

Non-Custodial Fathers Support Services

Negative Affect on Children and the Father-Child Relationships of Rigorous Child Support Enforcement

Issue

In response to the increase in divorce and non-marital childbearing, and the resulting impact on public expenditures, poverty, and child welfare, policy makers passed a series of laws aimed at forcing non-resident fathers to provide more economic support for their children. In the mid 1970's, the federal government established the Office of Child Support Enforcement and directed states to do the same. Twice in the 1980's, major federal legislation was passed requiring states to strengthen paternity establishment, to create legislative guidelines for setting child support orders, and to withhold obligations from fathers wages. This process continued into the 1900's, with child support enforcement being a major component of the new welfare legislation. Coupled with the decline in the value of welfare benefits which occurred over the same period, the child support legislation may be seen as an attempt to privatize the cost of children and to shift some of the burden from the state and from mothers onto the shoulders of fathers.

In 1996 the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) strengthened child support enforcement laws and increased penalties for nonpayment of child support. As a consequence, fathers who fail to pay will have

Are Policy Developments Compatible with Father's Capabilities?

Child support policy in the last 25 years has been characterized by increasing stringency and uneven application. Routine withholding of child support obligations, state-wide registries of obligations, reporting of new hires, new interstate enforcement mechanisms, seizure of assets, forfeiture of drivers licenses and professional licenses have made it more difficult and costly for fathers to avoid paying child support. Because a large part of the impetus for stronger enforcement has been to reduce welfare expenditures, however, enforcement has focused disproportionately on the fathers of children on welfare who are likely to be poor themselves. Because these men lack legal representation and political clout, their child support obligations are much higher, relative to their income, than the obligations of middle income fathers. Finally, new paternity establishment practices, such as in-hospital paternity establishment, are bringing increasing numbers of low-income fathers into the formal child support system. In view of what we know about fathers capabilities and circumstances, do these policy developments make sense? The answer is both yes and no. Stronger child support enforcement as a general policy makes sense. Harsher treatment of low-income fathers, however, is perverse and could be dangerous. Non-resident fathers pay about \$15 billion in child support .

According to the values embodied in current state child support guidelines, they should be paying \$45 to \$50 billion. A large minority of fathers who pay no child support -- between 30% and 40% according

it withheld from their pay checks, their income tax refunds, property seized, bank accounts frozen, their licenses revoked, and/or jail time with the associated fines and fees. (This, researchers and all experts agree; "is not in the best interest of the child.") Visitation between noncustodial fathers and their children often depend on the quality of the parental relationship. Children who live apart from their fathers are at greater risk of living in poverty, having low academic achievement, poorer quality of health, and exhibiting behavioral problems. Recent studies have shown that more frequent contact with noncustodial fathers is linked to children's greater emotional wellbeing and academic success (Amato and Gilbreth 1999; Perloff and Buckner 1996; Coley 1998). The growing concern is that stronger enforcement will have the unintended effect of reducing fathers work effort or forcing them into the underground economy of crime, drugs, unemployment, hiding from authorities and away from his children. In response, many women react by restricting or denying access to the child, criticizing the fathers roll and his intentions. Our goal is to engage fathers before, during and after incarceration, in community, business and faith-based settings, providing limited case management, referrals, legal-aid, and other services as well as advocate for policy change at the state and local levels.

to Garfinkel, McLanahan, and Hanson -- have very low-incomes. Without help, they will not be able to contribute very much money. At the same time, an equally large minority of non-paying fathers can afford to pay substantial amounts of child support. Furthermore, according to state guidelines, most fathers who are currently paying child support should be required to pay more. Besides being unfair, the harsh treatment of low-income fathers is likely to be ineffective. The cost of collecting child support from these men is likely to be as great as (or greater than) the total amount of dollars collected. Twenty percent of all non-resident fathers are estimated to earn less than \$6000 (Meyer). To insist that these men pay as much child support as a man with a full-time, full year minimum wage job is unduly onerous. Even worse, expecting these men to reimburse past AFDC payments to their children over and above their child support obligations established by state guidelines, is a recipe for failure. These men simply cannot pay these debts, and no child support agency can make them do so. The inevitable result, as depicted by Johnson and Doolittle is the accumulation of child support arrearages, periodic jailing, and the build up of hostility and resentment toward mothers and children as well as government authority. As we discuss below, there may be good reasons for insisting that even very poor fathers pay some child support. But enforcement of unrealistic and onerous obligations among these men is not likely to save money and could do a lot more harm than good.

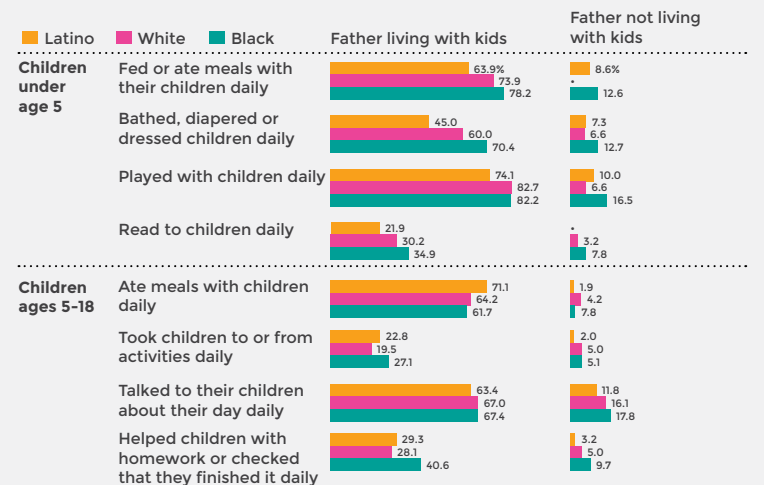
Advocacy

USING TANF FUNDS FOR FATHERS

- Offer mental health counseling, anger management counseling, and substance abuse counseling (but not medical treatment) to fathers
- Provide needy fathers with job-skills training, job placement assistance, job retention services, or any other work-related services
- Fund responsible fatherhood initiatives that help needy fathers support their children financially and emotionally
- Offer parenting classes, pre-marital and marriage counseling, and mediation services for couples
- Support media campaigns to encourage fathers' involvement in their children's lives
- Change TANF eligibility rules to provide incentives for single parents to marry

Being an Involved Dad

By most measures, black fathers are just as involved with their children as other dads in similar living situations – or more so – according to a new report by the National Center for Health Statistics.



NOTE: Many differences between white, black or Latino fathers were not statistically significant due to margins of error. Fathers who live with some children and live apart from others were asked separately about each set of children and their different answers were counted in the two different categories. *Figure does not meet standards of reliability or precision. Source: National Center for Health Statistics

Working Fathers as Conflicted as Mothers About Work and Family

% saying...



Using the Child Support Pass-Through:

Before 1996, federal law required states to pass through \$50 of the child support they collected on behalf of welfare families directly to those families. This created at least some incentive for non-custodial parents to cooperate with the system. But federal welfare reform eliminated the pass-through requirement, and ended federal funding for the program. Since that time, 31 states have abolished their pass-throughs. The bottom line: When the money goes to the state, not their children, and when the debts become so large that they have no realistic expectation of being able to pay, low-income fathers have little incentive to pay child support. States can act now to remove these disincentives. As Vicki Turetsky of the Center for Law and Social Policy points out, states have discretion under current law to pass through more support to families. They also have discretion to suspend, reduce, or forgive any child support debts that are owed to the state, not the family. For instance, TANF-related child support debts could be waived for fathers who participate in employment and fatherhood programs and subsequently maintain up-to-date child support payments. This would dramatically lower arrearages for many fathers. For example, Washington state forgives the state debt of non-custodial parents who marry or reunite and prove financial hardship. Vermont suspends payments on child support debt when parents reunite and have combined incomes of below 225 percent of the federal poverty level. State debt forgiveness would give fathers who cooperate with fatherhood programs and begin paying child support on a regular basis an opportunity to start anew. Fathers would still owe families any arrears that accumulate before or after the family leaves TANF.

Adapted from *Helping Families Achieve Self-Sufficiency: A Guide on Funding Services for Children and Families through the TANF Program*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance. December 21, 1999. Available online: <http://www.acfdhhs.gov/programs/ofa/funds2.pdf>.

When Fathers and Children Live Separately

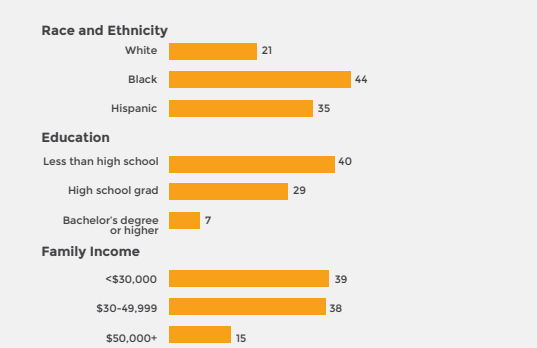
% with children 18 or younger



Note: Based on fathers who are living apart from at least one child 18 or younger. Frequencies are for the prior year. "Don't know/Refused" responses not show. Source: Pew Research Center calculations of the 2006-08 National Survey of Family Growth

Share of Fathers living apart from their children

% with children 18 or younger



Note: Includes fathers who are living apart from at least one child 18 or younger. Source: Pew Research Center calculations of the 2006-08 National Survey of Family Growth



Jack Johnson, Sr.
Responsible Fatherhood Coordinator

644 Cesery Blvd, Suite 210 | Jacksonville, FL 32211
904.723.5422 office | 904.303.9684 cell
jjohnson@nefhsc.org

