be a whole lot better for the kid, for the dad, for the mother, if the money was coming straight from him...The child would understand, 'cause eventually the child as it gets older knows what child support is. Knows that his father ain't been around. So it's like, "Damn. My father don't buy me nothing, but he pay child support." Who wanna say that? What kid wanna grow up knowing--well my father pay child support but he don't buy me nothing...A child would rather have his father bring him five pair of jeans and some sneakers and some shirts than a check in the mail... the material stuff, [at] a child's age is a whole lot more than paper...It would show more love.

Achatz and MacAllum also suggest that men believe child support deprives them of an important part of fathering their children. They argue that most fathers preferred to purchase items for their children because: "(1) they are visible symbols of responsible fatherhood in the community, (2) they are tangible and gratifying, and (3) they give the fathers control over how the money is spent" (1994: 76). The issue of control is particularly important for fathers who distrust their child's mother.¹⁸

In Waller's study, men who consider themselves responsible fathers often resent the fact that child support prevents them from dramatizing their love and responsibility for their children, and use an anti-state rhetoric to express opposition. Yusef asks, "Why do I need the government to tell me that I should take care of my child when I know for a fact that I need to?" And Darren explains, "If I know I got a child I got to do things for, ain't no need for them to tell me I got to pay such amount. Because I know what I got to do, and that's my job to do it, you know." A father in Achatz and MacAllum's study states: "My girl don't need to take me to court so a judge could say

¹⁸ Achatz and MacAllum [1994, pp.76-79] suggest that some fathers come to resent the system for the unconditional trust it places in women by assigning them child support payments rather than allowing fathers to purchase things themselves. Waller also finds that men often feel uneasiness about how women spend the money they contribute. With in-kind support, fathers feel more assured that their contributions benefit the child.

I gotta kick up some cash for my child...There's no need for that because I'm doin it on my own. I don't understand why the system do that [1994, p. 75]." Similarly, a father in Sullivan 's [1992, p. 16] study argues: "My child should not have to grow up with something in the back of his mind: Somebody had to force dad to give me. If only he would have freely given.'" But Sullivan notes that this statement may reflect a general belief that the courts should not interfere in their families.

Many women seem to agree with this assessment of child support. Mothers often regard "forced" child support as both tainted and unreliable because it does not derive from an emotional bond. One mother Waller interviewed said that several people had tried to encourage her to contact the child support office to expedite the process:

But that's my baby. And when I do that I feel as though I'm forcing him to take care of his child, forcing him to love his child. And I'm not going to force him. I got love for everybody for that girl. And for me the way I feel to go through the system to force him to take care of his child is like he don't love her.

Responses to mandatory cash support and not counting informal or in-kind contributions

Some parents jointly seek to avoid participating in the formal system because of their belief that child support enforcement undermines their efforts to establish cooperative parenting arrangements based on an emotional commitment. Waller and Edin report accounts of some mothers who worry that child support would introduce animosity and risk losing the emotional involvement, guidance, and child care the fathers provide. Marion lived with the father before he was sent to prison and plans to marry him after he is released. After describing the kind of work he did around the house and his substantial involvement with their children, she suggests:

[In many cases] it's a good idea. But in many cases, it's not a good idea 'cause it will cause a conflict between you and the baby's father. Um, right now welfare is trying to take him to court for child support. But what it all boils down to is if he's going to be here with me, I'm getting more out of him being with me. It might not be exactly financially, but as far as raising the kids, you can't put a price on that. So, I'm getting more out of him being here, than not being here and trying to pay child support.

Similarly, in Edin's study one mother stated:

It's nice to have them contribute financially but if they're only going to contribute financially and they are not going to be a father [then] you are not winning. If he gives you money for a child and he's not going to be a father, the child is losing. If [he] can't give, you is still getting a father, you know what I'm saying? The parenting part of it. And [with] Public Aid, that is something they take away from you (1995: 19).

The compulsory nature of cash child support fosters resentment and distrust that may be directed toward the other parent instead of the state. In such cases, we observe unilateral responses rather than the bilateral strategy of nonparticipation. Tricia, a mother Waller interviewed, describes how her daughter's father began to direct his resentment about child support at her by withholding informal contributions. Although she did not want to pursue an award, after child support enforcement contacted the father, he became less trustful of her. As a result, when he was ordered to pay less to the court than he had given informally and she asked him for the difference to her, he refused. While not all mothers experience a real economic loss, others mention that securing support through the formal system may create conflict when the fathers begin paying child support and stop doing the "extras" for their children.

Fathers often see the situation from a different perspective. For example, Salaam describes his dilemma: If he pays child support, he cannot afford to buy things his children request. Therefore, he feels guilty, and avoids spending time with them. He also believes his child's mother may spend the money on herself rather than on their child. But, if he provides in-kind support instead of making child support payments, he risks arrest. He claims he has already been arrested three times for failure to pay support. Recounting a conversation with his mother and sisters about this, he explains:

My mom and them are like this: "Why don't you stop buying them stuff? The courts can handle that. Whatever you decide to buy them, take that money down there to the courts." But it still gets to the point of: what about my kids? 'Cause, you know, kids can talk. Kids can walk up and say, "Dad can you buy me this?" And they know if I can afford it, they

know I'm supposed to get it for them. But then if I be like "Uh uh, I can't get that. Your mom's supposed to take care of that"...Then the kid be kind of upset and then it distracts you. It makes you feel bad to tell one of your childs [that] when you know you can get it for them.

Problems Created by Enforcement Practices

After low-income parents become involved with the formal system and a support order is established, concerns about how the system enforces support orders come to the fore. Mothers often perceive it as ineffective in enforcing their rights to support. Fathers become frustrated with the system's insensitivity to their changeable economic circumstances and its use of criminal sanctions to enforce compliance. It is likely that these perceived problems with the enforcement process contribute to poor parents' reluctance to participate in the formal system in the first place.

Ineffective Enforcement from Women's Viewpoints

Studies that document the responses of low-income women suggest that they often view the child support system as ineffective and unresponsive [Furstenberg, 1992; Edin, 1995; and Waller, 1996]. Furstenberg found that women commonly objected to the inefficiency of the child support system. Problems these mothers mentioned included the difficulty of filing a claim, the inability of the system to collect payments from men, the inability or unwillingness to pursue men who evade the system, and the impersonal nature of the child support agency. Mothers were frustrated that they could not talk or write to anyone in the child support agency about these concerns and had little confidence that they would be addressed [1992, pp. 52-53]. Edin and Waller also found that mothers expressed frustration about their cases being held up in the child support system. One mother talked about attempting to update the child support agency when the father moved, started working, or changed jobs, often to no avail.

I have been trying to get child support from the [OCSE] for three years. I filled out everything. I got all the information. They made it seem so difficult. I got them all the information. I called [and left messages for] that [agency] man every day last week. He

never called me [back]. We have been waiting for a court date for three years [for my oldest child's father]. Every time I call that [agency] man he lies to me. [Edin, 1995, p. 9]

Insensitivity to Poor Fathers' Economic Circumstances

In interviews, fathers suggest that a major problem they face is the system's inability to recognize or respond to their economic circumstances. Many fathers of children receiving welfare have low skills, lack stable employment, and may not have sufficient income to pay child support without further impoverishing themselves or their families [Mincy and Sorensen, 1998; Garfinkel et al., 1998; Sorensen and Turner, 1998]. Child support legislation was developed on the model of a divorced father with full time employment. Sorensen and Lerman [1997, p. 4] observe, "child support policy relies on enforcement tools that assume *all* noncustodial fathers can afford to pay child support" but are unwilling to do so. The data raise serious questions about the validity of this assumption.

Men talked about problems with paying regular support when they had irregular employment. Furthermore, because their jobs were often part-time, temporary, or low-paying, they found it hard to make child support payments and meet their own basic expenses at the same time. Fathers also may have obligations to more than one family that make it more difficult for them to manage their obligations successfully [Furstenberg, 1992; Sullivan 1992]. When they could not make their payments and had no hope of paying off their arrears, many fathers felt they were in an impossible bind [Sullivan, 1992; Waller, 1996]. Yusef comments on how he and his friends think about this :

A lot of fathers are just getting fed up with the situation. They be like, boom, if I'm still looking after my kids and I still have to pay the government so much money a week and still support myself, you ain't gonna do it...How can you, on a simple job out here, how can you support yourself plus pay for your kids that way, plus still have to do for your kids and maintain yourself in this kind of environment? [Waller, 1996]

In some cases, fathers' orders represent a high proportion of their income, and they had difficulty supporting themselves at a subsistence level if they made child support payments. In many other cases, fathers faced large arrearages on their debt as well as the interest that had accrued on these arrearages during periods of nonpayment. When fathers are unemployed, awards may be based on imputed income, assuming full-time work at the minimum wage. Furthermore, child support awards are often set retroactively, rather than when paternity and the child support order are established, which may be years after the child has been born and received assistance. An award usually does not take into account direct support given to the child before the award was set or the father's income at that time [Sorensen and Lerman, 1997; Sorensen and Turner, 1998; and Roberts, 1999]. As a result, fathers often have child support debts for periods in which they lived with their child's mother and helped support the household [Roberts, 1999].

When fathers receive notice of their child support obligation or begin to pay back their debt, they are often thousands of dollars in arrears. Sullivan recounts the experiences of one father who built up arrearages while he was in jail:

When I was doing time, there was no other means for my wife with the kid. At the time, to get support was to go to welfare, and that's what she did. A certain amount of time went by, ten years or better, I got a letter from welfare stating I owed them so much money. I never answered the letter. It was a couple of thousand dollars and until today I haven't gotten bothered yet. When it does happen, I don't know what to do [1992, p. 27].

Fathers who are not working argue that the child support system is least understanding of their circumstances. They suggested that they could barely meet their own survival needs while out of work and were incredulous that they would accumulate large arrears if they could not pay during such times [Johnson and Doolittle, 1995; Waller, 1996]. Unemployed fathers Waller interviewed asked rhetorically, "How are you expected to survive?" Salaam suggests, "They don't understand that you have to pay rent or you might have to find somewhere to eat or sleep." In the

course of a four-hour interview, Salaam spent much of the time talking about his frustration about the job market. He continues:

This is a big problem, I don't see where they coming up with making us pay child support [without a job]. I mean, give us something to do. Give us a program or something to get into. That way we could learn and work at the same time...Give us something to do, there's plenty to do if they take the time out to allow us to do it. I mean, everybody that's out there on the street doesn't want to be out there. And everybody ain't bad. But just by standing out there long period of time, you get a tendency of falling into trouble. If we was at work eight hours a day, I'm pretty sure we would be so tired we would go into the house, sleep, and wait until the next day of work. I would love to have a job [Waller, 1996].

Interviews with fathers suggest that child support enforcement practices that assume fathers are absent from the family may also undermine relationships between unmarried couples. O'Shen explains that in his last run-in with the child support system, he was working a night shift at a local hospital when he was arrested for an outstanding warrant for child support. He subsequently lost his job. Describing the hearing, he says:

Do you know that judge stood in front of my face and told me "I don't care where you live at, you better move back in with your mom, 'cause I'm taking half your money." He got no right to tell me that. You know what I'm saying? If I'm living with my kid's mother, I got a roof over my kid's head. You should have said, "damn if you're still with her and you're living with her and helping your kids out, well, ok"...'Cause you're not making no money like a doctor or lawyer so that somebody can take half your net pay. Heck no, come on man [Waller, 1996].¹⁹

O'Shen explains that he fell into arrears during a time when he lived with his children and most of his income went to purchase things for them and to pay for household expenses.²⁰ He adds that he eventually did move back in with his mother.

As this last interview suggests, the enforcement process can cost some fathers their jobs. Jake claimed that he lost his job when child support began to enforce wage withholding, because his employer did not want the hassle: "When it first started getting strict, I had a job at a body shop

¹⁹ Noncustodial parents with arrearages can be ordered to pay up to 50-65 percent of their income.

²⁰ Presumably, the mother of O'Shen's children did not report this informal support to the welfare agency.

and they called the people and told them they were gonna garnish my wages. I lost the job just like that.” Although it is against the law to fire a noncustodial parent because of wage withholding, Jake, like other fathers, believed this commonly occurred [Waller, 1996].

Another important issue that fathers mention frequently but is not part of the enforcement process is concern over visitation rights. As Achatz and MacAllum [1994, p. 88] note, fathers did not understand that establishing a child support order does not formalize their rights to see their children. Johnson and Doolittle [1996, pp. 27-28] observe that many fathers perceive the court to be extremely biased toward women in these matters. The fathers they spoke with suggested that they were given less access when they could not offer economic resources. Sullivan, Waller, and Furstenberg also note problems men report with mothers blocking access to their children.

Fathers pursue various unilateral responses to the enforcement of regulations they perceive to be inflexible and unfair. Fathers in Waller’s study often say they would advise other men in this situation to follow their strategy of paying just enough to avoid harassment or incarceration. Sullivan also found that insensitivity to men’s unstable economic circumstances discouraged cooperation with child support. When fathers feel intimidated or overwhelmed by child support enforcement, they may ignore child support orders and accumulate substantial arrearages [Sullivan, 1992; Waller, 1996]. Waller [1996], Johnson and Doolittle [1996], and Furstenberg [1992] document reports that fathers may quit jobs when they discovered how much of their wages were garnished. Achatz and MacAllum [1994] found that some fathers who reduced work in the formal economy tried to generate more income in the underground economy through under the table jobs, selling drugs, stealing, and gambling.

Criminal Sanctions and Heightened Enforcement

The second major objection from fathers to the enforcement process is the practice of treating them like criminals when they fall behind on their payments. Fathers believe that heightened enforcement efforts have been directed at nonresident fathers indiscriminately, regardless of their effort to support or be involved with their children. Others believe that the system is more likely to penalize fathers working in the regular economy than those who have gone underground. Some fathers believe the state is targeting low-income, black fathers for imprisonment rather than prosecuting higher income fathers who have the ability to support their children. Robert, a father who previously lived with his children and has a cooperative parenting arrangement with their mother, resents being pursued for formal child support, saying “It’s ridiculous...I wouldn’t say that ‘cause they cracking down on these fathers that are not supportive. They cracking down on the fathers that are supportive.”

Vincent, a father who has recently been released from prison, remarks:

The jails are full of these guys for child support, and it’s the craziest thing. And it’s counterproductive, because you have these guys – they’re practically living on nothing. You lock them up for child support. These guys who are already living on the edge, living in a terrible neighborhood, working a horrible job. And then they get put in jail because they fall behind on their child support.

Fathers also remark that if men did not have enough money to come up with a payment sufficient to keep them from going to jail, they would not have the money after serving time in prison.

Furthermore, they accumulated more arrearages during this time. Vincent believes that child support turns men into fugitives and, as a result, they often lose contact with their children.

Exacerbating these problems with the enforcement process is that low-income fathers usually do not have much knowledge of child support regulations, do not have legal representation, and do not feel they’ve “had their day in court” [Furstenberg, 1992; Sullivan, 1992; Achatz and

MacAllum, 1994; Johnson and Doolittle, 1995, p. 27]. Waller, Sherwood, and Johnson and Doolittle all document concerns about using imprisonment as an enforcement tactic. But Johnson and Doolittle [1995, p. 27] note: “The perceived importance and likelihood of jail often is greater than justified in a statistical sense by its frequency.”²¹

Jason’s plight illustrates the pressures on poor men created by the combination of the enforcement process’ insensitivity to economic circumstances and the threat of imprisonment. He explains that since losing his job, he has been unable to make his child support payment of \$50 a week. He is temporarily homeless, moving from one low-rent hotel to another and supporting himself with a string of under-the-table jobs. For seven years, he either gave his daughter \$35 or provided in-kind support each week before her mother went on welfare. The character of the situation changed from cooperation to coercion once he lost his job and was ordered to make payments to the state.

Now I have no choice. And they’re like, if I don’t, they, they threaten you. They say, “If you don’t do it, we’ll put you in jail. Dead-beat dad.” I know that’s what they say. And I say, “I’m not a dead-beat dad. I, I try to do my best. I try to earn as much money as I can. And I try, I love my daughter with all my heart. But I can only do what I can do. I can barely support myself as it is [Waller, p. 1996].

Fathers also pursue unilateral responses to criminalization. Fathers who have not been able to make their support payments have said they faced the choice between getting money illegally or going to jail [Waller, 1996]. Kareen’s somewhat hyperbolic statement that illustrates how child support can have the unintended effect of pushing fathers into the illegal economy:

It's hard to get a job, you know. But these people [child support] still saying you got a child, you got a child, you got to take care of them, you got to bring us such and such money a week. Where you gonna get that money from if you ain't got no job? Then you got to turn around and rob and steal and kill. You know what I'm saying? Taking this money keep

²¹ Almost one-quarter of the fathers in Waller’s study said they had been arrested on child support charges. Doolittle and Lynn [1998] note that many noncustodial fathers are held in jail on charges related to child support were picked up for other violations.

your behind on the street. You know what I mean? That's like squeezing blood from a turnip, water from a rock. How can you do that? [Waller, 1996]

Kareen adds that he has been picked up on outstanding child support warrants six times and “I keep telling these people: ‘Look, I ain’t working nowhere. You keep locking me up, then y’all ain’t never gonna get the money.’” He attributes his problems getting a job to economic changes in many Northeastern cities such as high levels of unemployment for men without a high school degree and the decline of jobs for lower skilled workers in inner city neighborhoods. According to fathers’ accounts, child support magnifies these problems and puts men like Kareen in a difficult bind:

It’s crazy. You got 5,000 men and only 1,000 of them got jobs...that’s entrapment if you ask me. You know he gonna come back to jail ‘cause he ain’t got the money to pay you. He might get himself locked up and then he might get out. Within a couple months he gotta come right back ‘cause like I told you, the job market is slow. Certain jobs want certain skills. And obviously you got the record, the record gonna look bad [Waller, 1996].

Problems with the Modification Process

The employment situations of nonresident fathers often appeared to be unstable and changeable. Fathers said they needed more flexibility when they were out of work, when their income decreased, and when they were incarcerated. Yet, fathers often do not even know that their orders can be modified downward or do not know how to do this [Johnson and Doolittle, 1995, p. 36]. Given the complexity of child support system, fathers are often unaware that they should report changes in income or employment [Achatz and MacAllum, 1994, p. 94]. Furthermore, child support orders are not often modified because of the expense and time involved in going through the court proceeding [Sorensen and Lerman, 1997, p. 6].

A father Sullivan interviewed talked about the difficulty of modifying the child support award after he changed jobs and his income decreased:

I am making less money than the first time. I went and said: “Can you cut it down?” I showed them papers. “These are my expenses.” All they said was: “You still have to give us this amount of money”...It could have been difficult to eat, and these people knew exactly what I was making, but they still wanted the money [Sullivan, 1992].

CONCLUSIONS AND IMPLICATIONS FOR POLICY

Despite gradual improvements in the performance of the child support system, the spotty record of enforcement in most states has spurred numerous proposals for further reform.

Increasing parents’ willingness and ability to comply with the rules is an important component of any reform strategy. Drawing on the evidence presented earlier, this section examines the likely efficacy and possible undesired effects of several policy reforms which may potentially improve compliance among low-income parents with children on welfare. These reforms have either been implemented or are currently under discussion in many states.²²

Child support is intended both to meet children’s economic needs and to ensure that unmarried and divorced parents accept financial responsibility for their children. To achieve these outcomes, the state attempts to regulate negotiations between unmarried or divorced parents, negotiations that otherwise occur privately between married parents. Although the objectives of mothers and fathers at times conflict, the case studies indicate that many unmarried low-income parents prefer to negotiate private agreements for support. Parents believe that participating in the formal child support system detracts from their children’s well-being, exacerbates conflict between parents, and may harm poor fathers. Because of this, they typically endorse state-regulated child support only to force irresponsible fathers to take care of their children after private arrangements break down.

²² In many states, administrative capacity and effectiveness must also be enhanced. The Little Hoover Commission’s [1997] and the California State Auditor’s [1999] recommendations for improving management of California’s child support system are examples of how this might be achieved.

The case study evidence provides three main insights into why the child support system is not more effective for families whose children are receiving welfare:

- Many low-income, unmarried parents prefer informal arrangements of support, including in-kind contributions from the father, because they believe it benefits their children and their families.
- These parents often do not comply with child support laws and regulations they perceive to be unfair, counterproductive, or punitive. Among these laws and regulations are the assignment of rights to child support to the state, the small pass-through, large awards relative to the noncustodial parent's income, and the threat of imprisonment.
- Many such parents often face social and economic realities such as low wages and unstable employment that make it difficult for them to comply with existing policy, even when they wish to do so.

These findings suggest there is a mismatch between the goals of child support policy and the way low-income parents perceive and experience the system. This mismatch impedes low-income parents' willingness and ability to participate. We believe the formal child support system would gain greater compliance and legitimacy in the eyes of low-income parents if they perceived it as more beneficial to their children and supportive of their efforts to negotiate economic agreements.

If this conclusion are valid, however, parents' perceptions of how to best support their children and their informal practices for doing so conflict with important objectives and political realities of a child support policy based more on the experiences of middle-class families.²³

Consider the \$50 pass-through, and the disincentive for compliance it creates. Parents experiencing persistent economic insecurity believe that noncustodial parents' contributions

²³ It is worth appreciating that the current goals of child support policy for families receiving welfare may also conflict with *each other*. Because families on welfare cannot attain financial security with the current level of benefits, the goal of reducing public costs by substituting private child support for welfare conflicts with the goal of increasing children's financial security.

should further increase their children's standard of living. In contrast, the pass-through regulation rests on the principle that parents are responsible for supporting their children and that the welfare system should step in only when parents' contributions do not come up to the state's minimum standard. Child support payments, therefore, are viewed as a way to offset public welfare spending.

Other conflicts include:

- Parents want in-kind support and involvement to be taken into account for emotional reasons and because they believe these are important for their children's well-being. The tradeoff is the administrative difficulties and increase in administrative costs entailed by doing so.
- Low-income parents want to negotiate private agreements because they believe it encourages cooperative parenting and paternal involvement. Policy demands formal agreements and tough enforcement mechanisms to ensure noncustodial parents do not shirk their responsibilities to their children or the state.
- Low-income, noncustodial fathers need a child support enforcement process that permits flexibility and discretion to take job loss and other difficulties into account. Fathers do not want to be treated as criminals by the child support system. Policy has moved towards reducing administrative and judicial discretion, establishing uniform rules for all families, and bureaucratizing the system.

These kinds of conflicts pose a difficult question. Are there policy reforms likely to increase compliance which both adhere to consensus policy goals and acknowledge and respecting the efforts and constraints of low-income parents? We consider several reform options and how well they answer this question.

According to case study accounts, some low-income parents believe that the child support system does not adequately recognize fathers who are making an effort to support their children through participation in the formal economy or through parental involvement. We infer that the system could gain more legitimacy if it more tangibly rewarded fathers who made formal child

support payments. To do so, **states could follow Wisconsin's recent decision to pass through all of the support order collected from a noncustodial parent and disregard it when calculating the welfare benefit.** The effective tax on contribution would fall to zero. This policy would increase both parents' incentive to participate in the formal child support system and reduce the incentive to engage in under-the-table payments.²⁴

This option has limitations as well. To the extent that fathers want to provide in-kind support either for symbolic reasons or to exert greater control over expenditures, such a policy would have little effect because it only recognizes cash payments made through the formal system. With complete pass-through, the custodial parent could receive both the full TANF benefit as well as the support payment. This provides an incentive to remain on welfare longer, within the five year time limit. Also, this option would not increase the ability of noncustodial parents to pay more support. Short of this, states could set the pass-through higher than the current level of \$50 per month. Both the advantages and limitations of this option would naturally be smaller than with complete pass-through.

Implementing either a complete or larger pass-through would represent a major change in emphasis for the goals of child support policy. Child support enforcement would mainly function as a private income transfer service to help improve the material well-being of low-income custodial parents and their children. By inducing fathers to contribute more to their children's well-being, it would also foster positive emotional ties among family members. States would de-emphasize the goal of recouping TANF costs from noncustodial parents. Even so, with TANF's five-year limit, the cost to the state of a higher pass-through will be lower than it would have been in earlier years. Recent decisions by many states to rescind the \$50 pass-through may

²⁴ See Primus and Castro [1999] for further discussion of this option and the next one.

exacerbate resentment among low-income parents and decrease their willingness to participate in the formal system. Such policies may prove counterproductive and actually reduce the amount of TANF funds recouped from noncustodial parents.

Besides increasing the pass-through, **states or the federal government could provide other incentives to supplement a father's formal payments.** For example, he could be allowed to file for the Earned Income Tax Credit even though he is not living with his children. States could match support payments made by low-income noncustodial fathers, with the match gradually phased out for fathers with higher incomes. Supplementation, like a larger pass-through, would help improve the material well-being of low-income custodial parents and their children. The main drawback of supplementation is that it would increase the public cost of the child support program.

Child support assurance would guarantee a publicly funded minimum support payment each month for all children for whom paternity has been established. This would help stabilize the incomes of low-income, single parent families (Garfinkel 1992). The promise of a stable income for their children will be particularly valuable for women who are close to reaching or have already reached their time limit on TANF or whose co-parents fall behind on payments because of irregular employment or financial emergencies.

A child support assurance system would almost certainly be less stigmatizing than TANF, particularly if it were a universal program and not targeted only on TANF recipients. Parents who do not receive welfare currently have much more discretion in the system than IV-D cases, where participation is mandatory. Eliminating this two-tier system would increase the legitimacy of the child support program for low-income parents. New York's field test of targeted child support assurance resulted in government savings because the public assistance benefits dropped more than administrative costs grew [Hamilton, et al., 1996]. Universal child support assurance would

better promote child well-being but could be more expensive than a targeted program. Like the current pass-through rule, assured support reduces the incentive for a noncustodial father to pay because the payment would offset the assured benefit, and, therefore, the total income available to his children would not increase.

Parents' Fair Share [Doolittle, et al., 1998] and similar programs **help noncustodial fathers negotiate the entire system**. They attempt to increase the earnings of fathers who have been constrained from paying child support because of unemployment or underemployment and to increase these fathers' involvement in their children's lives. The programs provide employment and training services, peer support sessions which help men deal with paternal responsibility and negotiate sustainable co-parenting arrangements, and information on how the system works (e.g. how to modify orders, the importance of paying support promptly to avoid large arrearages). They also offer more intensive case management.

These programs do not intrinsically create tradeoffs with other policy objectives. Their emergence, the interest they have generated, and their increased funding and political support all reflect growing recognition that the fathers of children on welfare are in many cases no better off than the mothers and need help to achieve economic security for their families. To the degree these programs succeed, they will help change low-income fathers' perceptions of the system and their economic status in ways that make it easier for fathers to comply with the rules of the formal child support system and raise the economic well-being of their children. Early evidence about Parents' Fair Share shows some success in increasing formal payments but not in increasing employment and earnings [Doolittle, et al., 1998].

Of the policy options under consideration, this one seems to be most successful at honoring the broad public interest in effective enforcement and obligating parents to support their children,

while taking into account the social realities which shape low-income parents' responses to the current system. The key caveat to this option is that a clearly successful program design has not yet been identified. States need to experiment with alternative program models to learn which ones succeed.

The support payments required of low-income fathers can often be high percentages of their incomes. Unable to make full or even partial payment because of low wages, unemployment, reduced work hours or other emergencies, fathers often built up overwhelming arrearages. They often did not know how to modify awards to take account of declines in their income or had great difficulty doing so without adequate knowledge or legal representation. **Setting the support order as a realistically modest percentage of a low-income noncustodial father's income** and modifying it automatically (e.g. on a monthly basis) would help with these problems.²⁵ A noncustodial father would be more willing and better able to maintain his payments if the required payments were not perceived as confiscatory and were quickly adjusted to reflect changes in his income. Hence, he would less likely be threatened with jail. At the same time, since the required payment would fall when reported income falls, some fathers might reduce their work effort or shift part or all of their work to the informal sector, report low or zero income, and thereby reduce their support obligations. Administering a system with this high degree of flexibility may also prove difficult.

Because fathers identified arrears as an important deterrent to participating in the system, they should receive more information about the importance of replying to court notices and establishing an award that reflects their ability to pay as soon as their cases are opened. But for fathers who have accumulated large arrearages because an order was set years after the child was

born or the mother started receiving welfare, or because they ignored an order for many years, **states could offer a one-time amnesty**. A father would be held responsible for his debt to the mother, but the state debt could be forgiven. Amnesty would be contingent on future compliance with all support orders. By sending the message that the system would not penalize men who wanted to come forward and start doing the right thing, men would have greater incentive to cooperate in the future. Other policy options could **limit the size of arrears in appropriate cases** and, hence, any need for an amnesty [Roberts, 1999]. States can cap the amount of arrears that a low-income obligor can accumulate. They can suspend accumulation of arrears whenever an obligor is incarcerated. They can limit the amount of retroactive award when a support order is first entered or when a noncustodial father first receives notice of his support obligation.

The loss of state revenues from back-payments is one argument against caps, limits, and forgiving the state portion of fathers' arrears. Another is that such policies may be perceived as unfair to fathers who have dutifully complied with the system. Some fathers may comply less in the future because they may conclude that another amnesty will eventually be called. Similarly, some fathers may shirk compliance knowing that caps and limits will reduce their cumulative support obligations.

The case study literature indicates that fathers sometimes came to court with proof of in-kind or monetary payments to the mothers for support of their children. Others said they lived with the mother and paid major expenses such as rent. If these contributions were well documented, the court could **recognize informal support** and apply it to offset fathers' arrearages accrued before the formal order was established or could consider them in determining the current order. Given changes in family formation, particularly the increase in cohabitation, greater

²⁵ Primus and Castro [1999] suggest a cap of 5 percent of net yearly income up to \$5,000, 25 percent for the

consideration could be given to fathers' contributions in these informal unions. If a father is living with his partner and child and has contributed a significant amount to their support, the support order could be reduced. This policy would encourage co-residence of parents and promote child well-being.

From the parents' perspective, one potential problem with retroactive credit is that mothers who did not report these sources of income could face charges of welfare fraud. A second is the adverse incentive implicit in such a policy: a father may be encouraged to avoid paternity establishment while paying off-the-record because, should formal paternity eventually be established, he could demonstrate payment of off-the-record support and face a smaller arrearage. From the state's perspective a third problem is the difficulty and expense of adjudicating claims of prior off-the-record support.

Each option can contribute to achieving some of the goals of child support policy, but, with the possible exception of programs to help noncustodial fathers negotiate the system, each also has limitations that conflict with or may subvert other public goals. Here, as in other policy arenas, no single option can be a panacea. A thoughtful combination of several reforms is more likely to yield improvements. With the passage of PWRORA, policy makers have the opportunity to review the goals of child support policy, in light of welfare reforms, such as time limits. The challenge for policy makers is to develop policies that honor the broad public interest in effective enforcement *and* take into account the social realities that shape low-income parents' responses to the current system. Attention to both is necessary if child support policy is to more fully achieve its multiple goals.

Table 1

Characteristics of Studies Included in the Analysis

	Achatz & MacAllum	Edin	Furstenberg	Johnson & Doolittle	Sherwood	Sullivan	Waller
Characteristic:							
Location	FL, PA, WI	Boston, Chicago, Charleston SC, San Antonio	Baltimore	CA, FL, MA, MI, OH, NJ, TN	Grand Rapids, MI	New York City	Trenton & New Brunswick NJ metro areas
Sample size	47	214	12	32	16	42	65
Time data collected	1991-1993	1988-1992	1991	1994-1996	1991	1990, 1992	1994-1995
Methods:							
In-depth Interviews	X	X	X	X			X
Focus groups			X	X	X	X	
Observation	X			X			
Percent women	0	100	75	0	0	0	55
Percent men	100	0	25	100	100	100	45
Percent white	11	44	0	24	50	26	38
Percent black	89	45	100	62	50	74	62
Percent Hispanic	0	11	0	14	0	0	0
Other notable sample characteristics	All respondents were unwed fathers enrolled in a program to promote job and parenting skills	All respondents were receiving AFDC	Participants in Baltimore Study and some of their partners. Sample selected to include parents with differing relationships	All respondents had child support orders in place, were unemployed and had child-ren receiving AFDC; enrolled in Parents' Fair Share	All re-spondents had child support orders in place	About half of the white re-spondents were receiving metho-done treatment	All re-spondents had child-ren who received AFDC and/or Medicaid and were born outside of marriage

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