

Child Support: Responsible Fatherhood and the Quid Pro Quo

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Abstract

Over time, public policy changes have strengthened the private child support system while reducing access to public support—welfare. Especially given the very limited availability of public support, nonresident fathers' economic contributions through child support can play an important role in helping children avoid poverty. In this paper we review evidence on nonresident fathers' ability to pay support, provide an overview of the way child support policies affect disadvantaged fathers, and propose new directions for child support policy. We argue that the current work-focused safety net, which aims to require and help enable disadvantaged mothers to work, creates a context in which government should similarly require and help enable all fathers, even those who are disadvantaged, to work and pay child support. However, reforms are needed to make this a realistic expectation, given many fathers' limited employment options and complex families.

Keywords: fatherhood, child support, single-parent families, poverty

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Introduction

Both legal and social expectations regarding fathers' responsibility for their children have varied tremendously over time. In the contemporary United States, married parents living together with their children share their parental rights and responsibilities without any explicit legal distinction between mothers' and fathers' roles. However, when parents do not live together, children most often live with their mothers (Grall 2009). This raises a complex set of questions about the relative rights and responsibilities of nonresident fathers and resident mothers, and the role of government in regulating, or substituting for, parents' contributions to their children's support.

These issues are particularly pressing as most children in the United States will spend some portion of their childhood living apart from at least one of their parents. This occurs both because of high divorce rates and an increasing proportion of births to unmarried parents.¹ Children in single-parent (usually single-mother) families are a focus of public policy concern, in part due to their high rates of poverty and public program participation.

Two systems address the potential negative economic consequences for children living apart from their fathers. The formal child support system, largely regulated by family law, articulates the expectations for the private financial support expected of nonresident fathers.² Income support programs, especially welfare (Temporary Assistance for Needy Families [TANF]), provide cash assistance, in-kind supports, and tax credits to poor children, primarily those living in single-mother homes. To a large extent "private" and "public" child support have been substitutes, rather than complements; for example, in most states, any child support paid by

a nonresident parent has reduced, dollar-for-dollar, welfare benefit payments (Cancian, Meyer, and Caspar 2008).

Over time, public policy changes have strengthened the private child support system (Garfinkel, Meyer, and McLanahan 1998; Pirog and Ziol-Guest 2006) while reducing access to public support—welfare. In particular, the entitlement to cash assistance has been replaced with time-limited, work-based welfare programs (TANF and the Earned Income Tax Credit [EITC]), available to working low-income resident parents. These changes reflect the increasing emphasis of policy on reducing dependence and promoting self-sufficiency, and a related shift in the burden of responsibility for children's costs from the government to individual mothers and fathers.

We argue that the current work-focused safety net, which aims to require and help enable disadvantaged mothers to work, creates a context in which government should similarly require and help enable all fathers, even those who are disadvantaged, to work and pay child support. However, reforms are needed to make this a realistic expectation, given many fathers' limited employment options and complex families.

Should We Expect Disadvantaged Nonresident Fathers to Support their Children?

In determining reasonable expectations regarding fathers' child support contributions, a key issue is fathers' financial resources—both relative to their own needs and relative to the resources and needs of their child(ren)'s mother(s). Much has been written about the declining economic fortunes of young men, especially men without college degrees or men of color (e.g., Holzer and Offner 2006; Danziger and Ratner forthcoming; Blank 2009). Over the past three decades, the average earnings of less-educated young men have declined quite significantly. For example, Danziger and Ratner (forthcoming) find that the median earnings of employed young

men ages 25 to 34 years old with only a high school diploma fell by 17 percent for whites, 18 percent for blacks, and 21 percent for Hispanics between 1975 and 2007. Over the same period, the median earnings of employed young women with comparable education fell 2 percent among blacks, but rose by 33 percent and 14 percent for whites and Hispanics, respectively. Although the trends favor low-educated women, their earnings are still lower than men's. In 2007, the median earnings for employed high school graduates were about \$33,000³ for white men and \$27,000 for black and Hispanic men, compared to \$21,000 for white and Hispanic women and \$19,000 for black women. Thus, based on gender alone, we would expect that on average fathers with low education would have an advantage over similarly educated mothers in providing financial support.

These trends highlight the importance of examining estimates of fathers' ability to pay child support. Several studies since 1995 have examined the incomes of all nonresident fathers (Garfinkel, McLanahan, and Hanson 1998; Meyer 1998; Sorensen 1997), while others have focused on groups more likely to be disadvantaged, including unmarried nonresident fathers (Garfinkel et al. 2009; Rich 2001; Rich, Garfinkel, and Gao 2007; Sinkewicz and Garfinkel 2009); nonresident fathers of children on welfare (Cancian and Meyer 2004; Rich, Garfinkel, and Gao 2007); or those not paying child support (Garfinkel, McLanahan, and Hanson 1998; Mincy and Sorensen 1998; Sorensen and Zibman 2001). Unsurprisingly, unmarried nonresident fathers have less income on average than divorced nonresident fathers, with estimates as low as \$17,000 in earnings at the time of their child's birth (Garfinkel et al. 2009); however their earnings increase over time to an average over \$23,000 by the time their children are 3 years old (Garfinkel et al. 2009). Fathers of children on welfare have even lower incomes (Cancian and

Meyer 2004; Rich, Garfinkel, and Gao 2007); their poverty rates have been estimated at 34 percent to 43 percent (Cancian and Meyer 2004).

Although some fathers have very limited resources, there is some evidence that on average nonresident fathers are better off than resident mothers and their children. Considering all nonresident fathers and mothers, 15 percent to 26 percent of all nonresident fathers are estimated to have income below the poverty line, compared to 27 percent to 46 percent of all resident mothers (Garfinkel, McLanahan, and Hanson 1998; Grall 2009; Meyer 1998; Sorensen 1997; Sorensen and Zibman 2001). It is difficult to draw definitive conclusions from these estimates, however, as measures of mothers' and fathers' incomes often come from different data sources, or from specialized samples. For example, studies that rely on a sample of resident mothers receiving welfare necessarily only include mothers with very low incomes. Thus, it may not be surprising that the associated fathers have, on average, higher incomes. Relatively few data sources provide income information for both the mother and the father for a broad sample of parents.

Moreover, the most appropriate comparison for relative economic status is post-tax, post-transfer income, adjusted for family size. Resident-parent families have access to a much larger EITC than is available to those not living with children, and, in contrast to nonresident parents, resident parents have access to TANF. On the other hand, resident parents have to provide both income and care for their children. A full comparison of post-tax, post-transfer income of matched pairs of nonresident fathers and resident mothers using recent data and a broad sample is not available. Recent estimates using Wisconsin administrative data and income adjusted for family size on a sample of couples with new child support orders in 2000 suggest that accounting for public benefits (including the EITC) has a substantial effect, but does not eliminate fathers'

relative income advantage. For example, when income is known, 68 percent of fathers have higher market income than mothers. After adding benefits and subtracting taxes paid, only 61 percent of fathers have higher income than mothers; if child support is added to mothers' incomes and subtracted from fathers', 47 percent of fathers have higher income, 17 percent have similar incomes, and 36 percent of mothers have higher income. While data are limited, and more research is needed, we believe the available evidence supports our conclusion that both parents should generally be expected to provide for their children.

Disadvantaged men, the focus of this issue, often father children with disadvantaged women.⁴ Disadvantaged resident mothers generally face the dual challenges of working in the paid labor market and being the primary parent and child caretaker. Especially given the very limited availability of public support, nonresident fathers' economic contributions through child support play an important role in helping children avoid poverty. But, there are a number of difficult challenges and contentious trade-offs that must be faced in designing a child support system to balance the needs of vulnerable children and the constraints faced by disadvantaged fathers and mothers. Broader public policy has a fundamental role in shaping the context within which the child support system works. For example, the lack of public income support for children and parents, and the limited work opportunities available to many disadvantaged parents, while outside the child support system are key determinants of the need for child support. In the next section, we largely take that context as given, and focus on child support policy and how it functions, and fails to function, for disadvantaged fathers and their families.

Current Child Support Policy and Disadvantaged Fathers

What is the purpose of child support?

The Child Support Enforcement (CSE) or IV-D (Title IV-D of Social Security Act) program was established in 1974 in order to collect child support on behalf of children receiving welfare. The original focus on welfare participants reveals that a primary purpose of child support was cost recovery—that is, much of the reason for collecting child support was to limit public expenditures in the welfare system. Although providing child support across the income spectrum was seen as important, assistance was originally provided to non-welfare families only on request, and as a temporary service. Enforcement activities on behalf of non-welfare families were not made a permanent part of the child support agency’s mission until 1980.

Current policy statements often suggest that the purpose of the child support enforcement system is to improve the economic well-being of children, but some features of policy continue to reveal a focus on cost recovery. For example, mothers applying for welfare must cooperate with the child support agency in establishing paternity, locating nonresident parents, establishing orders, and collecting support unless they have a “good cause” exemption—in general, disadvantaged mothers are required to pursue child support, regardless of whether they think it is in their best interest. Further, welfare participants assign their rights to any child support that is collected to the state, a requirement not made of other resident parents. Finally, when child support is collected on behalf of current welfare participants, in most states it is used exclusively to offset welfare costs; nothing goes to the family. A related policy is that in some states the child support agency tries to recoup from nonresident fathers the costs of any nonmarital births paid for by Medicaid. This focus on cost recovery has been found to be counter-productive; when Wisconsin experimented with a plan to let welfare participants keep all the child support

paid on their behalf, more fathers paid support, and the policy actually showed no net costs to the government (Cancian et al. 2008).

How much child support does the current system expect from disadvantaged fathers?

The 1984 federal reforms to the child support system required states to establish advisory child support guidelines providing a numeric formula for determining the amount of child support orders; in 1988 these guidelines were made presumptive (that is, to be used unless a specific finding was made that the amount resulting from the guidelines would be inappropriate). Although each state may develop its own formula, federal requirements specify that all of the income of nonresident fathers must be taken into consideration (U.S. Department of Health and Human Services Office of Child Support Enforcement 2008). Two formula types are most prevalent: the percentage-of-income formula and the income-shares formula. Both types rely on a “continuity of expenditure” approach (Garrison 1999), in which the amount ordered in child support combined with the amount spent on the child by the resident parent should approximate the amount that would have been spent on the child had the parents been together. Wisconsin’s formula is a typical example of the percentage-of-income model. Nonresident parents are ordered to pay 17 percent of their gross income for one child, and 25 percent, 29 percent, 31 percent, and 34 percent for two, three, four, or five or more children, respectively. Resident parents are assumed to spend an equivalent percentage of their income on the children, but this does not enter the formula directly. The income-shares formula estimates the amount spent on children by multiplying the combined income of both parents by a percentage that varies with income; responsibility for providing this amount to be spent on the children is then distributed between the two parents based on their share of total income. This approach can yield similar orders to the percentage-of-income approach in most income ranges (Garfinkel and Melli 1990).

In some states, the guidelines have explicit instructions for adjustments that are to be made for low-income or high-income cases. The adjustments for higher-income cases generally result in lower orders. But for low-income fathers, there is no consensus on whether orders should be a higher or lower percentage of income than they would be for middle or higher income fathers.

[Figure 1 here]

In Figure 1, we illustrate three different states' guidelines to show different approaches to how orders for disadvantaged fathers vary with income. In each case, we assume that there are two children, and that the father and mother have the same income. Wisconsin requires a smaller percentage of income from low-income fathers; more specifically, those with the lowest incomes would have an order of 16.37 percent of income, with order amounts gradually increasing until the full 25 percent of income is due for those with monthly incomes of \$1,050.

Another approach, used in about half the states, is to have a minimum order. The figure shows orders for Minnesota, a state that uses a minimum order and an income-shares formula. If the father's gross income is less than 120 percent of the poverty line, there is a minimum basic support amount of \$50 per month that is then split between the parents based on their relative income. Because the minimum order is for a flat amount, it is a higher percentage of income for those with the lowest incomes. In the first range as income increases, the order does not change, so the percentage of income owed decreases. Once income is over \$350 per month, the adjustment for the lowest-income cases is no longer in effect, and orders rise as a percentage of income until income is about \$1,000 per month, then gradually decline.

A third approach, required in twenty states, uses a self-support reserve, which ensures that parents have an income sufficient to provide at least a subsistence level of living before they

owe support (Venohr and Griffith 2005). The figure shows orders in Arizona, a state with an explicit self-support reserve. If the nonresident parent's adjusted gross income is at or below the self-support reserve of \$775 per month (in 2009), he is assumed to be unable to pay child support. As income increases beyond \$775, orders increase until income reaches about \$1,125 per month, at which point the low-income adjustment is no longer in effect.

Thus, Figure 1 illustrates the implications of some of the alternative approaches to setting child support orders for low-income nonresident parents. Minimum orders result in orders that are a very high percentage of income for very low-income parents, higher percentages of income than we require of moderate-income fathers. Moreover, if the chart were expanded to show a broader income range, it could be seen that higher-income fathers are asked to pay a smaller percentage of income than moderate income fathers in all three states. This regressivity, in which higher-income fathers sometimes pay the lowest percentages of their income, results because it is thought that beyond a certain absolute level of expenditures higher-income parents spend a lower percentage of their income on their children.

In theory, child support order amounts, largely based on nonresident fathers' incomes, should not exceed most fathers' ability to pay. In practice, however, child support orders vary substantially even across fathers with similar incomes, and sometimes substantially exceed the amounts defined by the guidelines as appropriate. One study analyzing administrative data in eight sites between 1998 and 2000 suggests that nonresident fathers with the lowest income levels were given child support orders requiring between 21 percent and 61 percent of monthly earnings, whereas order amounts for higher earners range from 8 percent to 21 percent of their monthly earnings (Pearson et al. 2003). Studies in Washington (Stirling and Aldrich 2008) and

Wisconsin (Meyer, Ha, and Hu 2008) also show that low-income fathers owe higher, and sometimes substantially higher, percentages of their income in child support.⁵

In addition to explicit modifications of the guidelines for low-income nonresident parents, orders also vary due to administrative procedures and implementation challenges. A limitation of either the self-support reserve or low-income adjustment approaches is the administrative difficulty associated with frequent adjustments for fathers with unstable employment and earnings. Evaluated at a given point in time, orders may call for an inappropriate proportion of income if income changes and orders do not respond (Ha, Cancian, and Meyer 2009). Another related reason for deviations from the guidelines for low-income fathers is income imputations. If a nonresident father fails to appear in court or provide income information, or if he is unemployed or considered underemployed, income imputation is allowed in some states (U.S. DHHS Office of Inspector General 2000a). Imputed earnings, generally calculated by multiplying the minimum wage by 40 hours per week, may exceed (or be less than) actual earnings. If they exceed actual earnings, the order that is based on imputed income is likely to exceed the amount called for in the guidelines.

What are child support enforcement strategies?

Generally, establishing and enforcing a child support obligation involves three steps: establishing a legal child support order, determining the child support amount, and collecting the payments. For marital cases, a child support order is established as a part of divorce or legal separation process. For nonmarital cases, in order to establish a child support order paternity first has to be established.

Historically, paternity establishment has been the purview of family courts, and rates of paternity establishment were fairly low, in part because the courts rely on an adversarial process.

More recently, states have developed voluntary paternity acknowledgement programs, and, since 1993, in-hospital paternity acknowledgement programs have been required in each state. Recent research shows that nearly 70 percent of nonmarital births have paternity established within a child's first year, and in a majority of these cases, paternity was voluntarily acknowledged in the hospital (Mincy, Garfinkel, and Nepomnyaschy 2005).⁶ If paternity is not voluntarily acknowledged, court proceedings are used and genetic tests are nearly always ordered; a legal finding of paternity will then be made if genetic testing confirms paternity. In-hospital paternity establishment and the availability of genetic testing have been found to contribute to increased rates of paternity establishment (see Pirog and Ziol-Guest 2006).⁷

Two parts of current policy result in paternity establishment working differently for disadvantaged fathers than for other fathers. First, public program participation (TANF in every state, and, in some states, food stamps) requires an applicant to cooperate with the child support enforcement agency as a condition of receiving benefits. Thus, when low-income resident parents apply for benefits, paternity establishment proceedings may result, whereas paternity establishment is more voluntary for those not applying for benefits. Moreover, because the child support agency has a cost recovery goal, the agency has a direct financial incentive in establishing paternity (and, further, in establishing a child support order, and collecting that order) when the family is receiving assistance.

Second, some states allow for default paternity establishment (U.S. DHHS OIG 2000b). This can occur if putative fathers do not come to a court hearing; qualitative research has shown that some disadvantaged nonresident fathers have substantial distrust of courts and the child support agency (e.g., Pate 2006) and may not understand the consequences of ignoring a subpoena to attend a paternity hearing (i.e., legal paternity may result, with the financial

repercussions of a child support order). Other fathers are excited about establishing paternity but are unaware that this may lead to financial obligations (e.g., Pate 2002).

Collecting child support is, in principle, equivalent to a form of income tax withholding. If a child support order is established and a nonresident father is employed at that time, an automatic wage withholding order is issued. The employer sends the amount withheld to a child support agency, which forwards the money that was collected to the resident mother.⁸ (If the nonresident father changes jobs, the child support agency will eventually be informed, as employers must report new hires to a centralized database that is then matched with whether these new employees owe support.) If children and single mothers are receiving governmental cash assistance, the child support is distributed according to the disregard and pass-through rules for that state. If a nonresident father fails to pay child support, penalties for noncompliance can be quite severe. For instance, his tax refund may be intercepted, his driver's license may be suspended, or liens may be imposed on his personal property. Nonresident parents may also be incarcerated for failure to pay child support.

Empirical evidence suggests that child support receipts have improved with a variety of enforcement policies, including immediate income withholding (Beller and Graham 1993; Case, Lin, and McLanahan 2003; Garfinkel and Klawitter 1990; Sorensen and Hill 2004); presumptive guidelines (Case et al. 2003; Sorensen and Hill); income tax intercepts (Sorensen and Hill); in-hospital paternity establishment (Sorensen and Hill); and implementation of the Directory of New Hires (Cassetty, Cancian, and Meyer 2002; Sorensen and Hill). Experimental evidence also suggests that a full pass-through and disregard—so that most child support paid goes to the resident parent, rather than to offset welfare costs—speeds paternity establishment and increases child support payments of fathers with children on welfare (Cancian et al. 2008). Some

researchers emphasize that policies are effective only when they are effectively implemented (Freeman and Waldfogel 1998; Huang and Edwards 2009) and understood by parents (Meyer, Cancian, and Nam 2007).

Many child support enforcement strategies are less effective, and potentially less appropriate, in cases involving disadvantaged nonresident fathers. For example, automatic income withholding is most effective for nonresident fathers with consistent employment in the formal economy. Moreover, there are substantial concerns that some child support enforcement efforts may be counterproductive. For example, driver's license suspension may reduce fathers' employability, which may ultimately make them less likely to pay child support (Hatcher and Lieberman 2003). Especially for less stable relationships involving disadvantaged fathers, the child support system may also disrupt fragile family bonds (Waller 2002; Pate 2002).

How much do fathers pay, and how much debt remains?

Despite child support enforcement innovations, a significant number of children eligible for support do not receive any payments from their fathers (Case et al. 2003; Grall 2009; Meyer et al. 2008; Sorensen and Hill 2004). Estimates of child support payment rates vary over time, and across datasets and samples, but do not generally show increases in the proportion that make payments, despite the policy changes over the last 30 years. Some of the reasons for the lack of progress have included increases in nonmarital births, inflation, unilateral divorce, and a decrease in men's earnings. Data from the Current Population Survey-Child Support Supplement (CPS-CSS) from 1993 to 2005 show little improvement: 39 percent of mothers reported receiving payments in 1993, compared to 37 percent in 2007 (Grall); among those who were due support, the figures are much higher, though still relatively flat, varying from 76 percent to 78 percent over this period (Grall). There is some improvement in the overall compliance rate over

time: among those due support, the proportion receiving the full amount increased from 37 percent in 1993 to 47 percent in 2007. Among those due something, the average amount received has also not increased much over this period, from an average of about \$3,500 in 1993 to \$4,000 in 2005 but back to \$3,500 in 2007 (all in 2008 dollars).

Because of the difficulty in getting information from nonresident fathers, most of the survey data on child support reflect mothers' reports of child support received, rather than fathers' reports of formal child support paid. Fathers report paying more child support than mothers report receiving (U.S. Census Bureau 2005); in part this is because fathers may be more likely to include informal support as well as formal. Moreover, not all of what fathers pay is received by mothers (some is for fees, and for mothers who receive TANF or who had a nonmarital birth paid for by Medicaid, a portion or all of the payment can be retained by the state to recoup these expenditures).⁹ National data do not provide much information on compliance from the perspective of fathers. However, information is available using administrative data from some states. Among those with newly established orders in Wisconsin in 2000, around half pay the full amount in each of the first six years of the order, and in each year, in only 14 percent to 17 percent of the cases were there no payments (Ha, Cancian, Meyer, and Han 2008).

Payments are strongly tied to fathers' economic status: poor fathers and those with low education or low earnings are less likely to pay any support, and less likely to pay the full amount due. In the national data, only about 10 percent of young nonresident fathers who have personal or family incomes below the poverty threshold paid support in 1990, compared to about half of those above poverty (Mincy and Sorensen 1998). Among fathers who pay, those with less than a high school diploma pay less than half of what those with college degrees are paying (U.S. Census Bureau 2005). Similarly, in the Wisconsin data on fathers with new orders in 2000, those

fathers earning less than \$10,000 in the third year of the order paid formal support that averaged \$1,155, while those earning \$40,000 or more paid \$8,218 (Meyer et al. 2008).

When orders are not paid, or not paid in full, interest is charged on the balance due. Consistent lack of payment combined with interest charges can result in high child support arrears. Overall, the child support agency reported that \$105 billion was owed as of 2008 (U.S. DHHS OCSE 2009). Although \$8 billion was collected toward these arrears, the amount past due is growing rapidly. Arrears are disproportionately owed by fathers with low or no reported earnings, with orders that were a high proportion of earnings, and by fathers who owed support to more than one family (Sorensen, Sousa, and Schaner 2007). High arrears are also a concern because they may discourage fathers from working in the formal labor market, further reducing the resources available to children and their parents (Cancian, Heinrich, and Chung 2009).

In summary, most studies suggest that of the fathers who owe support, at least three-quarters pay something, but half fail to pay the full amount. Not surprisingly, a greater proportion of disadvantaged fathers fail to pay the full amount due; all of the nonpayers and partial payers are accumulating child support arrears, and these arrears are substantial.

Barriers to paying support: Incarceration

Issues related to incarceration deserve special mention. The United States has the highest incarceration rate of any developed country, and among some populations, including black men with less than a high school diploma, incarceration is almost normative. Of particular relevance to this discussion is the impact of incarceration on fathers' ability to pay child support, and the appropriate design and administration of the child support system.

Available statistics suggest that a substantial proportion of incarcerated men are fathers, and many have child support obligations. According to the Bureau of Justice, 744,200 inmates,

or 49 percent of the total inmates in the nation's prisons in 2007, were fathers to 1,706,600 children under the age of 18 (Glaze and Maruschak 2008). Among those fathers held in state prisons in 2007, half reported living with their minor children prior to incarceration or reported that they had provided the primary financial support for their minor children (Glaze and Maruschak). Not only are many incarcerated men fathers, a substantial portion of disadvantaged fathers are, or have been, incarcerated. According to analysis of the Fragile Families and Child Wellbeing study, 27 percent of men or their partner reported that the fathers have been incarcerated (Western 2006). Some local data also provide estimates; for example, of all the nonresident parents with active child support orders in Maryland in September of 2004, 13 percent of them were incarcerated at that time or had been incarcerated in the past (Ovwigo, Saunders, and Born 2005).

Incarceration limits nonresident fathers' ability to pay child support in several ways. First, it is almost impossible for currently incarcerated fathers to meet their child support obligations since they have virtually no income. For example, incarcerated nonresident parents in Massachusetts paid only 5 percent of what they owed in 2001 and in 2003 (Griswold et al. 2004). Second, unless a child support order is suspended or adjusted to a minimum level, nonresident fathers accumulate high child support arrears while in prison. In many states, incarceration is assumed to be a form of voluntary unemployment, which means that incarceration cannot be considered an appropriate reason for order modification (Pearson 2004). Even in states where incarceration may be a sufficient reason for adjustment, child support orders are not automatically adjusted when nonresident fathers become incarcerated; all states require a request for order modification from either parent.¹⁰ Accordingly, incarceration often results in the accumulation of high child support arrears for currently and previously incarcerated fathers

(Pearson and Davis 2003; Cancian, Noyes, Chung, and Thornton 2007). Thirdly, as discussed by Raphael (this issue) and others (e.g., Lewis, Gafinkel, and Gao 2007), limited skills along with a record of incarceration make finding employment difficult, which may also contribute to recidivism. Finally, nonpayment of child support may itself contribute to re-arrest and re-incarceration for these fathers (Travis, Solomon, and Waul 2001; Pate 2006).

Acknowledging issues of child support encountered by incarcerated and reentering fathers, some states have implemented policies and programs designed to help reduce incarcerated fathers' payment obligations or increase fathers' ability to pay (Bloom 2006; U.S. DHHS OCSE 2006; Levingston and Turetsky 2007; Noyes 2006; Cancian et al. 2007). Suggested reforms include better integration of the correction and child support enforcement systems; for example, identifying debt and financial obligations as part of the prison intake process, offering debt management and repayment assistance to fathers after release, and giving higher priority to the payment of reasonable child support obligations than to other obligations, such as the recovery of state judicial system costs (Levingston and Turetsky).

Barriers to paying support: Complex family obligations

Many, if not most, disadvantaged fathers have had children with more than one mother, and therefore are at risk for owing child support to multiple households. While a number of data limitations make it difficult to estimate levels of family complexity among disadvantaged fathers, there is growing evidence that multiple-partner fertility is far from uncommon. For example, analyzing a cohort of first-born-to-mother nonmarital children in Wisconsin, Cancian, Meyer, and Cook (forthcoming) found that over 40 percent of the fathers had obligations to a child of another mother within 10 years.

Fathers facing obligations to support children across multiple households inevitably face additional economic strains. Using data on unwed fathers, Sinkewicz and Garfinkel (2009) conclude that the old research on the potential ability of fathers to pay child support resulted in substantial overestimates of how much could be collected because fathers' obligations across multiple households were not taken into account. Difficulties resulting from these multiple obligations may be exacerbated by a child support enforcement system that is not well designed to handle the situations of complex families. The most common approaches to complex families call for fathers to meet each obligation with relatively modest adjustments to account for the demands associated with other families (Brito 2005; Venohr and Griffith 2005). This results in much higher orders than would be the case if the fathers had the same number of children with only one woman. In Wisconsin, for example, the guidelines call for a father who has three children with the same mother to pay 29 percent of his income in child support. In contrast, if he has three children with three different mothers, the guidelines call for him to pay 17 percent of his income for the first child, 17 percent of the income remaining after the first order is paid for the second child, and 17 percent of the income remaining after the first two orders are paid for the third child, for a total of about 43 percent of his income owed in child support.

Developing appropriate guidelines for complex families is very challenging. From a conceptual standpoint, the appropriate standard is not clear. If child support is to provide "continuity of expenditures" (holding a child harmless when his or her parents choose not to live together), it is not clear how to apply this principle to a situation where all parents (i.e., the father and the mothers of all of his children) living together is generally never observed. Even if an expenditure level from a simple family is used, it is difficult, if not impossible, to develop a system that meets key criteria from the perspectives of fathers, mothers, and children. The

difficulties arise in part because some (but not all) fathers with multiple partners have had children with mothers who themselves have multiple partners, and therefore multiple sources of support (Cancian and Meyer 2006).

Does child support make a difference? Child support and the income packages of disadvantaged fathers and mothers

Adequate child support has the potential to play an important role in reducing child poverty in single-parent households by directly and immediately increasing the income available to children. Several studies using different data sources, samples, and time periods have estimated that child support reduced the poverty rate among the female-headed families by approximately 6 to 10 percentage points (Bartfeld 2000; Cancian, Meyer, and Park 2003; Meyer and Hu 1999). However, the percentage of families who were poor before child support was counted that are lifted out of poverty by child support varies substantially across states: 15 percent to 23 percent poverty reduction in Wisconsin, compared to 6 percent to 8 percent in other states (Cancian, Meyer, and Park). Even when child support is not sufficient to bring families out of poverty, it may reduce the poverty gap—the gap between the poverty line and family income. For example, child support decreased the poverty gap by 13 percent to 23 percent for poor families in the National Survey of America's Families (NSAF) (see Cancian, Meyer, and Park).¹¹ The figures reviewed above suggest a fairly modest impact of child support in large part because in a given year, a majority of poor families do not receive any payments. Antipoverty effects are larger among the pre-child support poor who received child support (Meyer and Hu; Cancian, Meyer, and Park), and estimates of the full potential (all single parents have orders set according to the guidelines and these orders are full paid) suggests substantial effects (Bartfeld 2000).

Paying child support inevitably impoverishes some fathers, though most estimates suggest the effect is smaller than the poverty-reducing potential for resident parents receiving support. Estimates across data sources and samples suggest an increase in the poverty rate due to paying child support of 2 to 3 percentage points (Bartfeld 2000; Cancian and Meyer 2004; Meyer 1998). Although a relatively small number of nonpoor fathers became poor as a result of paying child support, poor fathers became poorer after paying child support. For example, among poor nonresident fathers of children on welfare in Wisconsin, the average poverty gap increased from \$6,902 before paying child support to \$7,362 after paying in 1998, and from \$5,708 to \$6,379 in 1999 (Cancian and Meyer 2004).

Although the estimates vary, it is clear that paying child support impoverishes some low-income nonresident fathers even as it has the potential to be an important income source for low-income families in recipient households. In good part because of data limitations, there is a scarcity of research that simultaneously considers the effect of child support on both resident parent and nonresident parent poverty. However, the available evidence suggests that potential child support would do more to reduce poverty among poor single-mother families than to increase poverty among nonresident fathers (Bartfeld 2000; Cancian and Meyer 2004; Meyer 1998; Stirling and Aldrich 2008).

That most disadvantaged fathers are no less able to support their children than most disadvantaged mothers does not address the key issues: what can, and should, be done to increase fathers' ability to both support themselves and their children—to help lift themselves and their children out of poverty? These issues are largely unrelated to the child support system. However, the interaction of child support enforcement with other systems raises an important set of questions, which we address in our concluding section.

Toward a System that Allows Disadvantaged Fathers to Support Their Children

Our reviews suggest that several policy and administrative issues will need to be reconsidered if the child support enforcement system is to reach its potential; issues range from interest charges on arrears, to the way child support guidelines account for disadvantaged nonresident parents, or the complications faced by parents who have had children with multiple partners. Here we highlight two overarching core issues, not because the other issues are unimportant, but because we believe these are central to efforts to improve the child support system for low-income families: (1) the need for child support policies to be redesigned with a clear focus on supporting vulnerable children, rather than reducing public expenditures, and (2) the need to complement enforcing nonresident fathers' obligation to support their children with programs and policies that improve disadvantaged fathers' ability to meet those obligations.

Child well-being over cost recovery

Redesigning the child support system to focus on improving the economic well-being of children, rather than cost recovery, requires several changes. In some cases, the required policy change is straightforward, and is already part of pending legislative proposals. In other instances, the issues are more complex. In particular, we would:

- *Allow TANF families to keep all child support paid on their behalf.* Federal policy should require states to pass through all child support to TANF families and disregard at least as much as is disregarded for resident parents' earnings. The DRA allowed states to choose to increase the amount passed through, and some research suggests such changes are cost-neutral overall. However, especially in times of tight state budgets, there are barriers to states increasing the pass-through.

- *Eliminate the requirement that TANF applicants assign past-due support to the state.* Federal policy recently required states to discontinue assignment of past-due support for former TANF participants; past-due child support can only be used to offset government costs if collected while the family is receiving assistance. Because TANF is a time-limited program, with most participants receiving cash benefits for a short period (U.S. DHHS Office of Family Assistance 2009), eliminating assignment of past-due support would simplify the system and align it with a focus on child well-being over cost recovery, without substantially more revenue loss.
- *Eliminate attempts to collect Medicaid birthing costs from nonresident fathers.* Some states attempt to recoup the medical expenses associated with a nonmarital birth from nonresident fathers, often even when the parents would qualify for Medicaid were they married and both parents' incomes considered for eligibility. In contrast, no state attempts to recoup Medicaid coverage for marital births. Eliminating efforts to recoup these public costs primarily from disadvantaged fathers would be another step toward child support being focused on supporting children rather than the state.

Variations of all of these proposals are part of the “Responsible Fatherhood and Healthy Families Act” co-sponsored by then-Senator Obama. If these recommendations were implemented, then no new case would have debt owed to the state, as all child support would go to families. In the short term, there would be a need for procedures for reviewing and reducing debt owed to the state under previous policy. Not only could such debt reduction put some fathers back into paying status, consistency across cases would simplify administrative issues.

These reforms are necessary if the child support system is to focus on improving the economic well-being of families. That said, it is important to recognize that they would also

eliminate an important source of revenue for child support enforcement agencies, as well as potentially undercutting support for child support enforcement from those who are primarily concerned with cost recovery. The National Governors Association (2009) recently noted: “While governors recognize that the ideal goal of the child support program may be to improve a family’s economic security, making drastic changes to the child support system without considering the financial stability of the program will not lead to better outcomes for the families and children served.” The reforms we advocate will eliminate an important source of revenue for the CSE system. However, we believe that it is not feasible for a well-designed system to be self-financing. Enforcing policy and law with regard to parents’ obligations to their children is a general social responsibility and should be funded from general revenues, not by diverting money meant for children.

Enforcing, and supporting, disadvantaged fathers’ obligation to support their children

In judging the fairness of the child support system, a fundamental question concerns the point of comparison. In a context in which the alternative to private child support is public support, we may ask whether a low-income father’s resources are sufficient that he should be expected to offset public welfare costs. This was the context when low-income single mothers were entitled to cash assistance, and when child support paid on behalf of children receiving assistance went to offset welfare costs, rather than support families. In that context the appropriate point of comparison for low-income fathers was the government (or the general taxpayer). In the absence of an effective public safety net, however, the primary point of comparison is the resident-parent family. Thus, especially for disadvantaged fathers who have had children with mothers who also face limited opportunities, we must ask whether a nonresident father’s resources and opportunities are so much more constrained than those

available to the resident mother that the mother should be expected to be both the primary caretaker and the source of income, while a father can be exempted from being a source of income.

The evidence reviewed above suggests to us that in most cases disadvantaged fathers should not be exempt from the obligation to support their children. However, for the expectation of financial support to be reasonable and enforceable, we must address the barriers to self-sufficiency faced by disadvantaged men. Unsurprisingly, low income and problems with unemployment are the most important factors for explaining nonpayment of child support (Ha et al. 2008). In contrast to the popular image of nonresident fathers as “deadbeat dads,” research highlights nonresident fathers’ multiple barriers to employment. For example, estimates from the NSAF suggest that 43 percent of poor non-institutionalized nonresident fathers who do not pay child support were high school dropouts, 39 percent had health problems, 57 percent were not working at that time of survey, and 32 percent had not worked during the 3 years prior to the survey (Sorensen and Zibman 2001).

In the United States, poor children and their resident parents are generally no longer entitled to cash assistance. The traditional welfare system has been replaced by a work-focused system that provides resident parents, usually mothers, with limited training and work experiences. Some states approach the possibility of providing a job of last resort, but by far the most assistance is provided as “work supports”—an earned income tax credit supplements low earnings, and subsidized child care and health care, as well as food stamps, substantially increase the total resources available to disadvantaged resident mothers who are working low-wage jobs and caring for their children.

Child support can, and should, be an important part of the income package for most of these families. However, for nonresident parents, mostly fathers, to pay a reasonable amount of support on a regular basis they, too, will need supports. We have a child support enforcement system that is very effective when nonresident parents have steady employment (Ha et al. 2008). But, many nonresident fathers fail to meet their child support obligations because they are not able, or not willing, to find and sustain a job. Like resident mothers, nonresident fathers should be expected to work to support themselves and their children. If they cannot find employment, we envision services comparable to those available to resident families in some TANF programs, that is, job placement services, case management, and training in occupational skills. If fathers are still unable to find employment, we propose transitional jobs (that is, temporary, subsidized jobs with integrated skill development) be made available to fathers (and also to mothers, though that is not the focus of this article). When fathers work, they should benefit from work supports, including subsidized health insurance and an EITC. This could be accomplished by expanding the childless worker EITC, or by expanding the EITC for nonresident parents who are paying their child support obligations.¹²

That said, many programs and policies—including the EITC—are largely limited to parents who are supporting their children. Benefits made available to nonresident parents (but not to childless adults) should be contingent on nonresident parents meeting their child support obligations—even if the nonresident parent has a very low income. Our goal is to make the supports for resident parents and nonresident parents more parallel, as long as the nonresident parents are demonstrating serious efforts toward fulfilling their obligations.

Contemporary American social policy emphasizes the responsibility of parents to provide for their children. With only very limited public cash assistance available, child support is a

critical component of efforts to improve the economic conditions of children born to disadvantaged parents. Disadvantaged resident mothers cannot be expected to both parent and support their children financially with no assistance. Disadvantaged fathers cannot be expected to pay support if they do not have opportunities to earn an income. Work supports must be strengthened for resident parents, and expanded to nonresident parents, so that both parents can reasonably be expected to contribute, and when nonresident parents pay support, their contributions should fully benefit their children.

Notes

¹ Some nonmarital births are to cohabiting parents. While these nonmarital children are initially living with both their parents, these relationships are relatively unstable, and many of these children will live with only one parent during their childhood (Osborne, Manning, and Smock 2007; Raley and Wildsmith 2004).

² In this paper, we focus on formal support. Many fathers also make informal in-kind or cash contributions (for quantitative research, see, for example, Garasky et al. 2007, or Nepomnyaschy 2007).

³ All dollar amounts in this paper are in 2008 dollars.

⁴ The findings of Sinkewicz and Garfinkel (2009) suggest that even among nonmarital couples, the characteristics of mothers and fathers are closely related to each other.

⁵ The negative relationship between the burden of child support orders and income levels also holds when fathers' incomes are estimated based on mothers' characteristics (Huang, Mincy, and Garfinkel 2005).

⁶ If these voluntary paternity acknowledgements are not contested within 60 days, they become a legal finding of paternity; for more information, see Roberts (2006).

⁷ If mothers do not know where fathers live, state child support agencies may use the Federal Parent Locator Service (FPLS), which matches data from the National Directory of New Hires (NDNH). The NDNH includes information on new jobs, claims for unemployment insurance benefits, or quarterly wage reports. The FPLS can also access other databases such as those of the Social Security Administration and the Internal Revenue Service to locate nonresident parents.

⁸ Self-employed parents may send their payments to the agency. If the resident-parent family is not receiving assistance, the parents may decide not to use the central collection agency, but to enter into a private pay arrangement.

⁹ Note also that even when the amount should be comparable, amounts reported by fathers and mothers differ; some research suggests that mothers' reports more closely match administrative records, so are thought to be more accurate (Schaeffer, Seltzer, and Klawitter 1991).

¹⁰ Sometimes, fathers are reluctant to seek aid in order to modify a child support order. They may have limited access to and understanding of the child support system and opportunities for modification (Nam, Cancian, and Meyer 2009; Pate 2006; Cancian et al. 2007). Furthermore, some scholars have suggested that “men [do] not want to talk about child support because they [do] not want to seem like deadbeat dads and [are] ashamed to reveal how much money they [owe]” (Kotloff 2005, p. 26).

¹¹ International evidence confirms the potential importance of child support in the income packages of low-income families across developed countries (Bradshaw 2006; Skinner and Meyer 2006; Skinner, Bradshaw, and Davidson 2007).

¹² Within the current system, most proposals to provide an EITC to nonresident parents would create a marriage penalty—both parents would qualify for an EITC if they lived apart, but often not if they lived together. For a discussion of the incentives, and costs, associated with alternative proposals to expand the EITC for childless workers see Carasso et al. (2008). We understand that limiting eligibility to those who have paid full child support limits participation; our argument is based on seeing the expanded EITC as providing support to those who are supporting children.

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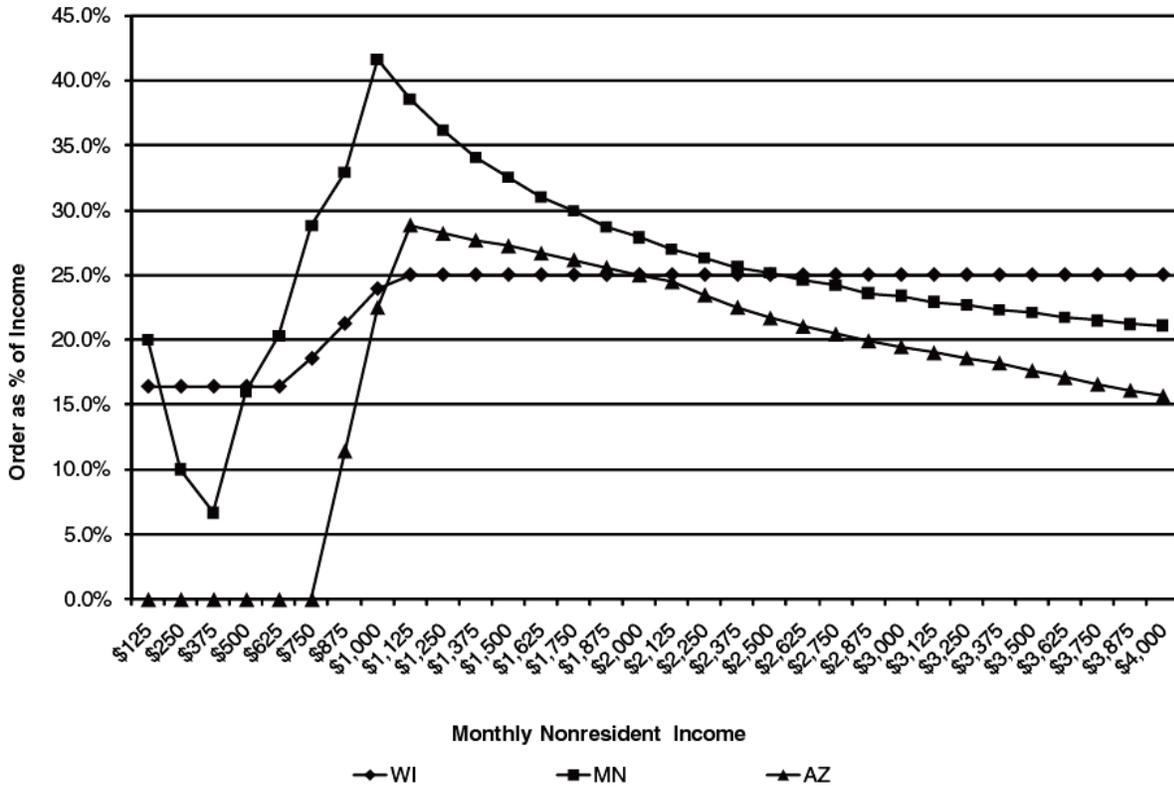
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FIGURE 1
Child Support Guideline Order Amounts, Two Children
by Nonresident Parent Monthly Income Levels



Notes: Figure assumes equal incomes for resident and nonresident parents. For simplicity, Arizona’s calculations assume gross and adjusted gross incomes are identical.