

## TAKING HIM DOWNTOWN: CHILD SUPPORT IN THE WORDS OF WOMEN

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This policy brief provides an overview of the Child Support system, the barriers Child Support creates for low-income families, and the policy changes needed for it to effectively meet the collective needs of very low-income fathers, mothers and children. Drawing upon Women In Fatherhood Inc.'s (WIFI's) qualitative research with women, research on fragile families, and interviews with female experts in the fatherhood field, we provide suggestions for changes to Child Support that will better ensure children are cared for and supported by both parents while encouraging father involvement and financial stability for fathers and mothers. This brief is written from the perspective of women—women who are working in, or recipients of, public assistance programs—namely Temporary Assistance for Needy Families (TANF) and Child Support.

### Overview and Key Points

Fatherhood policies represent *family* policies that stand to benefit *all* family members, including mothers. Therefore, the perspective of women is an essential element in the conversation on the personal and political issues of parenting and family. Given the realities of divorce, non-marital childbearing, and the fact that most custodial



parents are women, fatherhood and father involvement has become a pressing topic in our national policy discourse. Child Support is frequently at the heart of this discussion, particularly for low-income fathers—overrepresented by fathers of color—and the dependence of their children's mothers on cash benefits and other social welfare services. These low-income parents are often portrayed as “dead-beat dads” and “welfare queens” in conflict with one another and apathetic to their parenting and financial responsibilities.

Mounting evidence from the social sciences, including WIFI's qualitative research with women, has established that this negative representation of low-income parents is inaccurate. The first part of our brief highlights 15 important realities too often overlooked in the current policy discourse around low-income families:

1. Most fathers – regardless of demographics or circumstance --want to actively contribute to the well-being of their children and do so financially when they have the means, and in other critical “in-kind” or informal ways when they do not.<sup>1</sup>
2. Black, never-married, nonresident fathers spend more time with their children than nonresident fathers of any other race or ethnicity.<sup>2</sup>
3. Low-income fathers devote considerably more of their personal income to child support than non-poor fathers (close to a third of poor fathers contributed at least 50% of their income to child support compared to only 2% of non-poor fathers).<sup>3</sup>
4. Families receiving TANF only get approximately a quarter of the child support collected on their behalf; the rest is used to reimburse state and federal governments for welfare costs.<sup>4</sup>
5. Never-married, Black fathers and mothers who no longer reside together maintain lower conflict relationships after separation compared to white and Hispanic parents who have separated.<sup>5</sup>
6. The extended family members of low-income fathers often step-in to help care for their children financially and emotionally when a father is absent due to incarceration or other circumstances.<sup>6</sup>
7. Even when low-income fathers contribute formally or informally, often mothers still need to seek services from public assistance programs in order to adequately care for their children and reduce their financial and material hardship.<sup>7</sup>

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<sup>1</sup> “Over half (60.3%) of custodial parents received some type of noncash support from noncustodial parents on behalf of their children.” U.S. Bureau of the Census, <http://www.census.gov/prod/2011pubs/p60-240.pdf>, p. 1.; Also based on WIFI's focus groups and structured interviews conducted in 2008. For the full report with detailed methodology, see <http://womeninfatherhood.org/main/wpcontent/uploads/2011/06/Brief0610Final.pdf>. In 2011 and 2012 additional focus groups were conducted with low-income women in Baltimore, Maryland and New Orleans, Louisiana.

<sup>2</sup> Lerman, R. (2010). *Capabilities and Contributions of Unwed Fathers*, Fragile Families Volume 20 Number 2.

<sup>3</sup> Sorensen, E. and Oliver, H. (2002). *Policy Reforms are Needed to Increase Child Support from Poor Fathers*, Urban Institute, <http://www.urban.org/UploadedPDF/410477.pdf>.

<sup>4</sup> Wheaton, L. and Sorensen, E. (2008). *The Potential Impact of Increasing Child Support Payments to TANF Families*, Urban Institute, <http://www.urban.org/publications/411595.html>.

<sup>5</sup> Sorensen, E. and Oliver, H. (2002). *Policy Reforms are Needed to Increase Child Support from Poor Fathers*, Urban Institute, <http://www.urban.org/UploadedPDF/410477.pdf>.

<sup>6</sup> Wheaton, L. and Sorensen, E. (2008). *The Potential Impact of Increasing Child Support Payments to TANF Families*, Urban Institute, <http://www.urban.org/publications/411595.html>.

<sup>7</sup> Cabrera, N, Ryan, R, Mitchell, S, Shannon, S, and Tamis-LeMonda, C. (2008) *Low-income, Nonresident Father Involvement with Their Toddlers: Variation by Fathers' Race and Ethnicity*, Journal of Family Psychology, Vol 22(4), 643-647.

<sup>8</sup> See note no. 1 on WIFI's research.

8. Most mothers want fathers involved in their children’s lives, even if the parents live apart, and even if the women do not want contact with the fathers; however, women felt that entering the welfare and child support systems did not facilitate this outcome and that child support enforcement specifically undermined their co-parenting relationships.<sup>8</sup>
9. White, educated mothers benefit the most from the child support system. Mothers with limited means, education, and time have significant difficulty navigating the major complexities of this legal system (as do fathers), do not understand the state assignment of their child support rights required to be eligible for public assistance, and are often unaware of the punitive implications this has for the fathers of their children.<sup>9</sup>
10. Many low-income mothers, when asked, report they believe fathers are not treated fairly by the Child Support System and cite a lack of legal representation, supportive services (e.g., employment, substance abuse), orders that are unreasonably high, no legal rights to custody and visitation, and the threat of incarceration as some of their primary concerns for low-income fathers in the “system.” Some women state a preference for a non-judicial way to negotiate child support, access, and visitation with the fathers of their children.<sup>10</sup>
11. Many women identify their, often default, control over the amount of access fathers have with their children as a barrier to father involvement. Some women felt that “gatekeeping” behaviors were necessary to protect their children from harm or neglect. Other women revealed that they acted as gatekeepers regretfully and often out of frustration and a lack of knowledge of alternative approaches to fathers who they perceived weren’t meeting their parental expectations and responsibilities.<sup>11</sup>
12. Child support non-payment punishments are only effective if the father otherwise has the means to pay. Many low-income fathers cannot meet their child support awards for two reasons: 1) there is rampant unemployment and under-employment among low-income men, and 2) awards are sometimes such a high proportion of wages that fathers cannot survive on their remaining income.<sup>12</sup>
13. Punitive and aggressive child support enforcement of low-income fathers without the means to pay exacerbates the portrayal of these men—overwhelmingly Black men—as “deadbeat dads” responsible for the poverty of their children, and serves as “a racially

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid; Roberts, P. (1994). *Child Support Orders: Problems with Enforcement*, [http://futureofchildren.org/futureofchildren/publications/docs/04\\_01\\_06.pdf](http://futureofchildren.org/futureofchildren/publications/docs/04_01_06.pdf)

<sup>10</sup> WIFI qualitative research finding, see note no. 1.

<sup>11</sup> Ibid.

<sup>12</sup> About two-thirds of people whose awards are in arrears earn less than \$10,000 a year. Additionally, almost 70% of arrear cases were for children whose parents collect or once collected cash assistance; See Sorensen and Oliver (2002).

inflected blaming of African-American fathers” rendering them undeserving of supportive services in the eyes of the public.<sup>13</sup>

14. Low-income fathers and men of color need an organized, strategic, and determined network of advocates that includes women and advocates for women. Without such a constituency, the policy and legislative changes needed to support our nation’s most vulnerable families are not likely to gain traction.
15. Unless child support’s linkage to welfare receipt is severed and its cost-reimbursement strategies are abated, we are unable to determine how it can truly and effectively meet its objective of supporting low-income fathers and meet the needs of families receiving public assistance.

## Policy Background

Child support was created in 1975 by Congress as a government cost-recovery strategy; that is, as a way to reimburse states and the federal government for welfare benefits paid to mothers on behalf of children.<sup>14</sup> Child Support is also considered an anti-poverty program because it establishes and enforces court orders that force non-custodial parents to contribute financially to their children’s care or face a host of punitive actions by the state, including possible incarceration. The child support order and the inherent threat of incarceration for non-payment was originally intended to insure that fathers (who, in a time of many non-working mothers, had more income and more assets than mothers) did not take all the family money and assets and leave the children without support. It was a protection for mothers. However, demographic analyses of the many disadvantaged fathers in the child support system show these men face substantial barriers to contributing financially to their children, such as low levels of educational attainment, high rates of incarceration, high debt burdens, and high rates of unemployment and underemployment, particularly among young Black and Hispanic men.

### ***Low-income fathers face barriers that impede their ability to pay child support.***

Fathers cannot pay if they do not have the means to support their children. In 2008, over 8 million men aged 16 to 50 were poor. Half of those men had no employment at all. The labor market for men with only a high school degree has consistently weakened over the past 30 years.<sup>15</sup> Specifically, young Black men have experienced a consistent decline in employment since the 1970s. While many lower income populations benefited from various tax policies such as the

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<sup>13</sup> Hansen, D. (1999). *The American Invention of Child Support: Dependency and Punishment in Early American Child Support Law*. *Yale Law Journal*, 108 (5), 1123-1153, p. 1123.

<sup>14</sup> See <http://www.acf.hhs.gov/programs/css/about/history>

<sup>15</sup> Mead, L. (2010). *Why We Need Work Programs for Fathers*. 2010, *Journal of Policy Analysis and Management*, 29(3): 603-620.

Earned Income Tax Credit, Black male employment rates continued to drop in the 1990s.<sup>16</sup> Research suggests that employment and wage rates are low for four main reasons: 1) a lack of basic skills and credentials; 2) a lack of entry level jobs with meaningful career trajectories; 3) a lack of work supports like childcare and transportation; and 4) severe barriers to employment such as disability, mental illness, criminal history, substance abuse or physical health issues.<sup>17</sup> In addition, jobs traditionally available to less educated workers such as non-skilled manufacturing or manual labor have significantly decreased.<sup>18</sup>

These barriers make it nearly impossible for some men to meet their child support obligations. Furthermore, these barriers may not be considered or understood by social service providers and can be compounded by child support enforcement.

### **Enforcement tools.**

The Family Support Act of 1988 mandated that states establish paternity and child support orders for children born out-of-wedlock if one of the child's parents was a recipient of Aid to Families with Dependent Children (AFDC). The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 ended the AFDC entitlement program, and established the Temporary Assistance to Needy Families (TANF) block grant for states. Under PRWORA, paternity establishment and child support enforcement tools were strengthened. Because mothers on TANF or Medicaid are required to assign their rights to receive child support from fathers over to the state (known as "the state assignment,")<sup>19</sup> states have the authority to recoup their social service costs by establishing and enforcing legal orders to collect money from fathers through:

- Wage garnishment
- Seizing of bank accounts
- Interception of unemployment insurance
- Interception of lottery winnings

The concept of the State Assignment is straightforward: Because the government is providing a woman and her child with assistance, as a condition of that receipt, she is then required to cooperate with state officials in identifying and legally pursuing nonresident fathers for child support collection to (in most cases) reimburse the state. Thus, the "assignment" of child support is considered to be reimbursement to the state for cash benefits paid to her and her child. This requirement has resulted in significant increases in child support collections. However, aggressive enforcement policies have shown that, in fact, these practices can discourage father involvement and damage the co-parenting relationship.

<sup>16</sup> Holzer, H., Offner, P. and Sorensen, E. (2005). *Declining Employment among Young Black Less-educated Men: The Role of Incarceration and Child Support*, Journal of Policy Analysis and Management, 24(2): 329-350.

<sup>17</sup> Martinson, K. and Holcomb, P. (2007). *Innovative Employment Approaches and Programs for Low-Income Families*. Washington, DC: The Urban Institute.

<sup>18</sup> Wilson, W.J. (1997). *When Work Disappears*. New York: Vintage Books.

<sup>19</sup> While exceptions are made for mothers in the case of incest, rape or domestic violence, generally mothers must comply with this regulation.

- Interception of state and federal tax returns
- Liens on property
- Passport denial or revocation
- Delinquency added to credit report
- Arrears accrual (i.e., child support debt owed to the state)
- Loss of driving and other professional licenses
- Imprisonment (considered “voluntary” or “willful” unemployment depending on the state,<sup>20</sup> so child support debt continues to accrue during incarceration).

Legal paternity establishment procedures, which typically lead to a child support order, can be established and enforced, even if the father is already providing informal support, or is even living with his child and the child’s mother.<sup>21</sup> Child support award amounts are calculated using either a father’s real or imputed earnings, and if the father has legal employment, it is common practice for the state to automatically withhold the amount from his pay. The Federal Consumer Credit Protection Act (CCPA) permits the withholding of 50-65 percent of a parent’s earnings for child support. However, states can choose to cap the withholding at a lower percentage. According to the Office of Child Support Enforcement, approximately a third of the states exercise this option and cap child support withholding at 50 percent.<sup>22</sup>

***Child Support wants to be father friendly, but this competes with its other objective of cost-recovery.***

In 2004, the Office of Child Support Enforcement’s five year strategic plan stated that it “is no longer primarily a welfare reimbursement, revenue-producing device for the Federal and State governments; it is a family-first program, intended to ensure families’ self-sufficiency by making child support a more reliable source of income.”<sup>23</sup> However, fewer than half of the states allow even a

A pass-through is the amount of child support forwarded to families on whose behalf it was collected. 27 states and the District of Columbia do not pass-through or disregard any child support for families receiving TANF. See National Conference of State Legislatures (2012) <http://www.ncsl.org/issues-research/human-services/state-policy-pass-through-disregard-child-support.aspx>

<sup>20</sup> In 2011, 14 states (AR, DE, GA, KS, KY, LA, MT, NE, ND, OK, SC, SD, TN, and VA) did not allow or favor reduced or suspended support orders for incarcerated noncustodial parents. And, among the states that did consider modifications, many still had substantial barriers in place, such as the imputation of the incarcerated parent’s income and legal fees required to file the modification. See “*Voluntary Unemployment, Imputed Income, and Modification Laws and Policies for Incarcerated Noncustodial Parents*.” (July 2012). Washington, DC: U.S. Department of Health and Human Services, Office of Child Support Enforcement.

<sup>21</sup> D. Hatcher, *Child Support Harming Children: Subordinating the Best Interests of Children to the Fiscal Interests of the State*. 2007. *Wake Forest Law Review*, 42(4):1029-1086.

<sup>22</sup> See <http://www.acf.hhs.gov/programs/css/resource/federal-agency-faqs-on-income-withholding>

<sup>23</sup> See *National Child Support Enforcement Strategic Plan FY2005-2009*, downloaded from [http://www.acf.hhs.gov/programs/cse/pubs/2004/Strategic\\_Plan\\_FY2005-2009.pdf](http://www.acf.hhs.gov/programs/cse/pubs/2004/Strategic_Plan_FY2005-2009.pdf)

small pass-through of the child support they collect—typically \$50—to go to the child. The majority of states keep all child support collected as reimbursement for expended welfare and Medicaid costs.<sup>24</sup> And, while it is true that 94 percent of all of the money collected by Child Support is distributed to custodial families and Foster Care,<sup>25</sup> this aggregate number obscures the fact that families on TANF receive a much smaller percentage of the amount paid by noncustodial fathers—these families only receive about a quarter of the child support collected on their behalf; the vast majority of the remaining funds are used to reimburse state and federal governments for “welfare costs.”<sup>26</sup>

- TANF recipients only receive about 25% of the child support collected from noncustodial parents on their behalf.
- 70% of the national child support debt is owed by noncustodial parents who have no quarterly earnings or who have annual earnings of less than \$10,000.

See OCSE, (2004). *The Story Behind the Numbers: Who Owes Child Support Debt?*  
[http://www.acf.hhs.gov/sites/default/files/ocse/im\\_04\\_04a.pdf](http://www.acf.hhs.gov/sites/default/files/ocse/im_04_04a.pdf)

The Deficit Reduction Act (DRA) of 2005, which reauthorized TANF, kept the state assignment and Child Support enforcement tools in place. It did, however, establish the “family first policy,” which allowed states to pass-through more of the child support they collected to families—up to \$200 per family per month. As an incentive, states were not required to reimburse the federal government for its share of welfare expenses. A 2009 GAO report found that 43 states did not implement the family first pass-through option. Interviews with state officials revealed that they were supportive of the policy and the principle of passing-through child

support to families; however, state budget constraints and the need to recoup state costs for public assistance expenditures prevented them from implementing or increasing a pass-through policy.<sup>27</sup>

TANF has continued to be funded and reauthorized through a series of short-term extensions, the latest of which expires this month—March 2013. There is interest by some members of Congress to examine and change the policies that are not adequately serving very low-income families. Politically, this may be a strategic time to advocate for change, in that President Obama is a strong supporter of fatherhood policies that help low-income men and he has filled several key political appointments with long-time researchers and advocates who have a deep understanding of the policy changes needed that will benefit low-income families.

The remaining sections of this brief describe in more detail what women have told us about the needs of low-income fathers and Child Support and makes policy recommendations for systematic improvements.

<sup>24</sup> Legler, P. and Turetsky, V. (2006). *Policy Brief: More Child Support Dollars to Kids*. Washington, DC: CLASP; National Conference of State Legislatures, *State Policies Regarding Pass-Through and Disregard of Current Month’s Child Support Collected for Families Receiving TANF-Funded Cash Assistance*. 2012, <http://www.ncsl.org/issues-research/human-services/state-policy-pass-through-disregard-child-support.aspx>.

<sup>25</sup> See <http://www.acf.hhs.gov/programs/css/about/history>

<sup>26</sup> Wheaton, L. and Sorensen, E. (2008). *The Potential Impact of Increasing Child Support Payments to TANF Families*, <http://www.urban.org/publications/411595.html>.

<sup>27</sup> See Government Accounting Office, *Child Support Enforcement Departures from Long-term Trends in Sources of Collections and Caseloads Reflect Recent Economic Conditions*; GAO Report 11-196 <http://www.gao.gov/assets/320/314589.pdf>.

## In the Words of Women

As advocates for fathers, mothers, and children, WIFI interviewed women to learn their views of and experiences with Child Support and the barriers they believe fathers face.

WIFI conducted focus groups and structured interviews with low-income, Black and Latina women, domestic violence survivors, college aged women and professional women serving fathers and families. All most all of these women shared the view that fathers in their communities are in dire need of various social services and the same supports afforded to mothers.

### ***Women recognize the many barriers low-income fathers face.***

Conversations about the barriers low-income fathers face elicited strong opinions from the participants. Some women said that men are faced with almost insurmountable barriers that may propel them to give up attempts to achieve their personal goals or contribute to the upbringing of their children.

Women agreed that many low-income men and fathers who want to contribute to child-rearing often face barriers, including a lack of economic viability, lack of education and training, lack of employment and employment opportunities, race and class discrimination, criminal records, and lack of identifying and validating credentials (e.g., driver's license, permanent address, and previous work history). They also identified other barriers that exist related to a lack of supportive services that would allow men to address physical and mental health factors in their lives, such as drug and alcohol abuse and untreated physical and mental illnesses.

Issues of financial responsibility and child support always surfaced quickly in our conversations. Some women expressed the belief that fathers were not taking care of their children because they were simply irresponsible. Women conveyed individual anger, resentment and hurt toward specific men as well. They also expressed anger at societal structures and expectations that women are ultimately responsible for raising children—what they characterized as, “Mommy’s baby; daddy’s maybe.” Many felt that men have the option to parent; whereas, women have the responsibility. However, once the conversations moved past individual-level experiences, practically all of the women we interviewed noted that a lack of resources and employment equates to a man’s inability to pay child support. Other women said that a significant barrier to payment of child support is the lack of opportunity for legal visitation, access, or parenting time that would solidify a father’s connection to his child. There was a definite concern that women—mothers and grandmothers—often impede fathers’ ability to be with and connect with their children. Many women said that the control women have over the

*“Sometimes fathers get so beat down to the point where they want to give up. They’re having a hard time with everybody looking for them...and they give up on the situation, give up on trying to see the child and pay child support. They just give up...because, you know, if you can’t find a job and you know everybody’s down on you, and then we’re [women] pushing them too, who wouldn’t just give up?”*

physical person of the child is an “absolute power” over interactions that can undermine or support the trajectory of father/child relationships.

Overall, women—particularly Black women—expressed the most concern that under current social welfare policy, fathers are unable (as opposed to unwilling) to support their children and often themselves, driving them away from their children and families and marginalizing them in their communities. Because of this, many women thought it essential that more low-income men benefit from social services related to employment, housing, and health. They believed wholeheartedly that support and assistance would help fathers better their lives and ultimately their involvement in their children’s lives.

### ***Women recognize potential solutions as well.***

Women were clear that the necessary services fathers need to stay connected to their children should be guided by the principles of responsible father involvement (positive father-child interaction and safe family interactions), and afford fathers the “opportunity and dignity” to provide for their own basic needs, contribute to the support of their children, and be productive members of their communities. One of the essential services suggested for fathers was preparedness for—and referral to—employment. Another proposed service included establishing a fatherhood court to help fathers with child support and address barriers earlier. Many women also recommended the modification of child support enforcement policies that unfairly impact fathers.

*“If I were asked where to put your first nickel, I would want to make sure that the guy has a job, has enough money to support himself and get himself back and forth to work, and to contribute to the financial well-being of his child.”*

### ***Women voiced concerns about the Child Support System.***

The women we interviewed expressed confusion and frustration about child support services specifically. The most prevalent issues they raised were:

- Child Support created acrimony in their co-parenting relationships because applying for public assistance required that women let the state begin child support enforcement even when the fathers had been paying informally already. ***“I have to get food stamps and cash assistance and he’s been paying, then they go after him and it looks like I’m being mean.”***
- Child Support created acrimony with the father’s extended family. One woman shared that while her child’s father was incarcerated, his family had been paying his monthly child support order for him, but when he was released and had over \$15,000 in child support debt, his family blamed her and cut off all contact and support. Another mother explained that her child’s father had been paying when he could and taking their child to school so she could work additional hours. ***However, she was still having difficulty making ends meet, so she had to “take him downtown when she needed cash assistance” and now his family won’t speak to her.***

- When fathers have to pay child support, they don't have money to take their children and/or engage in fun activities with them. *"I used to look forward to my Saturdays alone...but he doesn't have any money now that child support takes it all and so he don't want to take the kids. I don't blame him. He doesn't want to look like a bad daddy to his kids."*
- Mothers don't get a voice in the process or an opportunity to express if fathers have been providing informal support. *"Moms should be able to say if he's trying."*
- There is no pathway to come to an agreement about child support or visitation without involving the courts. *"I wish they had family counseling or some way we could have come together with a mediator and worked out payment and visitation. It's like child support automatically assumed he wasn't going to do right by me and the kids, but we got along great and he saw his kids every day until they stepped in."*
- Often, the child support agency does not pass-through the money fathers pay for children whose families are receiving cash benefits or child support has administrative problems that hold up payments to the mother. *"Child Support needs better processes in place—they don't run smoothly. He's telling me he's paying, but I think he's lying because I'm not getting anything. Nobody knows what's going on and you can't ever get an answer when you call the [child support] office."*
- Many women expressed beliefs that Child Support did not have their or their children's fathers best interests at heart respectively or as a family. *"It's [Child Support is] another system trying to beat poor Black folks down. Just like welfare, it's used to divide our families and conquer us with the promise of trifling bits of money. We end up sacrificing our self-esteem, our men, each other. How do we get past that and work together?"*

## Recommendations

The issues women raised about child support and the barriers father face are mirrored in the existent gaps in current policy. Several reforms to child support policy are needed that will help fathers acquire and retain employment, accrue assets, and strengthen their co-parenting relationships with the mothers of their children:

### 1. Eliminate the state assignment and pass-through all child support payments.

Once a mother signs her rights over to state child support as a condition of receiving TANF, the child support process is, quite literally, out of her control. However, fathers often resent mothers for "taking them downtown," and the legal and financial troubles they experience as a result of child support enforcement. Additionally, when fathers are forced to pay a significant sum each month—regardless of their current needs or circumstances and that money does not even get passed-through to the mothers, fathers are likely to be less flexible to changing needs, such as helping out with additional childcare or covering an additional school cost. Research also suggests

that complete pass-throughs and disregards increase paternity establishment, the percentage of fathers who pay child support and the amount that they pay.<sup>28</sup> Child support should be used to support children, not recoup government spending. Without these two critical policy changes, it seems unlikely that Child Support will ever reach its full potential as a family-support program providing needed income for our most vulnerable families.

## 2. Set reasonable awards and increase flexibility in award amounts.

Child support orders are proportionally very high given men's low incomes. Some fathers pay up to 65 percent of their wages in child support and arrearages to the state.<sup>29</sup> Such a high level of garnishment would severely strain almost any person's budget, and drives many low-income men into severe poverty or the underground economy. Since fathers' wages are garnished automatically through their paychecks, some low-income non-custodial fathers exit the labor force. At best, fathers stop building their resumes and skill sets by either engaging in the informal labor market or avoiding work entirely. At worst, men engage in illegal activities for income and can end up incarcerated.

Unfortunately, the financial stability of many low-income noncustodial parents can change quickly. They are often the last hired and first fired. Their work schedules, wages and ability to be employed may fluctuate often. Currently, child support orders are reviewed on a three-year basis to ensure compatibility with the noncustodial parent's income. Fathers can request a review and reconsideration of their order if they demonstrate a substantial change in circumstances, but this can only occur if fathers know their rights, can navigate the judicial process and have the wherewithal to petition the appropriate offices.<sup>30</sup> Additionally in order to receive a change in child support awards, fathers have to demonstrate that their income change is expected to last a significant time. Ultimately, order changes depend upon judicial decision,<sup>31</sup> and even when granted, this can be a long and time consuming process.

## 3. Provide job training and employment supports for dads.

Arming fathers with the knowledge, training and skills they need to compete in this global economy is essential. Men could then support themselves and pay child support. There are compelling arguments for making training and employment supports either mandatory or voluntary, focusing on establishing employment immediately to develop a work history and soft skills, or providing specialized training to compete for manufacturing and technology careers.<sup>32</sup>

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<sup>28</sup> Cancian, M., Meyer, D.R., & Caspar, E. (2008). Welfare and child support: Complements, not substitutes. *Journal of Policy Analysis and Management*, 27(2):354-375

<sup>29</sup> Hatcher, D.L. (2007). Child support harming children: Subordinating the best interests of children to the fiscal interests of the state. *Wake Forest Law Review*, 42(4):1029-1086.

<sup>30</sup> Office of Child Support Enforcement. *Realistic Child Support Orders for Incarcerated Parents*. Project to Avoid Delinquencies, Number 4.

<sup>31</sup> Office of Child Support Enforcement. *Providing Expedited Review and Modification Assistance*. Project to Avoid Delinquencies, Number 2.

<sup>32</sup> Couch, K.A., Ed. Expanding work programs in child support: Whether and how. *Journal of Policy Analysis and Management*, 29(3): 603-620.

#### 4. Encourage and provide pathways for non-judicial agreements between parents.

Given the inflexible nature of the child support system, we recommend that Child Support create pathways for parents to establish non-judicial arrangements that will allow both parents flexibility to meet their family's ever-changing needs.<sup>33</sup> Even if mothers have an agreeable co-parenting relationship with their children's fathers, child support proceedings can sour their relationship and willingness to cooperatively co-parent.<sup>34</sup> Mothers and fathers considering or with an established informal arrangement should be provided mediation services. The mediator can help guide the parents through establishing an informal arrangement agreement that includes standard support levels, legitimate reasons for increases and decreases in support and ramifications for disregarding the agreement.

#### 5. Find non-punitive ways to help low-income fathers pay.

Persistent non-payment of child support is grounds for incarceration. In 2002, approximately 10,000 men were in jail for non-payment of child support.<sup>35</sup> This point in time measurement underestimates the number of fathers that ever go to jail for non-payment. These are severe punishments, and they are designed to coerce a "deadbeat" dad into paying. For sure, a man with means would likely prefer reconciliation of his child-support debt over incarceration. However, for men without the ability to pay current or back child support, the aforementioned punishments do not improve their financial situation. In fact, they are likely to exacerbate non-payment issues. Finally, incarceration should not be considered "voluntary unemployment." This state policy option is severely financially debilitating for low-income fathers particularly.

"The average incarcerated parent with a child support case has \$10,000 in arrears when entering state prison, and leaves with \$20,000 in arrears. Not only is this debt unlikely to ever be collected, but it adds to the barriers formerly incarcerated parents face in reentering their communities and may interfere with their ability to obtain housing and employment in order to support their child. Child support debt increases the likelihood that noncustodial parents released from incarceration will enter the underground economy."<sup>36</sup>

#### 6. Provide co-parenting education and communication skills.

The child support system does not facilitate communication between parents. While this may be desirable in situations of abuse, harassment, or high conflict, in general, children benefit when their parents maintain a low-conflict relationship. Specifically, a good co-parenting relationship can minimize conflict over parenting decisions, ensure consistent rules, monitoring and discipline across multiple households, and allow for "whole family" events so children don't feel torn between parents on major holidays or events. Additionally, good co-parenting models healthy

<sup>33</sup> Hatcher, D.L. (2007). Child support harming children: Subordinating the best interests of children to the fiscal interests of the state. *Wake Forest Law Review*, 42(4):1029-1086.

<sup>34</sup> Waller, M.R. (2010). Viewing low-income fathers' ties to families through a cultural lens: Insights for research and policy. *The ANNALS of the American Academy of Political and Social Sciences*, 629:102-124.

<sup>35</sup> Sorensen, E. (2010). Rethinking public policy towards low-income fathers in the child support program. *Point/Counterpoint. Journal of Policy Analysis and Management*, 29(3): 603-620.

<sup>36</sup> See *Realistic Child Support Orders for Incarcerated Parents*, (June 2012). Washington, DC: U.S. Department of Health and Human Services, Office of Child Support Enforcement, p. 1.

adult relationships that children can draw from when they begin forming romantic relationships. We encourage child support offices to provide programming to improve co-parenting and parent communication.

### **7. Recognize non-financial support.**

Men and women have a responsibility to care for the people they've created. Like the vast majority of the women we interviewed, however, we do not agree that men should have to provide financial support as their only "sanctioned" way to parent. Acknowledging or helping men develop their roles as caregivers and supportive and cooperative partners or co-parents is an important goal that benefits men, women, and children.

### **8. Low-income fathers need an organized, strategic, and determined network of advocates that includes women.**

It is important to note that the recommendations made in this brief are not new or novel. Researchers and advocates have been calling for these and similar reforms for decades. The problem is that, by and large, public and political discourse has blamed Black fathers for many things, including the poverty of

their children. Black fathers and men have been marginalized, criminalized and demonized in the United States. The political and social discourse around child support

*"There are not a lot of groups advocating for these changes. If you look at lobbying around childcare, there is a cast of many. Most members of Congress have heard from a constituent. Low-income fathers don't have an organized network." ~Office of Child Support Enforcement, Commissioner Vicki Turetsky, September 2012*

policies has added to the negative portrayal of low-income fathers. While responsible fatherhood policies in general have received bipartisan support, low-income fathers and men of color have lacked an organized, diverse, and unapologetic constituency to advocate for policy changes on their behalf. One critical need is for more women and women's groups to join the "big tent" of constituents already supporting this cause. However, too many women view fatherhood policy as primarily a man's issue. For the fatherhood field to sustain itself and gain the attention of Congress and influential stakeholders, the barriers low-income fathers of color face and the supports they need should be meaningfully connected to other agendas and groups, particularly women's groups.

## **Conclusion**

Current child support processes and enforcement create and exacerbate many barriers low-income families face, particularly when fathers have legitimate difficulty meeting their order amount each month and/or mothers receive TANF. The changes we propose in this brief will help eliminate many of these barriers.

The proposed changes can also function to encourage fathers' direct involvement with their children by establishing access and visitation schedules and the facilitation and negotiation of

effective co-parenting. This has the added benefit of increasing support for mothers, as research clearly demonstrates a positive relationship between increased father involvement and the payment of formal child support and in-kind support.<sup>37</sup> Increased father participation can also increase mothers' free time allowing them greater earning capabilities via more time for earned income. To be sure, ALL family members stand to benefit from these much needed changes in Child Support. The research supports the positive outcomes that would be realized for children and fathers. And women—in their own words—are advocating for these reforms.

About Women In Fatherhood, Inc. (WIFI): Women In Fatherhood, Inc. was founded by the Annie E. Casey Foundation and is the only national nonprofit organization that advocates for responsible fatherhood from the perspective of women. WIFI seeks to remove the structural and relational barriers men and fathers face to contributing positively to children, families, and communities.

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**WOMEN WHO KNOW MEN MATTER.**

<sup>37</sup> Administration for Children and Families, Child Access and Visitation Programs: Participant Outcomes (Department of Health and Human Services, 2006); Paul Amato and Joan Gilbreth, "Nonresident Fathers and Children's Well-Being: A Meta-Analysis," *Journal of Marriage and the Family* 61(3)(1999): 557-573; Vicki Turetsky, "The Child Support Program: An Investment That Works" (Washington: Center for Law and Social Policy, 2005); Paul Legler and Vicki Turetsky, "Policy Brief: More Child Support Dollars to Kids: Using New State Flexibility in Child Support Pass-Through and Distribution Rules to Benefit Government and Families" (Washington: Public Studies Inc. and Center for Law and Social Policy, 2006). Steven Garasky and others, "Toward a Fuller Understanding of Nonresident Father Involvement: An Examination of Child Support, In-Kind Support, and Visitation," *Population Research and Policy Review*, vol. 29, no. 3 (June 2010).