



CENTER FOR FAMILY  
POLICY AND PRACTICE

# A blueprint for economic security

JOY MOSES

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**W**alter Scott died last year after a police officer fired eight shots to his back. He had been pulled over for a traffic stop and made a split-second decision to abandon his car and run away. Reporters instantly began asking why.

His family was sure they knew the answer. He was likely afraid to go to jail again due to his child support debt.<sup>1</sup> The key word is “again.” According to Scott’s brother, “Every job he has had, he has gotten fired from because he went to jail because he was locked up for child support.”<sup>2</sup> At the time of his death, he was working. Between the point of being pulled over and the fatal shots, he may have been mentally reviewing what was at risk—perhaps a rent payment, credit-card bills, or ironically, the ability to provide for his children?

One of his four children told a New York Times reporter, “If he had money, he would give it to us.”<sup>3</sup> Though working below the poverty line in 2011, the child support agency was deducting an amount from his paycheck that was more than 50 percent of his average weekly earnings.<sup>4</sup> Previously, he had participated in a parenting program and voluntarily turned himself into authorities for child support debt.<sup>5</sup> According to his brother, Scott didn’t always do all that he could to stay current on his payments, but he felt hopeless about his child support situation.<sup>6</sup>

Walter Scott is most closely associated with his tragic shooting. However, his life and death are reflective of far more—common challenges experienced by poor and working-class men more generally. Because their lives matter, the nation must reform the child support system and other related policies affecting their lives and those of their children.

i.

## America Remade: Men and Fathers in the Workforce

In recent years, it has become clear that the thriving middle class that defined the nation in the 1950s and early 1960s is no longer. America has been remade and, along with it, the economic status of many of its men.

In June 2016, the White House released a report on male workers. Chief amongst its findings was that men's participation in the workforce had dropped from a peak of 98 percent in 1954 to 88 percent today.<sup>7</sup> The declines have been persistent, beginning in earnest in the mid-1960s.

Men with limited education have been most affected. Those with a high school education or less had a participation rate of 97 percent in 1964, putting them roughly on par with their college-educated peers.<sup>8</sup> Now there is an 11-percentage-point gap between the two groups with the participation rate of less-educated men dropping to 83 percent.<sup>9</sup>

Even when they are in the workforce, men with limited education are at a great disadvantage. They consistently have the highest rates of unemployment. In 2015, male workers with less than a high school diploma had an unemployment rate of 7.2 percent.<sup>10</sup> This is higher than the rate for high school graduates (5.5 percent) and college graduates (2.6 percent).<sup>11</sup> Historically, low-wage workers have also stayed in jobs for shorter periods of time and experience a greater number of job spells than other workers.<sup>12</sup>

Even if they are participating in the workforce and have a stable job, men with limited education must overcome at least one other major challenge—low wages. An expanding list of experts and policymakers has been sounding an alarm about American wages and income. Workers of

all education levels have been working longer and longer hours without being compensated for their increased effort.<sup>13</sup> Since 1979, wages have largely stagnated and declined.<sup>14</sup> Those who were always making the least amount of money have even less money to provide for their own basic needs and care for their families.

According to the U.S. Department of Labor, men with less than a high school education had median earnings of \$766 (in 2014 dollars) per week in 1979.<sup>15</sup> By 2014, they had experienced a pay cut of about 33 percent, earning a median weekly amount of \$517 (in 2014 dollars).<sup>16</sup> Those with a high school diploma suffered a similar fate. They saw their median earnings plummet from \$936 per week to \$751.<sup>17</sup>

### Male Workers as Fathers

Researchers have consistently sought to learn more about low-income men but one factor stands out as a consistent topic of conversation within certain policy and media circles. These men are far less likely to marry than men with higher incomes. Sixty-three percent of men aged 25-39 years with incomes around the poverty line and below have never been married.<sup>18</sup> This is compared to 27 percent of those making over \$75,000 per year. Even without a wedding ceremony, many low-income men still have children.<sup>19</sup>

Unmarried fathers are workers and potential workers who merit attention. Approximately one in four of those living with their children are experiencing employment challenges because they either do not participate in the workforce, are unemployed, or are underemployed (working part-time).<sup>20</sup> These men are limited in their ability to contribute to household finances, including childrearing costs. Paying for such essentials as food, school clothes, or healthcare co-pays can be a constant source of stress for fathers and their families.

Many unmarried dads don't live with any of their children, and the Census does not directly track

them. Instead, it lumps them in with all other men not living with children; the status of this group is not good. A little more than half of all men *not* living with children (fathers and non-fathers) are not in the workforce or are unemployed or underemployed.<sup>21</sup> The dads in this group may be responsible for formal child support obligations. They may also make the effort to informally support children when they can, buying diapers or birthday presents for instance. As with other fathers, their workforce challenges have an impact on their children.

## How Did We Get Here?

Lyndon Johnson declared a War on Poverty a little over 50 years ago. Since that time, multiple new challenges have emerged, which complicate efforts to end poverty and are affecting far too many of the nation's fathers. Some commonly cited examples include (1) growing wage inequality, (2) disappearing manufacturing jobs, (3) evolving educational disparities, and (4) mass incarceration.

### Wage Inequality

As previously noted, low- and middle-income Americans have been working longer hours for less pay. Some experts blame a series of policy failures. These include changing the tax code to give corporations and the top 1 percent of earners greater leverage in the economy, allowing the value of the federal minimum wage to erode, and failing to prevent the decline of union power.<sup>22</sup>

### Manufacturing Jobs

Manufacturing has long been considered an important source of good paying jobs for workers with less than a four-year college degree. For several decades, the sector experienced steady growth, which was particularly pronounced in the 1950s and 1960s.<sup>23</sup> About 15 years into the War on Poverty, these jobs began disappearing as some went overseas and others were made obsolete by technological advances. Within the limited period between 2000 and 2010, nearly 6 million manufacturing jobs were lost, representing about one-third of the sector.<sup>24</sup>

Many of the jobs, and therefore the job losses, have been concentrated in certain metropolitan areas. For example, the city of Charlotte was hit

hard by the downsizing of its textile mills. Once representing nearly one-third of its jobs, manufacturing is now only responsible for just over 10 percent of area employment.<sup>25</sup> In order to protect its economic future, city leaders pivoted to an emphasis on banking and other industries that offer fewer opportunities for low-skilled workers.<sup>26</sup> Other cities have faced similar challenges, choices, and outcomes.

In recent years, manufacturing has experienced somewhat of a resurgence with some employers choosing to bring jobs back to the United States.<sup>27</sup> But this trend is not enough to offset losses. And the sector is not what it once was. Technological advances are converting traditional assembly line jobs into jobs that require greater skills and education.<sup>28</sup>

Manufacturing wages have also been on the decline. Historically, factory worker incomes were higher than average incomes.<sup>29</sup> Now industry worker earnings are 7.7 percent below the national median wage for all occupations.<sup>30</sup> Additionally, manufacturers increasingly rely on temporary agencies, creating a class of employees who are less likely to be unionized and who are typically paid less than direct hires.<sup>31</sup>

### Mass Incarceration

At about the same time the manufacturing sector began bleeding jobs, the nation launched a War on Drugs. The era of mass incarceration began with the Drug Abuse Act of 1986, which was followed by other federal and state laws designed to get tough on crime.<sup>32</sup> The nation's prison population grew from approximately 338,000 in the early 1970s to more than two million people today.<sup>33</sup>

Most eventually leave prison, creating a population of between 12 and 14 million working age ex-offenders in 2008.<sup>34</sup> Several studies show that these individuals are disadvantaged in the job market. Many employers do not want to hire former felons. Job seekers are often excluded in the first stage of the employment process, at the moment they must check the box on a job application indicating they were once convicted of a crime.

Researchers at the Center for Economic and Policy Research estimate that mass incarceration lowered the total male employment rate in 2008 by 1.5 to 1.7 percentage points.<sup>35</sup> On the individual

level, previous incarceration is estimated to reduce employment by 9 weeks each year.<sup>36</sup> Ex-prisoners can also expect to earn 40 percent less each year than other workers.<sup>37</sup>

**Education**

The clear connections between educational attainment and labor force outcomes suggest a need to focus on the nation’s schools. Progress is occurring on some important measures, and one sign of this is that over the last 20 years, there have been increases in the number of 25- to 29-year olds who can say they have obtained high school and post-secondary degrees.<sup>38</sup>

Girls and young women have been noticeably more successful than boys and young men, however. Their degree attainment rates are higher than their male peers at every level of education.<sup>39</sup> In 1995 young men and women were obtaining postsecondary degrees at roughly the same rates.<sup>40</sup> However, by 2015 some 50 percent of women had completed an associate’s degree or higher by the time they were 25–29 years old.<sup>41</sup> Only 41 percent of men could say the same.

Some of these young people do not experience a straightforward path to their educational goals. Many drop out of school and earn high school degrees or GEDs at some point after the traditional four-year period in which they were expected to graduate. This fact leads to a familiar question: Are K–12 schools providing an appropriate education to all children? A growing number of educators and policy makers have been suggesting that schools are failing boys (and especially boys of color) in some important ways. They are able to cite data pointing to such red flags as boys being more likely to be held back a year, suspended from school, and placed in special education programs.<sup>42</sup>

**Race Dynamics**

Negative workforce trends are disproportionately impacting men of color and their families (see table below). The dynamics provide evidence of the persistence of “structural racism.” A structural analysis of racism shifts focus away from singular bigoted individuals, instead looking at the multiple elements of our collective history and culture that work together to put people of color at a disadvantage. Consider the following examples of contributions to structural racism: 1) Workers in their 40s and 50s experiencing workforce barriers due to denials of equal educational opportunities in the 1970s and 1980s; or 2) Current societal stereotypes shaping teacher expectations and therefore the degree to which they challenge learners of color.

The structural racism conversation is a significant one. However, singular bad actors have played outsized roles in perpetrating the system. For example, earlier this year, President Richard Nixon’s domestic policy chief John Ehrlichman revealed that members of that administration quite literally labeled black America an “enemy”.<sup>43</sup> In doing so, they consciously chose to associate black people with drugs and then heavily criminalize them. This was the foundation for the War on Drugs and the system of mass incarceration that is limiting the employment outcomes of many present-day black men. The more typical example of an individual bad actor is an employer who intentionally avoids hiring men of color due to his/her personal prejudices.

Race and various forms of racism are intimately intertwined with current workforce trends. For America, looking into this mirror is a critical first step to understanding and appropriately addressing existing challenges.



**TABLE 1 : RACIAL DISPARITIES IN WORKFORCE TRENDS**

	GENERAL	WHITE MALES	BLACK MALES	LATINO MALES
Labor Force Participation (Age 25-54)	81%	90%	78%	91%
Unemployment (Age 25-54)	4.5%	3.8%	8.4%	4.8%
Median Earnings of Full-Time, Year-Round Workers	\$50,383	\$55,470	\$40,719	\$34,535
Percentage of the Male Prison Population	100%	32%	37%	22%

## Child Support Enforcement and Low-Income Fathers

A perfect storm of critical trends emerged in the late 1970s and 1980s and were solidified by the 1990s and 2000s. Wages decreased and stagnated, the manufacturing sector (a source of good jobs for low-skilled workers) spiraled downward, mass incarceration created a sizable class of men marked for disadvantage in the job market, and the education system was unable to help male students realize the same degree attainment gains being achieved by girls and young women. American men's workforce participation had been remade, dramatically impacting those with limited education and skills. The group now faces significant barriers to realizing stable employment and living wages.

While the workforce was changing, another important development was occurring. During this period, Congress created and expanded the Child Support Enforcement (CSE) system. Originally passed in 1974, the Child Support Enforcement Act went through its last major overhaul in 1996 as part of the sweeping federal welfare reform legislation known as the Personal Responsibility and Work Opportunity Reconciliation Act or (PRWORA). CSE largely works with parents who have never been married to each other. It establishes paternity, creates child support orders detailing the monthly financial support to be provided for the child by the noncustodial parent, collects and distributes payments, and enforces child support orders.

### CSE Legislation in Action

Child support agencies provide a valuable service. Establishing formal agreements is a relatively

peaceful way to resolve disputes about how much financial support noncustodial parents must provide for their children. Agencies also work to ensure that those resources reach children and mothers. For poor families that receive child support, the funds make up 45 percent of their income.<sup>44</sup>

State child support agencies are able to point to clear examples in which they have accomplished the stated goals of the program. These include the following<sup>45</sup>:

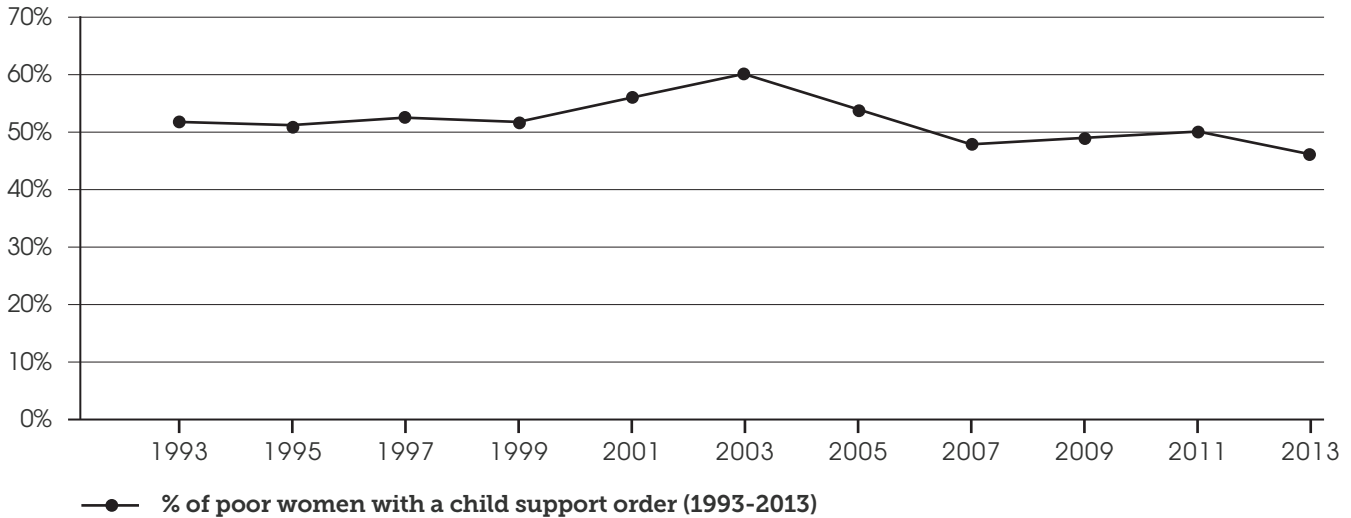
- Establishing paternity for 96 percent of the children in their caseload who were born out of wedlock.
- Establishing child support orders in 85 percent of their cases.
- Establishing and developing effective computer systems that track cases and automatically withhold child support payments from fathers' paychecks. Automatic withholdings are responsible for 75 percent of collections, helping to ensure that the vast majority of CSE families reliably and consistently receive this valuable added income.
- Child support collections lifting an estimated 500,000 children over the poverty line each year, reducing the poverty rate by 6.3 percentage points.

However, everything is far from perfect. The program's ability to meet expectations in so many areas, coupled with its use of stringent penalties for non-compliance, suggests that significant care is being put into the execution of the program. Thus, any failures are likely rooted in the philosophy and structure of the legislation. There is reason to be concerned about the outcomes achieved for the small group of families that face the greatest barriers to economic security and stable employment.

### Poverty Rates

Welfare reform was the federal government's last significant and comprehensive effort to address

**CHART 1 : PERCENT OF POOR WOMEN WITH A CHILD SUPPORT ORDER (1993-2013)**



(Source: U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support (Detailed Tables)*(1993 – 2013))

poverty in America. A major goal was to move women off welfare rolls and into the world of work. An additional goal was to increase child support collections from fathers who were thought to be deadbeats unwilling to take care of their children. A theory was that money from women’s work plus child support would significantly reduce child poverty and reliance on public assistance.

In the early years of reform, which happened to coincide with a burgeoning economy and record low rates of unemployment, poverty did drop. However, as economic recessions occurred and available jobs decreased, poverty increased. In 1996 when welfare reform was passed, the child poverty rate was 20.5 percent.<sup>46</sup> Today it is slightly higher at 21.1 percent and it has remained at elevated levels since at least the beginning of the 2007–2009 Great Recession.<sup>47</sup> It has become apparent that welfare reform (including the provision strengthening the child support program) failed to solve the poverty problem or effectively respond to the income security needs of children or their parents.

### Order Establishment Among Women in Poverty

The Child Support Enforcement system operates on a multi-billion dollar annual budget. Its

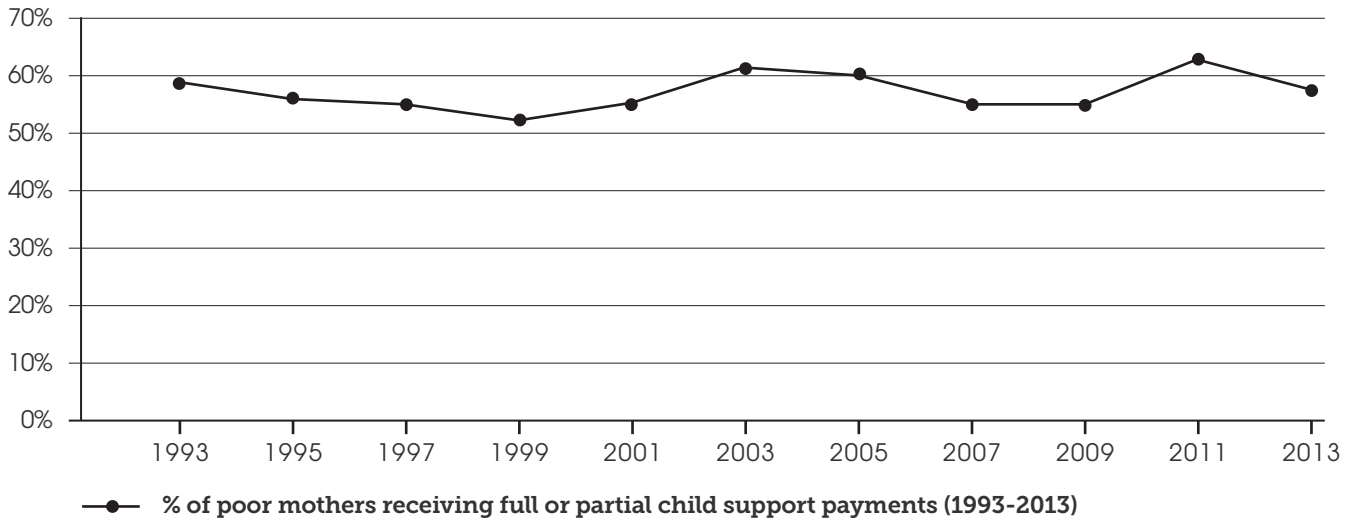
resources should allow it to have a solid influence on women and children living in poverty. However, survey data from the U.S. Census Bureau reflects very little change over time in the percent of poor families with established child support orders. Prior to the 1996 reform, 51 percent of women in poverty had a child support order.<sup>48</sup> Data from the most recent year indicates that fewer poor women have one today (46 percent). (See Chart 1.)<sup>49</sup>

Historically, many poor women entered the program because the Child Support Enforcement Act required their cooperation with CSE in order to receive benefits from the federal welfare program (now known as Temporary Assistance for Needy Families or TANF). However, due to welfare reform, TANF participation has dropped dramatically and therefore the number of poor women compelled to participate in CSE has also dropped.

Women and families can voluntarily participate but most simply don’t see it as a program for poor men and it’s not clear that they’re wrong. According to the U.S. Census Bureau, the most significant reasons women cite for not having a child support order include (1) the “Child’s other parent provides what he/she can” (36.6 percent); and (2) the “Child’s other parent could not afford to pay” (34.8 percent).<sup>50</sup> Presumably, if more men were economically secure, a greater number of



**CHART 2 : POOR MOTHERS RECEIVING FULL OR PARTIAL CHILD SUPPORT PAYMENTS (1993-2013)**



(Source: U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support (Detailed Tables) (1993–2013)*)

mothers would be open to the idea of establishing a child support order.

welfare reform.<sup>51</sup> Ideally, CSE would have appreciably increased the number of women receiving some amount of child support assistance.

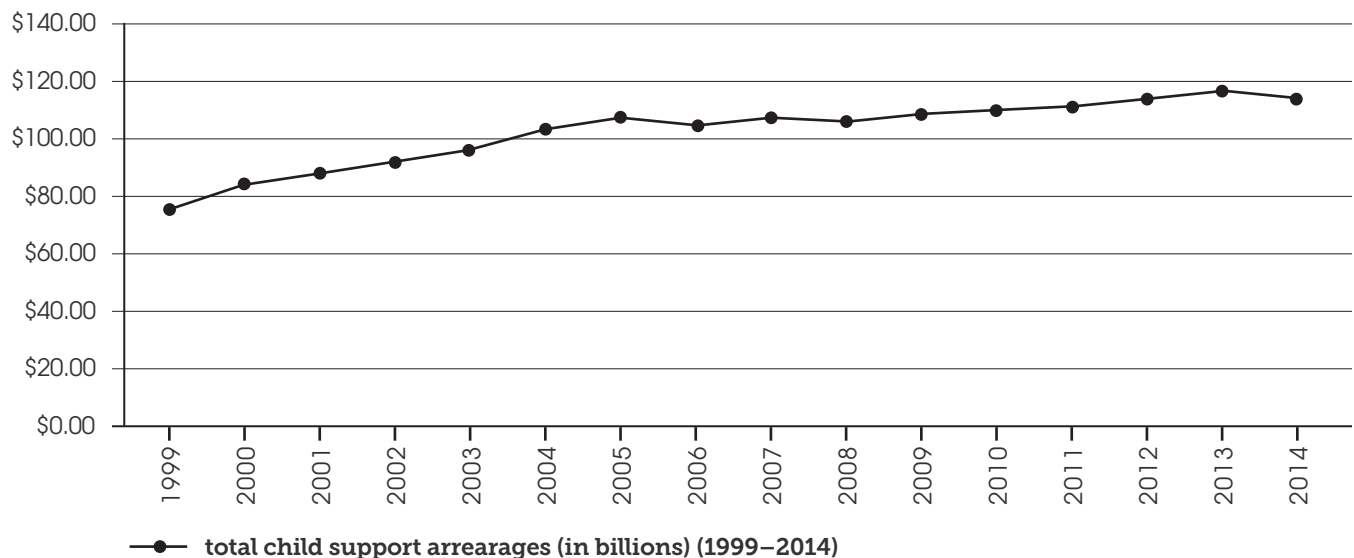
### Poor Women Receiving Child Support Income

U.S. Census data indicates that the number of poor women receiving support payments (full or partial) has remained static (see Chart 2) since the time of

### Non-Payers and Low Payers

CSE consistently records a high level of arrearages, or child support that is owed but hasn't been paid by noncustodial parents. Current arrearages

**CHART 3 : TOTAL CHILD SUPPORT ARREARAGES (IN BILLIONS) (1999-2014)**



(Source: Office of Child Support Enforcement, *Annual Report to Congress (1999–2014)*)

amount to \$114.8 billion and have largely been on the rise since the passage of welfare reform in 1996. (See Chart 3.)<sup>52</sup>

According to one study, a small discrete group (11 percent of noncustodial parents) is responsible for more than half the debt (54 percent).<sup>53</sup> Understanding who is a part of this high debtor group is crucial to understanding the child support enforcement system and why it is failing to meet its collection goals. As it turns out, the vast majority of high debtors (nearly 75 percent) had incomes of \$10,000 a year or less.<sup>54</sup> High debtors also include men who are incarcerated and those who are disabled and collecting government benefits due to limitations on their ability to work. Although researchers were aware that a subset of fathers faced serious barriers to paying child support obligations in the lead up to welfare reform,<sup>55</sup> their warnings were not reflected in the final legislation.

Economic hardships in the remade economy thus clearly help to explain the arrearages problem. This research also supports a common assertion amongst advocates and service providers that CSE is responsible for modern-day debtors' prisons and other penalties for being poor. This is far different from the belief that the agency is solely chasing down fathers who are willfully neglecting the financial needs of children.

## Paying the Price

Although CSE has failed to meaningfully increase the percentage of poor mothers receiving support, it has managed to improve their financial bottom line. More women and children living in poverty (30 percent) are receiving the full amount of child support owed to them.<sup>56</sup> And the average amount received by these families has increased somewhat, from \$3,189 (in 2013 dollars) to \$4,125.<sup>57</sup>

But what was the price for this progress? In recent years, the Center for Family Policy and Practice has conducted a series of focus groups with families affected by child support policies. Largely, they found men plagued by an inability to find stable and well-paying jobs. Facing varying types of child support penalties, including potential incarceration and loss of driver's licenses, they

were experiencing stress that affected their physical and mental health.<sup>58</sup> Many perceived the courts and other decision makers as being indifferent to their financial circumstances, disregarding evidence of long-term unemployment and their lack of job prospects.<sup>59</sup>

Even worse, CSE policies were making it harder for them to find and maintain work. One Mississippi father had this to say: "My driver's license is suspended, so that's going to be a problem, because this job I applied for requires a valid driver's license."<sup>60</sup>

Orders set higher than men can afford to pay also affect networks of families and friends. Ironically, this often includes low-income women and children. Mothers, sisters, and girlfriends pull from their meager resources in order to ensure that a loved one stays out of jail.<sup>61</sup> And some courts go as far as to ask low-income and impoverished dads to tap such networks for support.<sup>62</sup>

One father vividly remembered making phone calls from courthouse, asking friends and families for help so that he could stay out of jail and keep his job: ". . . my aunt had gotten her Social Security check the day before. So with \$50 from her, and a small amount from my cousin, I patched it together—and I was able to stay out of jail."<sup>63</sup> Another father had this to say: "My family gathered and scraped \$1,300 and got me out. . . . The whole family . . . From my sisters, my brother, and my cousin, my nieces, my friends, sacrificing probably their bills to get me out."<sup>64</sup>

## Missing from CSE Legislation

In shaping CSE, Congress simply did not account for the remade workforce and fathers facing significant employment barriers. It appeared to operate under an assumption that all men could easily get a stable job and that they would be paid enough to support their children.

The image of the “deadbeat dad” was influential. He emerged in the 1970s to stereotype all non-payers and low-payers as men avoiding their responsibilities.<sup>65</sup> At the time, frequently cited research indicated that a man’s standard of living dramatically improved after a separation while that of his female former partner plummeted.<sup>66</sup> The original study was later discredited. Adding to the mythology was a popular story about a man who drove around in a Mercedes-Benz while his children starved.<sup>67</sup>

Those familiar with the legislative history of welfare and the transition from the Aid to Families with Dependent Children (AFDC) program to the Temporary Assistance for Needy Family program (TANF) can easily recognize similarities between the deadbeat dad and the “welfare queen.” The latter came to define women in need of income supports. Both archetypes painted poor parents as cheats and unsavory characters. They also masked real issues tied to poverty and a class of women and men facing genuine barriers to economic security, stable employment, and living wages.

Reducing the amount federal and state governments were spending on benefits for single mothers became a primary aim of 1996 welfare reform legislation. Mothers were to receive employment help, tax breaks, and work supports. Fathers were to increase their child support payments,

bettering the financial circumstances of women and children.

Primary intentions aside, proper consideration of the remade workforce and male workers with significant employment barriers was sorely missing from the Child Support Enforcement Act. The evidence can be found throughout the legislation. The following are some significant examples:

### 1 / Reporting and Evaluating Success

Government programs typically have reporting requirements that allow outsiders to evaluate their success and progress. Each year, state child support enforcement agencies must submit updates to the U.S. Department of Health and Human Services (42 U.S.C. 669). The federal agency must then use that information to develop an annual report that is forwarded to Congress (42 U.S.C. 652(a)(10)). In establishing evaluation criteria, Congress was mainly interested in the total amount of payments collected, the cost of providing the services, and the degree to which families were exiting the welfare program.

Noticeably absent is an assessment of state and regional labor force conditions. Without it, states with higher rates of unemployment and/or larger concentrations of difficult-to-employ fathers are judged on the same playing field as those facing lesser challenges. They simply aren’t on the same playing field—according to the Office of Child Support Enforcement, a 10 percent reduction in employment among prime-age men is associated with a 2.22 percent decline in child support collections.<sup>68</sup>

This structure encourages states to get as much money as possible from their caseload, including the citizens who are poor and truly don’t have the ability to pay. The legislation’s focus on cost-effectiveness encourages agencies to achieve this goal in the cheapest ways possible—even if greater investments would translate into better outcomes for noncustodial parents and children.

An example of a cheap approach is to harass a father for money until he raises it through illegal activity, borrowing funds from other poor family members, and/or going without basic needs such as food or shelter. A better but more expensive approach would be to provide the noncustodial parent with a temporary employment subsidy and access to appropriate social services.

## **2 / Negative Consequences**

The Child Support Enforcement Act emboldens states to penalize fathers who do not meet their child support obligations. They can be jailed on criminal charges or for civil contempt. Other possibilities include a suspension of a driver's or professional license, garnishment of up to 65 percent of one's wages, property liens, passport revocations, or negative entries on a credit report. Ironically, many of these penalties impair a father's ability to obtain or maintain employment and pay child support obligations.

States are not required to track or report the extent to which they apply penalties. Outside researchers have found that CSEs make it difficult, and often impossible, to accurately determine the exact number of people jailed for non-payment of support. Further, the legislation does not provide means to evaluate how states are performing in this area. Effective practices are not a part of the incentive system that rewards states for doing a good job.

Alarming, men of color are disproportionately affected by the remade workforce and are overrepresented amongst those behind on their payments. Thus, black and brown men very well may be the primary targets of penalties that can be as severe as a loss of liberty. This raises certain legal questions. The lack of reporting prevents the federal government and others from identifying potential problems under Title VI of the Civil Rights Act of 1964 and other civil rights statutes and Constitutional provisions.

Beyond reporting, current child support act law does not appropriately distinguish between fathers who willfully refuse to pay and those who can't afford to do so. As a result, it is

unclear how states approach this critical task or work to minimize errors.

## **3 / Modifications**

Many low-wage workers have unstable employment. However, the Child Support Enforcement Act does not accommodate their need for frequent modifications. The legislation anticipates reviews and adjustments of child support obligations will occur in 3-year cycles (42 U.S.C. 666(a)(10)). Historically, however, modifications have been rare. A mid-2000 study demonstrated that only 2 to 3 percent of existing orders were modified over the course of a year.<sup>69</sup> Many of those (roughly half) were modified upward.

Although states are required to implement expedited modification procedures (42 U.S.C. 666(a)(2)), they also define the circumstances that warrant such changes. Some set a high bar. For example, they may require steep changes in income even though minor changes to a low-income father's earnings can dramatically affect his ability to provide for his own basic needs as well as those of his children. Some may require unforeseeable circumstances but exclude the loss of a job as a qualifying event.

Inevitably, some orders are established incorrectly. Judges and administrative agency officials can impute income when establishing orders, meaning that they can estimate how much a father should be able to pay. This happens when fathers fail to appear for child support hearings or at a judge or official's discretion if he/she believes a father should be able to pay more support than what is apparent from available income information.

If it is later determined that payments were set too high, the "Bradley Amendment" to the Child Support Enforcement Act prevents retroactive modifications. Thus a noncustodial parent could be held permanently responsible for debt that was always beyond his means to pay. This is especially unjust in circumstances in which collected funds will be retained by the state rather than distributed to low-income women and children.

Finally, given the legislation's unqualified goal of increasing child support payments,

there is a disincentive for states to modify or right-size payments downward.

#### **4/ Enhanced Child Support**

After the 1996 reauthorization, child support agencies throughout the country recognized that the lowest income fathers required additional forms of assistance to improve their ability to pay child support as ordered.

Over the last 12 years, nearly half the discretionary grants awarded by the Office of Child Support Enforcement were designed to respond to the economic security needs of these parents.<sup>70</sup> At least 28 states and the District of Columbia have program components focused on the employment of noncustodial parents.<sup>71</sup> Agencies have also provided or facilitated access to financial education, debt management, and tax preparation.

Despite such recognized needs, the Child Support Enforcement Act does not require states to report on their enhanced child support activities. They are not evaluated on the quality of their efforts to assess and address the needs of the lowest income families. And, perhaps most importantly, the states do not have a dedicated pot of resources to address these mission-critical needs.

#### **5 / Resident Fathers**

There are 28.9 million men in this country who are resident fathers (or living with children under 18 years of age).<sup>72</sup> Their family situations vary. Some are married fathers or step-fathers. Others are unmarried and living with the mothers of their children. Still others are unmarried and helping to raise the children who live with them. No matter their family type, many of these men financially contribute to household expenses and the costs of raising the children living in their homes. Current child support legislation does not properly account for the existence of resident fathers and the needs of their resident children.

Existing legislation is largely silent on the issue and does not require or encourage states to consider the needs of resident children in state-created guidelines for establishing child support orders. Such children are only

considered in a provision that sets parameters for garnishing paychecks for outstanding debt. However, the practice of garnishing the paychecks of resident fathers seems questionable when it comes to funds being used to reimburse states for expenditures on public benefits. Stable governments should not be taking resources away from low-income families that struggle to feed and clothe their children.

#### **6 / Incentive Structure**

CSE's incentive system awards additional program funds to high performing states. Incentive funds are based on five factors: the percentage of children for whom paternity is established, the percentage of children for whom child support is established, the amount of collected current child support, collections of past due child support, and cost-effectiveness.

As noted above, the incentive structure does not account for workforce conditions in states and regions. Those unusually or disproportionately affected by recession, the collapse of an industry, or other economic crisis are at a disadvantage. Either they must accept the loss of incentive funds or try harder to squeeze money out of people who don't have it.

The formula also fails to account for how well states are serving the lowest income families. For example, it doesn't account for such factors as the degree to which states provide enhancements and the quality of those enhancements, the ability to accurately sort deadbroke dads from deadbeat dads, the effective handling of modifications for parents with high job turnover, or the ability to consistently ensure that orders are right sized to fluctuating actual wages.

Ultimately, the incentive structure emphasizes activities that Congress considered to be important to the program. It's time to reset the priorities.

## Support Services for Low-Income Fathers

**D**ads left behind in the remade economy would greatly benefit from reforms to CSE that account for their existence, preventing them from being punished for being poor. But that's not enough. Fathers stand to benefit from support services that improve the economic security and overall well-being of their families.

Responsible fatherhood programs are the most significant players in this space. Hundreds of these largely community-based programs operate in locations across the country.<sup>73</sup> Congress began funding them in 2005 and they are dedicated to the following areas: (1) employment and economic security, (2) parenting/fatherhood, and (3) healthy relationships and co-parenting.<sup>74</sup> It is not unusual for these providers to offer some form of case management. Through one-on-one meetings, staff gain a full understanding of a father's needs and continue to follow up on his progress. Importantly, fatherhood program staff can facilitate connections to outside service providers that help with such additional needs as housing, legal services, mental health, and/or substance abuse treatment.

The recent Parents and Children Together (PACT) evaluation of Responsible Fatherhood Programs found that men voluntarily participated in services to become better fathers and find steady employment.<sup>75</sup> They spoke about learning parenting skills (for example communication and discipline strategies) while also benefiting from job readiness opportunities. The fathers appreciated program staff who often had similar ethnic backgrounds and had overcome similar challenges.

As the programs continue to grow, they are being enriched by evaluations like PACT. An

additional effort, the Fatherhood and Marriage Local Evaluation (FaMLE), is helping programs to develop sophisticated systems for capturing performance data. This will improve their knowledge of what works and help in identifying and replicating best practices.<sup>76</sup>

It is within this context of growing and evolving fatherhood programs that members of the child support community began discussing expansions of their ability to provide fathers and families with supportive services. There are two areas of CSE effort that are worthy of special attention: employment services and parenting time arrangements.

### Employment Services

State Child Support Enforcement agencies have had varying levels of involvement in employment services aimed at the fathers in their caseloads. At times, they have also worked in conjunction with the hundreds of responsible fatherhood programs in locations across the country.

Responsible fatherhood programs are largely serving the men left behind in the remade economy and can offer some sense of the employment and economic barriers men face. In particular, the men served by the responsible fatherhood programs in the PACT study had the following characteristics<sup>77</sup>:

- For most, their highest level of education was a high school diploma or GED. About 1 in 5 had less than a high school education.
- Forty-eight percent had not worked for pay in the previous month and 38 percent had not worked in the previous 6 months.
- Almost all had been involved in the criminal justice system.
- Seventy-eight percent were non-resident fathers while 12 percent were living with some but not all of their children.

### Varying Approaches, Varying Results

Employment services for the lowest income

fathers take various forms. Many are offered by some combination of the Department of Labor's Workforce Innovation and Opportunity Act (WIOA) and the Department of Health and Human Services' fatherhood programs. CSE has not been extensively involved in the actual provision of employment services.

Common employment service offerings include assistance with job searches, placements, readiness, retention, and subsidized work. Some programs have been successful at improving employment rates, stability, and/or income. Others have failed to meaningfully improve outcomes for men and their children.

Programs must meet the significant challenge of accurately assessing the needs of the men they serve. This is no easy task since they are far from a uniform group and often require varying types and levels of assistance. Service providers must understand local employment conditions and available community resources. They must prepare men for jobs that are actually available and careers in growth sectors. It's also important for them to develop relationships with potential employers who will accept placements. It's likely that some programs are checking off all the important boxes, others are checking some boxes, and the remainder are greatly lacking know-how.

Evaluations of these services point to the need for sufficient investment in fathers experiencing the greatest barriers. Staffing is an important issue. Successful programs have been able to hire well-qualified staff with backgrounds in providing these services.<sup>78</sup> They have also had sufficient resources and staff to provide one-on-one assistance to those who need it.<sup>79</sup>

After extensive examinations of work programs for difficult-to-employ Americans, the research indicates that the cheapest interventions are often not the best. Short-term programs can increase employment but not job quality, retention, or skills.<sup>80</sup> Those with the greatest barriers likely need interventions that last more than a couple of weeks. This allows them to realize long-term effects on their ability to financially provide for their children.

Adding to the body of work in this space, MDRC recently evaluated the Obama Administration's

Enhanced Transitional Jobs Demonstration (ETJD). It is a Department of Labor effort that specifically targets noncustodial and formerly incarcerated parents. MDRC found that short-term employment subsidies improved men's work and economic outcomes for as long as they lasted, but did not improve long-term outcomes.<sup>81</sup> They concluded that, for the most difficult-to-employ men, longer-term subsidies might be the only answer. Such subsidies can help men realize periods of economic stability while ensuring they gain sufficient amounts of experience to improve their future job prospects.<sup>82</sup>

At bottom, the success of future employment programs will require (1) sufficient learning environments and technical assistance to allow providers to check all the boxes in providing quality services that are relevant to their communities and diverse clientele, and (2) sufficient financial resources to provide quality long-term interventions for those with the greatest barriers to employment.

### **Forced Work**

One of the major roles of CSE agencies has been to force men to participate in employment programs, typically through court orders accompanied by threats of jail.

Multiple factors may be shaping these policy approaches. Some adherents may be frustrated by participation rates in employment programs. Others may desire cheap and uncomplicated ways of dealing with the problem of dads being unable to pay child support. A final possibility is the persistence of long held stereotypes about low-income people and men of color, including beliefs that they are so lazy or uninterested in work that they must be forced to do it.

Whatever the reasons for the emergence of forced participation in employment programs, the topic is now firmly a part of the child support and fatherhood world and must be addressed.

One of the most often cited examples of a forced work program is Texas' NCP Choices. During an extensive evaluation, fathers entered the program when they had past due child support debt. After being required to go to court, they were presented with three options: (1) pay (which is a non-option for those who are poor and have

no family or friends who can loan them money); (2) play (participate in an employment program); or (3) go to jail.<sup>83</sup>

The program boasted a 21 percent increase in employment among participants in the first year after program entry.<sup>84</sup> According to evaluators, this proves that forced work programs are effective. However, the dynamics are more complicated than that bottom line suggests. The program is a microcosm of what's occurring in employment programs throughout the country. During the evaluation, NCP Choices operated at multiple sites. Each had its own approaches, leadership teams, and regional employment conditions and opportunities. One of the sites was particularly successful. The others were not, generating employment increases of only 3 to 15 percent.<sup>85</sup>

It's unlikely that the participants viewed the poorer performing sites as meeting their employment and family needs. A 3 to 15 percent increase in employment is evident to a bean counter but not to the person sitting in the room everyday because he needs help. Importantly, NCP Choices fathers also had consistently lower wages than those who just found work on their own.<sup>86</sup> Low-income people in NCP Choices and other work programs throughout the country likely develop the rational view that it is a waste of time to participate in job programs that don't actually help participants get jobs and/or that leave them financially worse off than what they could achieve on their own.

Forced participation in unsuccessful jobs programs is basically an adult version of detention. It is a punishment for being poor rather than a form of aid reasonably calculated to improve the economic circumstances of fathers and their children. Improving the quality of voluntary programs so that they reliably help fathers get jobs, and good paying jobs, would likely draw more fathers into programs. This is a better use of resources than simply increasing participation in less expensive job program models that don't work or have little effect.

In addition to employment outcomes, there is another significant factor to consider—forced work's impact on child support payments. NCP Choices did improve the dollar amount and

consistency of child support payments over time.<sup>87</sup> Other programs with similar failed or modest impacts on employment also produced positive child support results.<sup>88</sup>

This raises some important questions. Are the employment interventions ultimately responsible for the child support outcomes? NCP Choices dads (and those in other programs) have a close relationship with the courts and CSE programs when placed in employment programs and while having their participation monitored. Perhaps the more frequent contact between fathers and the system explain the more and greater child support payments. But are there other ways to facilitate that contact?

And are the child support outcomes driven by an increased ability to pay? This is unlikely since NCP Choices dads earn less money than men who find jobs on their own. It is possible that the results are achieved through creating greater hardships for fathers and families. As describe above, fathers could be going without basic needs or borrowing money from other low-income family members who sacrifice their own basic needs to help.

There is reason to believe CSE agencies should not be involved in employment services. NCP Choices evaluators noted that low-wage men greatly distrust and avoid CSE workers.<sup>89</sup> Such views may be partly rooted in the reality that the state chooses not to pass through all the dollars it collects for families to the families themselves. Other researchers studying the population have flagged this as an issue of negative attitudes towards CSE.<sup>90</sup> It is counterintuitive to suggest that the answer to the problem is forced participation in employment services. This is instead likely to increase distrust and avoidance, frustrating both CSE and employment goals.

Some members of the policy community recommend expanding the requirements and reach of forced work efforts.<sup>91</sup> This idea is unsupported by existing studies and evaluations. Not only should the nation avoid expansions of forced work programs, it should end the practice.

## Parenting Time

Noncustodial parents have service needs that



extend beyond employment assistance. Many low-income families do not have parenting time arrangements (also known as visitation) in place. The nation's family courts were primarily designed to serve divorcing families, but a disproportionate number of low-income parents were never married to each other.<sup>92</sup> Additionally, child support enforcement agencies haven't historically provided these services to the broad base of their caseload.<sup>93</sup> The impact of the void is clear. Only 39 percent of custodial mothers living in poverty report that their children have legal visitation or joint custody orders in place.<sup>94</sup>

### **Current Efforts**

As a part of the 1996 welfare reform legislation, Congress attached a \$10 million annual Access and Visitation grant to the child support program to address these needs. Providers receiving the grants have been offering services that include parent education (information about the importance of noncustodial parents and effective co-parenting), mediation, supervised visitation, and neutral drop-off and pick-up.

The funds reach only a small percentage of families. However, a 2006 evaluation demonstrated dramatic positive results, such as<sup>95</sup>:

- the majority of participants, both mothers and fathers, indicated some level of satisfaction with each type of service provided.
- most parents reported that the time spent with their children either increased or stayed the same.
- more parenting relationships were described as cooperative (even if strained).
- forty-six percent of noncustodial parents increased their child supports payments after the intervention.

In the years since the full evaluation, the Access and Visitation program leveraged its resources, continuously growing the number of served parents from 69,000 in FY 2003 to 104,647 in FY 2013.<sup>96</sup> During the last year in which data were made available, 62 percent of noncustodial parents reported increased parenting time after participating in the services.<sup>97</sup>

CSE was interested enough in these results to launch a Parenting Time Opportunities for

Children demonstration grant program in 2012. Participating locations are exploring different methods of increasing the number of families with parenting time arrangements.<sup>98</sup> They are currently going through rigorous evaluations that will continue to inform work in this area. Recently, Congress passed legislation declaring parenting time to be an important goal and stating that CSE agencies should be using existing resources for that purpose.<sup>99</sup>

Despite this progress, there is much more work to do. It's time for the nation to take a substantial leap forward. It's time to modernize the execution of traditional family court goals.

### **Future Efforts**

For states and communities, expanding and modernizing access to parenting time will be a massive undertaking. It requires serving a large and growing number of families. Currently, 9.3 million children live with one parent who was never married (in 1960 that number was 243,000).<sup>100</sup> There have been no previous large-scale efforts to address parenting time. Fathers would be participants but their participation would be challenging given their history of being ignored by government systems. These factors suggest that providers must learn how to deliver the best possible services. And families must be made aware of the existence and value of the services.

This work will take time. States will have to create their own way forward, considering such factors as the following:

#### **1 / Service Offerings**

Each state will have to determine the needs of its citizens and develop service offerings accordingly. The nation's courts and CSE's existing Access and Visitation offerings suggest such possibilities as mediation and other forms of alternative dispute resolution, supervised visitation, neutral drop-off and pick-up, and courthouse self-help resources.

Federal legislation should also encourage innovation. For example, states could experiment with ways to merge dispute resolution aimed at developing parenting time arrangements with aspects of relationship education

and fatherhood programming, developing comprehensive service centers that offer structured programming and drop-in services. Since many fathers don't have a stable home to bring children to for overnight visits, another innovation option would be to create physical spaces for parenting time.

## **2 / Service Providers**

States and communities may want to pursue a wide variety of service delivery options. They could overhaul CSE staffing, hiring individuals with different skill sets or thoroughly retraining a portion of their existing staff. Subcontracting work to trained mediators is another option. Some may decide its best to grow existing courthouse programs.

States and communities may want to invest time in developing a culturally-competent workforce inclusive of professionals of color and individuals from low-income backgrounds.

## **3 / Catering to Communities**

Existing service models may need to be adjusted to meet the needs of low-income and/or never married parents. For example, time-intensive mediation models may require abbreviation to cater to parents who work long and unusual hours, lack reliable childcare, and/or must spend greater amounts of time on transportation. Non-traditional settings may be preferable to courthouses or child support agency offices. These may include community centers, nonprofit organizations, or rotating satellite sites.

## **4 / Resource Leveraging**

The federal government shouldn't be expected to pick-up the entire tab for service expansions. States will have to develop ways to leverage public and private resources to meet program goals.

## **5 / Outreach and Engagement**

States and localities will have to develop methods of informing parents of the availability of parenting time services. They must also work to build a positive reputation within communities. One way states may choose to accomplish this goal is by continuously gathering feedback from communities and then using that information to shape and reshape services. Such processes will attract participation.

## **6 / Measuring Effectiveness**

Quality government programs set outcome goals. And they develop methods for measuring their progress towards achieving those goals.

## Recommendations

The American workforce has been remade over the last 50 years. Among those negatively affected are fathers with limited education and skills. It is more difficult for them to find work and to earn living wages. Although the child support system works well for most families, it adds to the woes of the most economically vulnerable noncustodial parents. It punishes far too many for being poor rather than working with them to help solve poverty.

It's time for meaningful child support reform that recognizes the existence of the remade workforce and works in the best interests of the lowest income fathers and their children.

### Stopping Out

Noncustodial parents experiencing serious employment barriers do not belong in the child support system. Its job is to collect a portion of a noncustodial parent's income and transfer it to his or child. Those with little to no income have nothing to transfer. Therefore, they should be able to stop out of the system until they are able to get back on their feet.

The stop-out option should be available to long-term unemployed and institutionalized fathers willing (and not forced) to participate in fatherhood and other programs not affiliated with CSE agencies that offer employment assistance and the range of other support services discussed above. Fathers are less likely to avoid non-CSE service providers. Many providers have already developed a broad range of expertise, and fatherhood programs in particular are developing more advanced systems for monitoring progress and promoting best practices.

Verified participation should excuse men from child support participation for a period of up to one year. This means that new debt shouldn't accrue, attempts to collect arrearages should cease, and no penalties should be imposed. Further, there should be an option to extend this period on the advice of a case manager, counselor, or other expert regularly working with the father.

To ensure that mothers and children are not disadvantaged in the process, child support should be guaranteed for participating families. This means that CSE should be allotted a pot of funds to pay on existing orders while fathers are participating in services designed to help them be more economically secure. For families affected by incarceration or other forms of institutionalization, six months of guaranteed child support would be useful in managing the transition of living without a father's real or potential support.

Dads who find work before the end of the stop-out period should be able to retain their earnings, being temporarily relieved from paying child support obligations. Such a system incentivizes and rewards work, helping to replace forced work regimes. It also provides a period of time to ensure that participants are able to achieve some level of work stability before women and children begin to depend on their income.

### Reporting

States should have new reporting requirements that inform the annual reports to Congress by the federal Office of Child Support Enforcement (OCSE). The new items should include the following:

- **Workforce Information.** State and regional data on unemployment rates and wages is needed for a proper evaluation of state efforts to collect child support. Data tied to workers with a high school education or less should be disaggregated alongside that of the general population.

- **Penalties.** Data on the use of penalties will provide the federal government and the general public with basic information about how the system affects noncustodial parents. It would also allow for evaluations of whether states are using the best possible tools in trying to reach their child support goals. The number of people affected and demographic information on them along with the types of penalties imposed should be made available.
- **Enhancements.** States should provide a listing of the types of child support enhancements provided to the lowest income noncustodial parents and families. This should be accompanied by any evaluations of the effectiveness of those enhancements.
- **Stopped Out Dads.** Congress and the public must have a basic understanding of the implementation of the new stop-out element of CSE. States should be able to provide data (broken out by race) on the number of non-custodial parents who are stopped out of the program and for how long.

Fathers stopped out of the program should not be included in general reporting. For instance, they shouldn't be considered a part of the caseload when evaluating the success rates of state collections activity. Programs shouldn't be held responsible for fathers who can't afford to make payments.

## Incentive Structure

The child support incentive structure need not punish states simply because they have challenging workforce conditions. To the greatest extent possible, it should reward states for their effectiveness in collecting support from noncustodial parents who have the ability to pay. And those who are too poor to pay should be offered a hand up into family-sustaining employment.

Thus the new incentive structure should incorporate considerations of the following:

- state and regional workforce data including unemployment rates and wages for general workers and those with a high school education or less;
- per capita use of penalties; and

- regularly collected sample data on the percentage of active child support participants experiencing bouts of long-term unemployment.

## Modifications

The lowest income noncustodial fathers must be able to quickly and efficiently modify orders when their economic circumstances change. The Bradley Amendment should be eliminated, allowing for retroactive modifications of orders that were incorrectly established due to assumptions that a father's income was greater than the reality. And state plans approved by the federal OCSE should include information about new and improved modification systems that accommodate workers with high job-turnover rates and fluctuating incomes.

## Employment Services

Rooting just below the surface of one of the nation's most thoroughly evaluated forced work programs reveals that the model is tied to deep challenges and troubling questions. Not only should expansions be avoided but CSE agencies should stop the practice. This will help CSE agencies rebuild their reputation among fathers whose cooperation is critical to the effective functioning of the program.

Fathers would benefit from employment services carefully crafted by other agencies that have greater experience in that work. This includes DOL and fatherhood programs that are able to target non-custodial parents. But achieving the best results for the most difficult-to-serve parents may not come cheap, possibly requiring investments in long-term job subsidies or other resource-intensive options.

## Parenting Time

The nation's family courts have been unable to keep up with changes in the American family. In large part, they are not providing dispute-resolution services to parents who were never married to one another and/or who are low income.

Parenting time questions are being left unanswered and formal arrangements are not being made. Children are potentially exposed to unnecessary conflict. In cases of extreme conflict, disconnections from fathers and other caretakers occur. And, significantly, disconnected fathers are less likely to pay child support.

For these reasons, the nation must expand access to high-quality parenting time services. This would complement CSE's current work focused on financial support.

Effectively meeting this need will require new investments from Congress. Specifically, lawmakers should enable HHS to provide grants for state-level Families First Commissions. Those commissions should be tasked with the ongoing responsibility for the following:

1. developing plans and processes that ensure broad-based access to services that shape and implement parenting time arrangements; and
2. developing plans and processes that ensure broad-based access to high quality family-dispute resolution services.

These services should reach parents experiencing conflict or in need of co-parenting supports. However, in recognizing the existence of modern families, they may also be made available to any adults who are sharing the responsibility of raising children. This could include a grandparent working with their child to raise a grandchild or cohabiting couples with children.

Families First Commissions must include the following representatives: CSE, state family court judges, free legal services organizations, domestic violence experts, and community-based service providers such as fatherhood and relationship education programs.

Commissions may decide it's best to include other types of experts such as Access to Justice Commission members, K-12 educators, child welfare agency officials, ADR experts, academics, youth services providers, or experts on criminal justice reentry.

Families First Commission States should submit plans to HHS in order to be awarded funding. Those plans could include information about service offerings, providers, ways services will be shaped to meet the needs of unmarried and low-income parents, anticipated resource leveraging, outreach and engagement, and methods of evaluating success.

## Resident Fathers

Child support obligations should not impair a parent's ability to provide for resident children. State child support guidelines should spell out how they will consider and account for the needs of resident children. At a minimum, low-income parents caring for children in their homes shouldn't have their paychecks garnished to repay funds to state governments.

## V.

# Conclusions

The child support enforcement system provides a valuable service to families throughout the nation. However, legislative reform is necessary to ensure it provides the most appropriate services to those families most affected by the remade economy. This will require changing existing

program rules that fail to account for the population of men with diminished job opportunities and lower wages due to limited education and skills. There must also be new approaches to parenting time services, ensuring that they are available and effectively delivered to families with limited financial resources.

## Endnotes

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- <sup>99</sup> Administration for Children and Families, *Access and Visitation Grant Program: FY 2013 Update* (2014).
- <sup>100</sup> Administration for Children and Families, *Access and Visitation Grant Program: FY 2013 Update* (2014).



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