Child Support Orders and the Incarceration of Noncustodial Parents

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• This report updates a previous report by Jennifer Noyes from 2006.
Overview

• 3 issues related to child support obligations and incarceration:
  – Overlap between child support and criminal justice
  – How child support systems in other states respond when the noncustodial parent is incarcerated
  – Recent estimates of effects of different policies
Overlap between Child Support and Criminal Justice
Recent Estimates from Other Research

- 53% of those incarcerated in state or federal prison in 2007 were parents of minors
- ~ ¼ of prisoners have open child support cases (estimate from 2003)
- 1,700,000 children had an incarcerated NCP in 2008
- Studies of new births in large cities (~ 2001):
  - 40% of African American fathers had ever been incarcerated by the time their child was one, compared to 18% of white fathers
How Child Support Systems Respond when the Noncustodial Parent is Incarcerated
Four Potential Policy Schemes when NCP is Incarcerated

1. Incarceration is not a justification for order modification (incarceration is “voluntary unemployment”)
2. Incarceration is one factor that may be considered in order modification
3. Incarceration in and of itself may be a justification for order modification
4. Incarceration should result in automatic modification
Number of States with Different Policies for Modification upon Incarceration

- No Modification
- One Possible Factor
- Potential Justification
- Automatic Modification

0 5 10 15 20 25

[Bars for 2011 and 2006 are displayed on the chart.]

2011 2006
Reasons for Change

• Growing awareness of problems of arrears
  – Reduces child support payments?
  – Reduces formal employment?
  – Increases recidivism?
  – Hurts CSE system performance

• But highly contentious. Most changes not result of new legislation, but legal challenges to previous policy
Recent Estimates of Effects of Different Policies
Many Demonstrations

• Examples:
  – allowing modification
  – child support worker visits prisons to educate and encourage modification
  – expedited processes for modification
  – procedures for forgiving debts
  – automatic modification innovation in CO
  – Related policy: grace period upon release

• Short-term
• Not rigorously evaluated
  – Notable exception: Milwaukee: Stay tuned!
Summary

• Substantial overlap between criminal justice and child support

• Guidelines issues focus on whether to modify orders during incarceration
  – Trend toward allowing modification

• Our assessment: little strong evidence on which to base a policy change