



# Focus

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## Child support enforcement policy and low-income families

Official statistics tell us that about half of all American children will spend part of their childhood living in single-parent, overwhelmingly single-mother, families. Because single-parent families with minor children are the most economically vulnerable families—over 40 percent fall below the official poverty line—government has come to play a major role in the way society ensures support for minor children who have one parent living elsewhere.

Since 1974, federal policy has become steadily more prescriptive and far-reaching (p. 3). Grounding its actions in the strong belief that the responsibility for financially sup-

porting children rests with their biological parents, government has targeted all stages in the process by which parents no longer living with their children are induced or compelled to meet that responsibility, whether the children were born inside or outside marriage. This policy direction is fundamentally different from that pursued by most European countries, which have viewed the economic support of children as a joint responsibility of parents and the state (p. 72). New state and federal agencies, with expanded budgets and extensive information-gathering powers, have been created to replace the previous decentralized approach to child support, based largely in local court systems. The

scope of this national and local effort makes it imperative to ask how well it is doing, in what ways and under what arrangements it is doing well, for whom it is doing well, and where changes in course are warranted.

Because of the intimate link of child support to poverty and welfare, researchers associated with the Institute for Research on Poverty have played a primary role in data collection, research, and evaluation studies since the mid-1970s. IRP is currently evaluating a potentially important policy innovation by a state government, the Wisconsin Child Support Demonstration (for the policy and its evaluation, see p. 42). Because the research literature on child support is extensive and its terms of reference often obscure, this issue of *Focus* provides a map of the policy terrain, with a particular emphasis on how the child support enforcement system affects low-income families.

We start with an article that suggests that our current family portrait is incomplete (p. 5). The article does not portray a society divided between stable married families with children and families headed by single adults; it reveals a far more complete picture, including families that bear a strong resemblance to the traditional model: father and mother, living together, raising their biological children, but more likely not to be married to each other than in times past. This is a change with major implications for children's lives and for the government policies that seek to ensure their economic well-being if the family breaks apart.

## **How successful has child support enforcement been?**

Despite a quarter century of public effort to improve private child support, the proportion of single mothers receiving child support has remained unchanged at about 30 percent. Does this imply that the great public effort has failed? Not necessarily. The research reported here suggests that providing for the support of children in single-parent families is an increasingly challenging endeavor, and that without the extraordinary public effort of the last two decades, the record would be far worse.

Two sets of articles explore the complex social realities that policy must confront from the perspective of the main stakeholders—fathers, mothers, and children. The articles explore the effects of child support enforcement policies especially on the poorest of families—unmarried couples aptly described as “fragile families” (p. 9).

Largely drawing upon ethnographic evidence, the articles on fathers (pp. 9–26) show that the image of “deadbeat dads” that has played an important role in shaping current child support policies is at best incomplete. For example, many unmarried fathers formally liable for child support are actually cohabiting with the mother of their children. The articles suggest, further, that enforcement policies, such as wage withholding, that are effective for parents in stable employment may be ineffective for very poor families.

First, they appear to run counter to strongly held social values of the appropriate roles of parents (pp. 12, 80). Second, some policies contain built-in economic incentives toward noncompliance and evasion. For example, in the case of families receiving welfare, most or all child support paid on behalf of welfare recipients goes not to the children but to the state, to offset the cost of public assistance to those families. Payments may simply be seen as another tax rather than a real contribution to one's children. Child support policies appear, moreover, to have run into a brick wall of persistent poverty. The men in these studies work irregularly at the lowest-wage jobs, mostly without benefits. The very low income fathers in the Parents' Fair Share study (p. 23) had average annual earnings of under \$6,000, in an era of unparalleled economic growth and vanishing unemployment (the average for all nonresident fathers is around \$25,000).

Next we shift focus to mothers and children (pp. 27–37). In the last two decades, more children who enter the child support system have been born to never-married women than to formerly married women. Because never-married women are less likely to receive child support, this is one plausible reason that child support policies appear not to be working very well. Taking this into account, the articles on mothers and children show that enforcement policies are quite successful in improving the circumstances of *those families that receive it*. The policies have increased the numbers of fathers who pay something and the size and reliability of those payments, in particular for never-married women. Even though the primary income source for single mothers is (and always has been) their earnings (see p. 31), child support payments of a few hundred dollars can make a real difference in children's standard of living when those earnings are low.

## **Pieces of the puzzle**

From the experiences of parents and children, we turn to the components of child support enforcement, trying to establish which innovations in policy have worked, which appear to be ineffective. These articles focus on two central questions: are families better off economically as a result of the reforms, and are nonresident parents more involved in the lives of their children? At the same time they seek to explain the essentials of the administrative system and procedures.

Resident parents and state agencies attempt to secure financial support from nonresident parents through a series of well-defined legal and administrative steps. At any one of these points, the process may fail, especially for families receiving public assistance (p. 46).

For unmarried women, it is first necessary to legally determine who is the father of their child. Next, a support order must be obtained through the agency or the courts. In the United States, the amount of an order is set according to state-determined guidelines which must be followed unless the court or agency finds strong reason otherwise (p. 58).

## Major Changes in Federal Laws Affecting Child Support Enforcement

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- 1975 Federal legislation added Part D to Title IV of the Social Security Act, providing federal matching funds to states for child support enforcement for AFDC cases and creating a separate unit within the federal Department of Health, Education, and Welfare (now Health and Human Services) to establish standards for states, provide them with technical assistance, evaluate and review state plans and program operations, and certify cases for referral to the federal courts and the IRS for enforcement and collection. Each recipient of AFDC was required to assign support rights to the state and cooperate in establishing paternity and securing support. A disregard policy was established (it was later made a “permanent” part of the IV-D program), and an audit division was created within the program.
- 1976–78, 1980–82 These years saw federal laws extending and strengthening the information-gathering and enforcement powers of state child support agencies under Title IV-D. In 1977, for example, PL 95-142 established a medical support enforcement program under which states could require Medicaid applicants to assign to the states their right to medical support. In 1980, PL 96-272 amended Title IV-D to provide incentive payments to the states for non-AFDC case enforcement also.
- 1984 The Child Support Amendments (PL 98-378) mandated that states establish improved enforcement mechanisms, including expedited procedures for establishing orders and collecting support. They required that states provide equal services for welfare and nonwelfare families, revised federal auditing procedures and incentive payments, and required states to implement mandatory wage withholding for delinquent cases. New funding was made available for developing automated systems, including those for interstate enforcement.
- 1988 The Family Support Act (PL 100-485) contained several provisions to strengthen enforcement on AFDC cases. It required states to set guidelines for use in awarding child support and provided for review and adjustment every three years in AFDC cases. It set standards for state establishment of paternity, encouraging them to do so using noncriminal procedures, and reimbursing the costs of paternity testing. It required immediate wage withholding for all new or modified orders being enforced by states, beginning in November 1990 (before this, only two states used wage withholding in nondelinquent cases). All states were required to develop and put in place statewide automated tracking and monitoring systems by October 1995, or face federal penalties.
- 1989–90, 1992–94 Each year saw expanded state mandates or penalties on individuals for noncompliance. For example, PL 102–521 (1992) imposed criminal penalties for wilful failure to pay past due child support obligations. PL 103–66 (1993) increased the percentage of children for whom a state must establish paternity and required states to adopt laws mandating civil procedures for the voluntary acknowledgment of paternity.
- 1996 The Personal Responsibility and Work Opportunity Reconciliation Act (PL 104-193) required that states operate a child support program that met federal mandates in order to be eligible for block grants under Temporary Assistance for Needy Families. States were required to expand their efforts in income withholding, paternity establishment, enforcement of orders, and the use of central registries. The act provided for uniform rules, procedures, and forms for interstate cases. It established a Federal Case Registry and National Directory of New Hires to track delinquent parents across state lines. The act altered the federal and state shares of the \$50 disregard to families receiving public assistance on whose behalf child support payments were made and eliminated the mandate on the states to provide for a disregard.
- 1997– Legislative activity in the area of child support has included a bill giving states the option to pass through directly to a family receiving assistance under TANF all child support collected by the state and to disregard any child support that the family receives in determining its eligibility for TANF assistance. Legislation is also pending to lessen or remove penalties imposed on states that have failed to meet federal deadlines for an operational automated child support system (California is among them).
- 1998 The Deadbeat Parents Punishment Act (PL 105-187) toughened the 1992 law creating federal criminal penalties for wilful failure to pay past-due child support by creating two new categories of federal felonies with penalties of up to two years in prison.
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**Source:** Summarized from R. Freeman and J. Waldfogel, “Dunning Delinquent Dads: The Effects of Child Support Enforcement Policy on Child Support Receipt by Never-Married Women,” Working Paper 6664, National Bureau of Economic Research, Cambridge, MA, July 1998, Table 2, and from the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, *22nd Annual Report*, Appendix H, Federal Legislative History of Child Support Enforcement.

Once an order is established, state agencies and courts have a broad range of legal and administrative tools designed to ensure that the nonresident parent (the “obligor”) pays automatically and in full. Under federal law, they have powerful data-gathering and information-sharing powers to help them locate obligors whose whereabouts are unknown. For example, employers must report all newly hired workers to state registries, which in turn pass the information on to the Federal Registry of New Hires. States can immediately withhold support payments from the wages of obligors, whether or not they are delinquent. For those who are delinquent, penalties range from the assessment of sizable arrears to imprisonment on felony charges. These penalties have been seen as a particularly difficult issue for very low income fathers dealing with the child support system.

One set of federal policies that have been particularly relevant to families on welfare and that we also consider in detail are those known as the “disregard” and the “pass-through” (p. 64). From 1975 to 1996, federal policy required that some amount of child support payments be disregarded as income when states calculated public assistance payments and that some portion be passed through to the family for whom support was ordered. For many years, the amount was \$50 a month, and there has been considerable debate over whether \$50 is a large enough inducement to poor parents to cooperate with the formal child support enforcement system when other “informal” contributions might better serve the economic interests of parents and children.

Seemingly a rather narrow matter, the disregard policy leads us into myriad other issues that are being explored in the Wisconsin Child Support Demonstration Evaluation. If all child support collected on behalf of families participating in the state’s welfare program, Wisconsin Works (W-2) goes to the resident parent and children, will that raise the state’s ability to collect support that is owed and improve the well-being of single-parent families? Will fathers pay more, and more willingly, through the formal system, knowing that all the money is going to the children, and will they play a larger role in their children’s lives? The evidence on this from other research is very mixed (see p. 54).

The public pursuit of child support has involved the government ever more deeply in the lives of poor families. In seeking to improve children’s lives, does it risk damage to other, equally significant values? One article suggests that the motivations and logic that inform policy toward welfare families are becoming standard practice for all families, putting at risk long-valued legal protections of individuals and families (p. 67). Child support policy has thus become a central venue for negotiating the limits of public and private responsibility for children, with especially important implications for low-income families that may rely on cash assistance.

The child support reforms of the last 20 years are proving to be a major test of the ability of governments to implement social policy on a very large scale. How difficult this can be is suggested by problems in the early implementation of the

Wisconsin demonstration project (p. 42). How great the risk of failure can be is demonstrated by the child support reforms initiated in the United Kingdom in 1991 (p. 80). A child support policy hastily conceived and poorly implemented by a central government that paid little attention to the views of social policymakers, family advocates, and families is now seen as a financial failure and a social disaster, and is being reworked.

## The European experience with child support

U.S. child support policies have, we believe, much to learn from experiences elsewhere, especially in Europe (p. 72). Continental European nations, unlike the United States and the United Kingdom, encourage and facilitate the efforts of parents who are separating from one another to negotiate, agree, and make responsible decisions about their children at the same time as they reach understanding on other aspects of ending their relationship. When support is not forthcoming from the nonresident parent, most European states have mechanisms for advanced maintenance and guaranteed child support that deserve careful study.

## The important questions

The articles in this *Focus* provide evidence to help shape the policy dialogue on some extremely important questions:

- What are the boundaries of public intervention in what has been, traditionally, a private family matter?
- Has attention to financial aspects of child support policy—collecting support and offsetting public expenditures—adversely affected other aspects of parent-child relationships in low-income families? Is there an appropriate governmental role in improving such relationships?
- How can we balance the diverse economic interests of the main stakeholders: the two parents and the children? What is the best way to establish support obligations that are fair to the complex personal circumstances of most such families, that will secure their cooperation and compliance, and that will advance the well-being of the children?
- To what extent is the state a stakeholder for families on public assistance? Should the state guarantee support, as is suggested by child support assurance schemes? What strategies might improve the ability of nonresident and resident parents to support their children, thus reducing the role of the state? ■

# Cohabitation: How the families of U.S. children are changing

Larry Bumpass and Hsien-Hen Lu

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At the end of the twentieth century, the rapid increases in cohabitation and unmarried childbearing have dramatically altered family life in the United States (and, indeed, in most Western societies). Family boundaries have become more fluid and ambiguous, and the significance of marriage as a life-course marker in society appears to be declining.

Divorce rates have been stable for about two decades now, but they nevertheless remain high—involving over half of all marriages and one million children each year.<sup>1</sup> Marriage and remarriage rates have declined markedly. Between 1977 and 1992, the percentage *marrying* before aged 25 dropped from 72 to 53 percent. But there was much less change in the percentage entering a first union—from 78 to 70 percent—and that percentage has been virtually stable for the last 15 years.<sup>2</sup> Cohabitation was once rare. Now, a majority of young men and women of marriageable age will spend some time in a cohabiting relationship.

Given this rise in cohabitation, how many children born outside marriage are in fact born into two-parent, cohabiting families?<sup>3</sup> How stable are these unions? How many children will spend part of their childhood outside the “traditional” nuclear family consisting of two married parents and their biological offspring? What are the implications of this rapid transformation in family life for children? These are questions that we explore in the research summarized in this article.<sup>4</sup>

To track changes in family structure we use data from two surveys, the National Survey of Families and Households (NSFH), conducted in 1987–88, and the National Survey of Family Growth (NSFG), Cycle 5, conducted in 1995.<sup>5</sup> Among other topics, both surveys collected detailed information on respondents’ fertility, marriage, and cohabitation histories through extended personal interviews. The NSFH included interviews with about

13,000 people aged 19 or older; the NSFG sample of about 10,000 is limited to U.S. women aged 15–44.<sup>6</sup>

## The trends in cohabitation

As Figure 1 shows, cohabitation has continued to increase dramatically, both within cohorts, as women age, and between them, as younger women move into the prime marital and childbearing years. By 1995, half of all women in their 30s had cohabited outside of marriage. This process is particularly important, because as younger women move through the age structure, tolerance for cohabitation is likely to become ever more widespread.

At the same time, the proportion of unions that are cohabiting relationships rather than marriages has greatly increased. As marriage is increasingly delayed until older ages, nearly one-third of all unions involving women under age 25 and one-sixth of those involving women aged 25–29 do not begin as marriage. Not only is marriage no longer a prerequisite for an intimate relationship, it is no longer even the predominant way of entering that relationship—54 percent of all first marriages between 1990 and 1994 began as cohabitations.

The trend in cohabitation has been led by the less educated. The greatest relative increase between 1988 and 1995 occurred among high school graduates (44 percent), the lowest among college graduates (19 percent). And although cohabitation increased among both whites

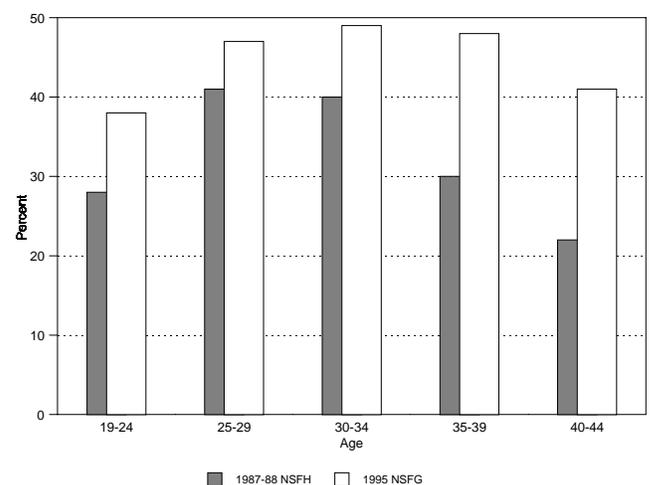


Figure 1. Women in the United States who have ever cohabited: Trends, by age, 1987–95.

**Table 1**  
**Percentage of Births to Unmarried Mothers and Cohabiting Mothers**

Mother's Characteristics	Births to Unmarried Mothers as % of All Births				Births to Cohabiting Parents as % of All Births to Unmarried Parents	
	1980–84		1990–94		1980–84	1990–94
	All	Cohabiting	All	Cohabiting		
Births to unmarried mothers as % of all births	21	6	28	11	29	39
Mother's Education						
< 12 years	43	16	51	21	37	41
12 years	24	6	31	12	25	39
Some college	13	3	20	7	23	35
College graduate	5	1	5	1	20	20
Mother's Age						
<24	37	10	52	19	27	37
24–26	14	4	23	10	29	43
27–29	10	4	16	7	40	44
30+	11	4	13	6	36	46
Race/Ethnicity						
Non-Hispanic white	12	4	18	9	33	50
African American	62	13	72	16	21	22
Hispanic	21	10	32	17	48	53

**Source:** The 1980–84 cohort comes from the National Survey of Families and Households, 1987–88, and the 1990–94 cohort comes from the National Survey of Family Growth, 1995.

**Note:** Children born to U.S. women under age 40.

and African Americans, the increase was much greater among whites; by 1995, there was no racial difference in the proportion who had ever cohabited.

## Transitions

Cohabitation continues to be a short-term status, though we should bear in mind that many cohabitations turn into marriage. About half of all cohabitating relationships last a year or less, and only about one in ten lasts five years or longer. Consistently, over this period, cohabiting unions are less stable than marriages; that instability has continued to rise, even while divorce rates have been stable.

The instability of cohabiting relationships has two sources: unions begun by cohabitation have become less stable, and the percentage of cohabiting partners who marry has declined from 60 to 55 percent. The proportion of such unions that end within five years has increased from 45 to 54 percent, whether or not the partners ever married. This is rather what we might expect—as cohabitation becomes more acceptable, these relationships are likely to include couples with less serious commitments, leading to lower marriage and higher breakup rates.

## The stability of two-parent families

Conventional measures provide little direct evidence on the stability of unions that involve children. We know the divorce rate has been constant since 1980, but we have

little direct information on the likelihood that families with children will break up. The most relevant measure, the percentage of disrupting marriages that include children, is extremely crude. (This proportion increased from 40 percent in 1965 to 53 percent in 1988.)

To address this issue, we first use a measure of family stability that sets the “clock” running from the formation of a family with children (either the first birth within a marriage, or the marriage itself, if the first birth precedes the marriage). Basically, we are measuring the stability of two-parent families from the time a child enters the picture. Using this measure we examine data from the Current Population Survey, which limits its attention to married families. In the 1960–64 cohort, 17 percent of two-parent families were disrupted within 10 years of their formation. For the 1980–84 cohort, 30 percent were disrupted. This is, of course, the period during which divorce rates rose rapidly. Even in that peak time, the divorce rate among two-parent families increased more slowly than did the divorce rate overall.

## Children's family experiences

It is now clear that the United States is rapidly moving toward the experience of several European countries in which an “unmarried birth” is more likely to occur in a two-parent family than it is to create a mother-only family (see Table 1).<sup>7</sup> Among births to unmarried women in 1990–94, 40 percent overall, and 50 percent among white and Hispanic mothers, were to cohabiting parents. Births

to unmarried women increased among all groups over the ten-year period, except for women with a college degree. At the same time, the proportion of births outside any union increased only slightly, from 15 to 17 percent. Thus the increase in unmarried childbearing appears almost completely associated with cohabiting two-parent families—a fact that has implications for how we should think about “families” on the one hand, and “unmarried childbearing” on the other.

### Cohabiting families

The significance of marriage continues to decrease with respect to childbirth, as more and more children begin life with cohabiting parents. Rates for the early 1990s suggest that about 40 percent of all children will spend some time in a cohabiting family before age 16. Many children will begin their lives in such a family, but a large proportion of children born to single mothers will later on enter a cohabiting family, and so too will a nontrivial number born inside marriage. Whether or not a mother later remarries, this is surely an important intergenerational aspect of the declining significance of marriage. Parents who have lived in a cohabiting family with their children are likely to find it difficult to argue effectively that those children should abstain from either unmarried sex or cohabitation.

Our estimates of the relative risk of being in a cohabiting family suggest that slightly fewer than one-third of children who were *not* born to cohabiting mothers will enter a cohabiting family at some time before age 16. Among children born to single mothers, that proportion rises to 75 percent. Among children born to married parents, 20 percent will enter a cohabiting family after their parents divorce and before age 16.

This risk of entering a cohabiting relationship among children born to mothers who are not cohabiting is significantly less for more highly educated and older mothers. Nevertheless, one in six children born to women who are college graduates is expected to enter a cohabiting family. Among other factors, race and ethnicity are less significant than is single motherhood. Although children of African-American mothers who are not cohabiting are more likely to enter a cohabiting relationship than are children of white mothers (46 versus 28 percent), this is solely because a higher proportion are born to single mothers. When we take into account the mother’s marital status when the child is born, the risk of an African-American child entering a cohabiting family is about half the risk of a white child, and that of a Hispanic child is about 60 percent that of a white child.

### Marriage following birth to an unmarried mother

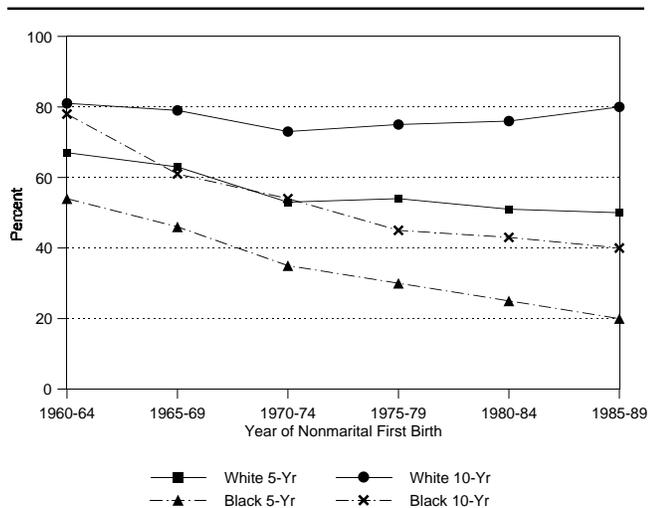
When we examine the proportions of women who marry after the birth of a child out of wedlock, we find dramatic racial differences in the trends (Figure 2). Among white women, the proportion marrying within 10 years stood at around 80 percent both in 1960–64 and in 1985–89 (although it was not stable over that period, as Figure 2 shows). Among African-American women, the proportion marrying within 10 years dropped from 78 percent in 1960–64 to 40 percent in 1985–89. Our estimates comparing 1980–84 to 1990–94 suggest that these trends may have reached a plateau, however.

Education once again has a strong effect, and so does age. The more highly educated a woman is, the more likely she is to marry and the less likely to cohabit (the explanation may well be sought in a more favorable marriage market for better-educated women).<sup>8</sup> But the older an unmarried woman is when the child is born, the less inclined she may be to marry (having remained unmarried to this point) and also the less likely to find a partner, given men’s and women’s preferences concerning a partner’s age.

Thus about 20 percent of white children and 60 percent of African-American children will spend their entire childhood without entering a married family. But children were just as likely to enter a two-parent family (married or cohabiting) in the early 1990s as they were in the early 1980s.

### Disruption in children’s birth families

For just over a third of children, the two-parent family into which they were born will have broken apart by the time they are 16. And between 1980–84 and 1990–94 there was a significant increase in such disruptions. For the United States as a whole, the proportion of childhood years that children spent living with cohabiting parents does not seem very great, and over this time it increased from 7 to 9 percent.<sup>9</sup> But is this a lot or a little, in context?



**Figure 2. The cumulative proportion of women married after a nonmarital first birth.**

Source: Life-table estimates for the United States from the U.S. Bureau of the Census, Current Population Survey, June 1995.

It does, after all, represent a third of the time children spend outside a married family.

Further, the role of cohabitation looms much larger for some groups in the population. Children born to a mother who is truly “single”—neither cohabiting nor married—are likely to spend about half their childhood in a single-parent family, almost a fifth with a cohabiting parent, and about a third with married parents. Children born to cohabiting parents spend about a quarter of their childhood with a single parent, about the same with cohabiting parents, and less than half their time with married parents. Children born to married parents spend by far the greater part of their childhood (84 percent) in a two-parent family.

These findings underscore the fact that measuring cohabitation matters for how we think about the family contexts of children. Children born to cohabiting mothers, like those born to single mothers, spend less than half their childhood in married families (46 percent, compared to 33 percent for single-parent children). Yet if we include the time they spend in the cohabiting family, they resemble children in married families (74 percent of their childhood in a two-parent family, compared to 84 percent for children born in a marriage).

Consistently, age, education, and race matter. Children born to young mothers, poorly educated mothers, or African-American mothers will spend much larger shares of their childhood in a single-parent family than will other children.

## Conclusions

Cohabitation has continued to increase, however we measure it. If these trends were only an extension of dating—the move of premarital sex into shared households—we might well regard them as merely “interesting.” But it is clear that families with children are also very much affected.

Cohabitation raises questions about the changing boundaries of family life and the consequent effects upon children that are too important to be left to the occasional

casual question in a survey. Now that about 40 percent of all children spend some time living with their mother and her cohabiting partner, we need to know much more about the ways in which cohabitation affects the parenting contexts of children, the economic circumstances of their families, and the attitudes and values of the next generation. We also need to know how transitions into and out of cohabiting unions contribute to the stress caused by multiple transitions to children and adults alike. In the future, we need to invest substantial thought and resources in documenting and understanding this critical aspect of contemporary family life. ■

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<sup>1</sup>T. Castro Martin and L. Bumpass, “Recent Trends and Differentials in Marital Disruption,” *Demography* 26, no. 1 (1989): 37–51; National Center for Health Statistics, *National Vital Statistics Reports* 47, no. 15 (1999).

<sup>2</sup>We allowed respondents to decide what constituted a “union” by simply asking whether they had ever lived with someone of the opposite sex (in the context of “sometimes they get married”), and then asked when such episodes began and ended.

<sup>3</sup>In the United States, “single-parent families” are usually so categorized because the mother is unmarried, whether or not she is actually cohabiting with the father of the child.

<sup>4</sup>The research summarized here is reported more fully in L. Bumpass and H.-H. Lu, “Trends in Cohabitation and Implications for Children’s Family Context in the United States,” *Population Studies* 54, no. 1 (March 2000): 29–41. IRP is grateful for permission to make use of the article in this *Focus*.

<sup>5</sup>J. Sweet, L. Bumpass, and V. Call, “The Design and Content of the National Survey of Families and Households,” NSFH Working Paper no. 1, National Survey of Families and Households, Madison, WI, 1988; F. Potter, F. Iannachione, W. Mosher, R. Mason, J. Kavee, and others, “National Survey of Family Growth Cycle 5: Design, Estimation, and Inference,” *Vital and Health Statistics, Series 2*, 1997.

<sup>6</sup>We discuss the constraints that this age limitation imposed, and our methods for dealing with it, in the full article (see note 4).

<sup>7</sup>K. Kiernan, “European Perspectives on Nonmarital Childbearing,” paper presented at the IRP Conference on Nonmarital Fertility, Madison, Wisconsin, April 1999; J. Ermisch and M. Francesconi, “Cohabitation in Great Britain: Not for Long, But Here to Stay,” *Journal of the Royal Statistical Society, Series A*, forthcoming.

<sup>8</sup>See V. Oppenheimer, “American Marriage Formation in the 1980s: How Important Was Women’s Economic Independence?” in *Gender and Family Change in Industrialized Countries*, ed K. Mason and A.-M. Jensen (Oxford: Clarendon Press, 1995), pp. 105–37.

<sup>9</sup>“Childhood years” are considered to extend from birth to age 16.

# Fragile Families and Child Well-Being: A survey of new parents

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Both in the United States and in Europe, there is ample evidence that nonmarital childbearing is growing. The proportion of nonmarital births in the United States is now one-third. It is even higher among minority populations—40 percent among Hispanics and 70 percent among African Americans. There is concern (and some evidence) that this is damaging to children and perhaps parents as well.<sup>1</sup>

One set of scientific questions relating to nonmarital childbearing is concerned with the causes of nonmarital births and the effects of policies on nonmarital birth rates. Another set of questions is concerned with the nature of the phenomenon and the effects of policy on the well-being of unwed parents and their children. Because of our involvement in the Fragile Families and Child Well-Being Study, we are particularly well placed to comment upon the nature of nonmarital childbearing and the effects of policies on family well-being.

Most people believe that children in fragile families would be better off if their parents lived together and their fathers were more involved in their upbringing. Indeed, public policy is now attempting to enlarge the role of unwed fathers both by cutting public cash support for single mothers and by strengthening paternity establishment and child support enforcement. Yet the scientific basis for these policies is weak.

The Fragile Families Study is designed to remedy this situation. The study will sample approximately 4,700 new births in 20 cities across the United States, including 3,600 nonmarital births and 1,100 marital births. It will be representative of nonmarital births in each of the 20 cities and in large U.S. cities more generally. We plan to follow both mothers and fathers for at least four years. Data on child health and development will be collected from the mother; in addition, in-home assessments of child well-being will be carried out when the child is age 4.

The study is addressing the following questions:

- First, what are the conditions and capabilities of new unwed parents, especially the fathers? How many of these men hold steady jobs? How many are violent or potentially dangerous to the mother and children?
- Second, what is the nature of the relationship between unwed parents? How many couples are involved in stable, long-term relationships? How many are planning to raise their child together?
- Third, what factors push new unwed parents together and pull them apart? In particular, how do labor markets and child support, welfare, and other public policies affect parents' behavior and living arrangements?
- And finally, what are the long-term consequences of family arrangements and public policies for children in fragile families?

In this article we explain the importance of each of these questions, describe how the Fragile Families Study is designed to address them, and, where possible, present some preliminary findings. The results we discuss are based on data from two cities—Austin, Texas, and Oakland, California.<sup>2</sup> First-year follow-up interviews were conducted in Austin and Oakland in summer 1999 by Mathematica Policy Research, Inc., and these data will soon be available. Follow-up interviews when the children are 30 and 48 months old are planned. We plan to create a public use data file at the end of each complete wave.

## ***1. The first set of questions focuses on the capabilities of the parents, especially the fathers***

We know quite a bit about the women who give birth outside of marriage.<sup>3</sup> The Fragile Families Study will provide important new information on unmarried fathers as well as mothers. Policymakers are particularly interested in two aspects of fathers' capabilities: their earnings capacity and their propensity for violence. These two factors are fundamental to the success or failure of the new welfare laws that envision a greater role for nonresident fathers in supporting mothers and children.

Most estimates of fathers' earnings and capabilities are seriously limited by the fact that nonresident fathers are underrepresented and underreported in national and local surveys. For example, the National Survey of Families and Households is arguably the best dataset in the United States for studying families and households; yet we and our colleagues determined that about 3.8 million nonresident fathers were not represented in these data. We estimate that about a third of the "missing fathers" were not in the survey frame, including fathers in prison, fathers in the military,

and, most importantly, fathers who are part of the census undercount, i.e., homeless men and other individuals who are loosely attached to households. The other two-thirds of the “missing fathers” are in the survey but do not acknowledge their status. The problem we describe is particularly serious for low-income fathers and for men who father children outside marriage.<sup>4</sup> Nonresident father status is also underreported in the National Longitudinal Survey of Youth, though the proportion of underreporting is somewhat lower.

In view of the denial or ignorance of paternity on the part of nonresident fathers, we concluded that the best way to get a representative sample of unwed fathers was to sample from births at hospitals. This procedure yields a representative sample of children born outside marriage and representative samples of unwed mothers and fathers. Thus far, we have been able to interview over 90 percent of the mothers and close to 60 percent of the fathers *at the hospitals*. Another 15 percent to 20 percent of the fathers are interviewed outside the hospitals. All the mothers are asked questions about the fathers so that we can analyze and correct for the fathers we do not interview.

So, what have we learned thus far about the capabilities of unwed fathers? We find that the vast majority of unwed fathers do not appear to pose a threat to either the mother or child. According to mothers’ reports, only 8 percent have problems with drugs or alcohol and only 7 percent are physically abusive. Four percent were in jail or prison at the time of the interviews. Nevertheless, most of the fathers in our sample are poorly equipped in terms of human capital to support a family. Nearly 40 percent have no high school diploma, and only 20 percent have any education beyond high school. Nearly 20 percent of the fathers did not work at a regular job during the past year, and those who worked had very low earnings. In sum, most of the fathers in our study have serious handicaps and will need a lot of help if they are to maintain stable families.

## ***II. The second question concerns the nature of the relationships in fragile families***

The literature on unmarried parents provides some clues to understanding the relationship between unwed mothers and fathers, but prior research has been limited primarily to qualitative studies of unrepresentative samples and to the perspective of one parent or the other. These studies tell conflicting stories about the motivations of the fathers and the extent to which the parents see themselves as families. On the one hand, Elijah Anderson tells us that young unwed fathers are out to exploit the mothers and that children are the products of “sexual games.” On the other hand, Mercer Sullivan (and Elliot Liebow before him) tells us that these men care about their families but are unable to fulfill their breadwinner roles.<sup>5</sup>

The Fragile Families survey was designed explicitly to study the relationship between the parents, and the data will

be unique in several respects. The survey is longitudinal and begins with a single event—the birth of a child. Both parents are followed so that we have two perspectives on the relationship. And finally, we collect information on attitudes as well as behaviors.

What are we finding? In Austin and Oakland, the vast majority of unwed couples may well be labeled as *fragile families*. At the time of the birth, most unwed fathers are strongly attached to their families. These men want to help raise their children, and the mothers want their help. Over half of the parents in our study live together, and 80 percent are romantically involved. Nearly 70 percent say their chances of marriage are 50-50 or better. With respect to the children, 86 percent of the mothers are planning to put the father’s name on the birth certificate, 78 percent of the fathers provided financial support during the pregnancy, and over 90 percent of the mothers want the father to be involved in raising the child. Clearly, these figures belie the myth that unwed mothers do not know who the father is, or that unwed fathers do not care about their children.

## ***III. The third question concerns the role of labor markets, welfare, and child support enforcement: how do they affect parents’ relationships?***

Theory and common sense suggest that strong labor markets, strict child support enforcement, and stingy welfare promote marriage. The magnitude of these effects is an empirical question of the greatest practical concern. Though we have no preliminary findings to report, we do want to describe an aspect of our study design that makes Fragile Families an unusually good dataset for estimating the effects of labor markets, child support enforcement, and welfare on family formation.

The cities in our nationally representative sample were chosen on a random stratified basis from all cities with populations over 200,000. Cities were ranked in terms of the strength of their labor markets, the strictness of child support enforcement, and the stinginess of their welfare grants. Cities ranked in the top or bottom third on all criteria were classified as having “extreme” environments. We concentrated our observations in these cities, although it weakens the descriptive power of the nationally representative sample, because it strengthens our ability to detect the effects of labor markets, child support, and welfare and to detect interaction effects amongst these policies. Whether this was a wise trade-off, time will tell. We believe, however, that interaction effects are highly likely. One aspect of the design is that we have both a nationally representative sample *and* large enough samples in cities with extreme environments to conduct what amounts to case studies of families in such environments.

## ***IV. Our last question concerns the effects of policies and family relationships on children’s well-being***

We know quite a lot about children who are exposed to divorce and remarriage, but we know much less about chil-

dren born to unwed parents. This is because most surveys do not capture either the complex cohabitation histories of unwed parents or the complex “visiting” relationships these parents are often engaged in. A question that we eventually hope to shed some light on is whether a child is better off being raised by one parent in a stable environment or being raised by both parents in an unstable environment. (By unstable, we are talking about a situation in which the father or other men are moving in and out.)

Birth cohorts are one of the best data sources for studying the determinants of child well-being. Over time, they become increasingly useful for separating the effects of pre-existing differences, such as health at birth, from current differences such as parenting practices, income or welfare levels, and the rigor of child support enforcement. When we were designing the Fragile Families survey, we decided to start with a birth cohort, not only because doing so increased our chances of getting to the fathers, but also because it allowed us to gather as much information as possible on the initial conditions of the child.

At this stage, we can report that the overwhelming majority of unmarried mothers in two of our sites, Oakland and Austin, are healthy and bore healthy children. However, 13 percent of the mothers in Oakland and 10 percent of those in Austin gave birth to below-normal-weight babies. The difference in low birth weight in these two cities is not a function of prenatal care. In Austin, about 30 percent of the mothers did not receive prenatal care in the first trimester, compared to 20 percent of mothers in Oakland. More likely, it is due to the health behaviors of the mothers. In Oakland, 19 percent of the mothers reported using drugs during their pregnancy, 17 percent reported using alcohol, and nearly 24 percent reported smoking cigarettes. In Austin, only 4 percent of the mothers used drugs, only 9 percent drank alcohol, and only 19 percent smoked cigarettes during their pregnancy.

Because the Fragile Families sample follows a birth cohort and contains a large number of low-income families, it is ideal for studying the many needs and problems of “high risk” families. Thus we hope to add assessments of child abuse and neglect at the 30- and 48-month follow-up interviews, to investigate linkages between fathers’ incarceration and their economic status and family relationships, and to conduct a large-scale study of the child care providers for Fragile Families children.

From our initial exploration of the Fragile Families data in Oakland and Austin, three findings stand out. First, parents in fragile families in both cities were highly committed to each other and their child at the time of the birth and had high hopes for their future as a family. The challenge for policymakers and community leaders is to nourish these commitments.

Second, most unmarried parents in both cities were poorly equipped to support their families. The typical father had an

income of less than \$12,500 a year, the typical mother only \$4,000 to \$5,000. In Oakland, nearly one out of four fathers and two out of five mothers had not worked in the previous year. Increases in human capital, employment, and earnings are likely to play critical roles in the success of parents in maintaining stable families.

Finally, the majority of unmarried mothers and babies in both cities were healthy. But a substantial number received no prenatal health care and engaged in behaviors generally considered risky during pregnancy. One in ten babies were below normal weight. Improving the health care of all mothers during pregnancy and the health education of both parents should be an important objective of policymakers. ■

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<sup>1</sup>S. Ventura, C. Bachrach, L. Hill, K. Kaye, P. Holcomb, and E. Koff, “The Demography of Out-of-Wedlock Childbearing,” in *Report to Congress on Out-of-Wedlock Childbearing*, U.S. Department of Health and Human Services, Washington, DC, 1995. The ill effects of father absence on children are documented, for example, in S. McLanahan and G. Sandefur, *Growing Up with a Single Parent: What Helps, What Hurts* (Cambridge, MA: Harvard University Press, 1994). See also L. Waite, “Does Marriage Matter?” *Demography* 32, no. 4 (November 1995): 483–507; G. Akerloff, “Men Without Children,” *The Economic Journal* 108 (March 1998): 287–309.

<sup>2</sup>Baseline data for the survey were collected in Austin and Oakland in the spring and summer of 1998, and descriptive reports for each of these cities are now available on-line at < <http://opr.princeton.edu/crcw/ff/city.html> >. Baseline interviews have been completed in five additional cities (Baltimore, Detroit, Newark, Philadelphia, and Richmond), and these data became available for analysis as this issue of *Focus* went to press. Response rates for unmarried fathers in Austin and Oakland were 75 percent and we are about to reach this rate in four of the next five cities. Newark is the exception, with fathers being much harder to locate and much more likely to refuse to participate in the study. The National Opinion Research Center (NORC) at the University of Chicago served as the contractor for the baseline data collection in these cities. Baseline interviews in the remaining cities will be conducted in winter-spring 1999–2000 by Mathematica Policy Research.

<sup>3</sup>K. Moore, “Nonmarital Childbearing in the United States: 1980–92,” in *Report to Congress on Out-of-Wedlock Childbearing*, U.S. Department of Health and Human Services, Washington, DC, 1995.

<sup>4</sup>See M. Rendall, L. Clarke, E. Peters, N. Ranjit, and G. Verropoulou, “Incomplete Reporting of Male Fertility in the United States and Britain,” Population and Development Working Paper no. 97.03, Cornell University, 1997; E. Sorensen, “A National Profile of Non-resident Fathers and Their Ability to Pay Child Support,” unpublished paper, Urban Institute, Washington, DC, 1995.

<sup>5</sup>See, for example, M. Sullivan, “Absent Fathers in the Inner City,” *Annals of the American Academy* 501 (January 1989): 48–58; E. Liebow, *Tally’s Corner: A Study of Negro Streetcorner Men* (Boston: Little, Brown, 1967); E. Anderson, “Sex Codes and Family Life among Poor Inner-City Youths,” in *The Ghetto Underclass*, ed. William Julius Wilson (Newbury Park, CA: Sage Publications, 1993).

# A failed relationship? Low-income families and the child support enforcement system

Maureen Waller and Robert Plotnick

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*I think the system's no good. [For] the father that's really trying the hardest, it's not a good system at all. I mean it's good for the father that's not trying but for the father that's trying, it's not a good system. I'm not trying to run from it. You know, I'm here. But they're making me run. (Brian, p. 46, interview by Waller)*

*If they start taking money from him, then we wouldn't have anything to live on. . . . I thought they would go after him for money and he would have to give money to the state that we would never see again. . . . [W]e really needed it, because, we were like on our own. So I told them I didn't know who the father was. (Denise, p. 26, interview by Waller)<sup>1</sup>*

The spotty record of child support enforcement in the United States, documented in research reported elsewhere in this *Focus*, has compromised the economic security of many single-parent families, especially families headed by never-married women, and has done little to reduce the need for welfare spending.<sup>2</sup>

In this article we offer some explanations for the ineffectiveness of the child support system in reaching low-income parents, as much as possible in their own words, taken from qualitative studies of the experiences of such parents (Table 1).<sup>3</sup> The child support system and the legislation that underpins it were developed mainly for families with divorced fathers working full time.<sup>4</sup> The studies make it clear that procedures and regulations based on this model often clash with the social and economic realities confronting many low-income parents. In particular, child support and welfare regulations interact in ways that make compliance less likely.

## “Deadbeat dads” and responsible fathers

Low-income parents interviewed by Waller held strong collective beliefs about paternal responsibility and parenting practices. Fathers are expected to establish emotional bonds, to provide guidance, to act as role models, and to provide whatever financial support they

can. But most parents prefer informal agreements if fathers participate actively in their children's lives; only a minority (particularly women) prefer to participate in the formal system. Many believe that formal child support is appropriate only when private agreements cannot be established or maintained or when fathers do not accept their responsibility voluntarily.

I think I would say go to court for child support if they're not willing to help you. If they're not willing to even be there. . . . [W]ith my son's father and I, if he didn't have the money and I needed something, I understood. 'Cause he was, you know, he was struggling. But at least if he would be there and come visit him. . . . Just have some type of participation in his life and that's it. But if they don't want to participate at all and are just being jerks about it, then yeah, you should go to court. (Jacqueline, p. 22, interview by Waller)

Parents hold shared ideas about what it means to be a “good father” and can readily distinguish between deadbeat dads and responsible fathers. They do not, however, necessarily believe that men who make formal child support payments are more responsible than those who provide informally: “A lot of dads are deadbeat dads. A lot of mothers are deadbeat mothers. But they call them deadbeat dads because they're not paying child support to the establishment” (Larry, p. 22, interview by Waller).

Informal agreements may be difficult to sustain, especially when a romantic relationship ends and parents form new unions. The strong preference for such agreements among low-income parents in part reflects disincentives in the formal child support system.

## The disincentives to compliance

To be eligible for welfare, women must cooperate with child support enforcement agencies in identifying the

This article is adapted from a report by M. Waller and R. Plotnick, *Child Support and Low-Income Families: Perceptions, Practices, and Policy* (San Francisco, CA: Public Policy Institute of California, 1999). The report reviews and analyzes findings of qualitative studies of low-income families, in the context of recent federal and state child support policy. The complete text is posted on the PPIC World Wide Web site, at < <http://www.ppic.org/publications/reports.html> > under the heading “Poverty and Welfare.”

**Table 1**  
**Qualitative Studies of Low-Income Parents' Attitudes to the Child Support System**

Study <sup>a</sup>	Location	N	Date	Method			Characteristics of Sample (%)					Other Characteristics of Study Sample
				In-Depth Interview	Focus Group	Observation	Women	Men	White	Black	Hispanic	
Achatz & MacAllum	FL, PA, WI	47	1991-93	✓		✓	0	100	11	89	0	Unmarried fathers enrolled in a program to promote job and parenting skills
Edin	Boston, Chicago, Charleston (SC), San Antonio	214	1988-92	✓			100	0	44	45	11	AFDC recipients
Furstenberg	Baltimore	12	1991	✓		✓	75	25	0	100	0	Participants in Baltimore Study and some partners; parents with differing relationships
Johnson & Doolittle	CA, FL, MA, MI, OH, NJ, TN	32	1994-96	✓	✓	✓	0	100	24	62	14	Unemployed men with child support orders and children receiving AFDC; enrolled in Parents' Fair Share
Sherwood	Grand Rapids, MI	16	1991		✓		0	100	50	50	0	Men with child support orders
Sullivan	New York City	42	1990, 1992		✓		0	100	26	74	0	About half of white respondents receiving methadone treatment
Waller	Trenton, New Brunswick metro areas, NJ	65	1994-95	✓			55	45	38	62	0	All with nonmarital children who were receiving AFDC or Medicaid

<sup>a</sup>The studies are: M. Achatz and C. MacAllum, *Young Unwed Fathers: Report from the Field* (Philadelphia: Public/Private Ventures, 1994); K. Edin, "Single Mothers and Child Support: The Possibilities and Limits of Child Support Policy," *Children and Youth Services Review* 17, no. 2 (1995): 203-230; F. Furstenberg, "Daddies and Fathers: Men Who Do for Their Children and Men Who Don't," K. Sherwood, "Child Support Obligations: What Fathers Say about Paying," and M. Sullivan, "Noncustodial Fathers' Attitudes and Behaviors," all in F. Furstenberg, K. Sherwood, and M. Sullivan, *Caring and Paying: What Mothers and Fathers Say about Child Support* (New York: MDRC, 1992); E. Johnson and F. Doolittle, *Low-Income Parents and the Parents' Fair Share Demonstration: An Early Qualitative Look at Low-Income Noncustodial Parents (NCPs) and How One Policy Initiative Has Attempted to Improve Their Ability and Desire to Pay Child Support* (New York: MDRC, 1996); M. Waller, "Redefining Fatherhood: Paternal Involvement, Masculinity, and Responsibility in the 'Other America,'" Ph.D. dissertation, Princeton University, 1996.

fathers of their children and pursuing a support order. They must also assign to the state their right to any child support collected. Since 1996, states have been free to retain as much, or as little, of the support paid as they choose. Most keep it all; only Wisconsin currently passes the entire amount through to the custodial parent. Parents generally understand that the payment is used to offset the cost of welfare, but they do not consider the regulation fair:

The money doesn't go to the kid. It's not like you're buying the kids something. The money goes to them because they pay that girl some welfare. So it is all nothing but a payback situation. (Joe, p. 23, interview by Waller)

The financial disincentive facing a low-income father can be substantial. If he makes a \$200 monthly contribution, but his children receive only \$35, the effective tax rate is 82.5 percent.<sup>5</sup>

A strong economic disincentive exists for the mother if she believes that her child's father will make direct contributions greater than the amount passed through (\$50 a month under AFDC). Mothers in a study by Katherine Edin and Laura Lein reported receiving, on average, \$39 a month in cash from the fathers, in addition to in-kind support.<sup>6</sup> Some mothers simply did not believe that the \$50 was worth involving the father: "While you're on welfare, you're never gonna get the money anyway. . . the welfare people take it" (Laquana, p. 24, interview by Waller).

The economic disincentive created by assigning child support rights to the state often led mothers and fathers to work out cooperative arrangements to circumvent the perceived penalty. Fathers who believed that they could not make regular child support payments and also contribute directly to their children gave priority to the children's concrete needs, while keeping child support enforcement at arm's length by making sporadic payments. Others ignored the order altogether: "She wasn't seeing nothing. And my son wasn't seeing nothing. So I wasn't paying nothing" (p. 25, interview by Sullivan).

Mothers also resisted the regulations, engaging in covert noncompliance or half-hearted cooperation. About half of the mothers in the study by Edin lied or withheld information about the father from caseworkers, seeking to satisfy the formal requirements of the child support system while not actively pursuing an order.

But mothers also used the threat of enforcement as a tool for negotiating with fathers who, they believed, were being uncooperative or irresponsible: "I would give that man an alternative—either you're going to help me with my child without going to court, or we can go to court and take it from there" (Liza, p. 28, interview by Waller). The power that the system thus indirectly gives women is real, as many men recognize:

You know if you don't live up to your expectations from the agreement that you and this lady made, first thing she gonna do is run down there and say "I know so and so, I know where he work at." (Salaam, p. 29, interview by Waller)

To keep mothers happy and deter them from seeking formal child support orders, fathers attempted to maintain friendly relationships and make voluntary contributions. But informal agreements often failed, and some mothers in the studies turned to the child support system.

A few mothers unilaterally evaded cooperation with the child support authorities. The reasons that Edin gives ranged from fear of reprisal against them or the children by abusive fathers, to desire for exclusive control of the child, to a belief that the mother had no legitimate claim for support from the father.

### **Family conflicts created by mandatory cooperation**

In theory, the welfare system, by reducing the discretion of mothers, should also reduce interpersonal conflict between the parents. The system requires that mothers establish paternity and initiate support proceedings. It also limits the amount transmitted to mothers. But in fact, the formal system can pit mothers against fathers, creating or exacerbating conflicts in their relationships:

They don't know that once you do that, that puts a whole distance between you and the baby's father. Now the baby's father say, "So, you want to go that route? OK. Then I'll give you \$35 a month, but you can't get another dime from me for nothing." (Joe, p. 30, interview by Waller)

Men may not understand that women are required to identify them as a condition of receiving welfare. Or they may blame mothers for applying for welfare and creating the obligation in the first place. Mothers, in turn, may attribute the necessity for welfare to the failure of fathers to support their children. Failure to understand the pass-through system may also create mutual suspicion about where the money is spent. Finally, the economic demands put on poor fathers by child support, particularly if large arrearages develop, further strain often shaky relationships.

### **Formal payments versus direct or in-kind payments**

Parents believed that children receive greater financial benefit from informal support and expressed strong emotional reasons for this practice. They saw formal support as a "forced" payment rather than an authentic expression of parental love: "My child should not have to grow up with something in the back of his mind: 'Somebody had to force dad to give to me. If only he would have freely given'" (p. 33, interview by Sullivan). Many fathers interviewed believed, in general, that the courts

should not intervene in family matters. “Why do I need the government to tell me that I should take care of my child when I know for a fact that I need to?” (Yusef, p. 33, interview by Waller). Many women agreed: “[F]or me the way I feel to go through the system to force him to take care of his child is like he don’t love her” (p. 34, interview by Waller).

In the low-income communities in which the parents in these studies lived, in-kind contributions were recognized as valid expressions of fathers’ obligations to their children. Many fathers did in fact make informal monetary or in-kind contributions, in the form of diapers, clothing, shoes, and gifts. To these fathers, such in-kind contributions were visible symbols of responsible fatherhood in the community. In-kind contributions also gave fathers control over how the money was spent—particularly important for fathers who distrusted their child’s mother to use their contributions for the good of the child. They resented the child support system for preventing them from dramatizing their love and responsibility for their children.

### **Responses to mandatory cash support**

Compulsory cash payments may foster suspicion and mistrust that may be directed at the other parent. For their part, mothers worried that mandated payments would undermine their efforts to establish cooperative parenting based on emotional commitments, particularly if resentful fathers stopped doing the “extras” for their children:

Right now welfare is trying to take him to court for child support. But what it all boils down to is he’s going to be here with me, I’m getting more out of him being with me. It might not be exactly financially, but as far as raising the kids, you can’t put a price on that. So, I’m getting more out of him being here, than not being here and trying to pay child support. (Marion, p. 34, interview by Waller)

Other mothers also made this point:

It’s nice to have them contribute financially but if they are only going to contribute financially and they are not going to be a father [then] you are not winning. If he gives you money for a child and he’s not going to be a father, the child is losing. (p. 35, interview by Edin)

Securing support through the formal system could also lead to real economic loss for mothers, as Denise makes clear in the quotation at the beginning of this article.

Some low-income fathers describe a different dilemma. If they pay child support, they cannot afford to buy things their children request. As a result, they feel guilty and avoid spending time with them.

My mom and them are like this: “Why don’t you stop buying them stuff? The courts can handle that. Whatever you decide to buy them, take that money down

there to the courts.” But it still gets to the point of: What about my kids? ‘Cause you know, kids can talk. Kids can walk up and say, “Dad, can you buy me this?” . . . But then if I be like “Uh uh, I can’t get that. Your mom’s supposed to take care of that . . .” Then the kid be kind of upset and then it distracts you. It makes you feel bad. (Salaam, p. 35, interview by Waller)

### **Problems created by enforcement practices**

Many women interviewed regarded the child support system as ineffective and unresponsive. They pointed to the difficulty of filing claims, the inability of the system to collect or to pursue men who evaded the system, and the impersonal nature of the agency:

I have been trying to get child support from [the Office of Child Support Enforcement] for three years. I filled out everything. I got all the information. They made it seem so difficult. . . . I called that [agency] man every day last week. He never called me [back]. We have been waiting for a court date for three years [for my oldest child’s father]. Every time I call that [agency] man he lies to me. (p. 37, interview by Edin)

Enforcement tools tend to assume that all noncustodial fathers can afford to pay child support but are unwilling to do so. The research studies discussed here raise serious questions about the validity of that assumption. Many low-income fathers were not unwilling to support their children, but they had two major objections to enforcement practices. In the first place, they believed it did not recognize or respond to their volatile economic circumstances. A second point of difficulty was the threat of criminal sanctions.

### **Inflexibility of the system**

The perceived insensitivity to men’s unstable economic circumstances discourages cooperation with child support agencies. Many fathers of children receiving welfare—particularly young, never-married fathers—have low skills, lack stable employment, and may not have sufficient income to pay child support without further impoverishing themselves or their families.<sup>7</sup> Men talked about the difficulties of meeting their own living expenses and making child support payments while working at part-time, temporary, and low-paying jobs: “How can you, on a simple job out there, how can you support yourself plus pay for your kids that way, plus still have to do for your kids and maintain yourself in this kind of environment?” (Yusef, p. 38, interview by Waller).

Child support awards are often set retroactively rather than when paternity and the child support order are established. They do not usually consider direct support given to the child before the award was set, nor do they take into account the father’s income at that time. Awards for

unemployed fathers may be based on imputed income assuming full-time work at the minimum wage. As a result, fathers may find themselves with large arrearages or with child support debts for earlier periods when they may have lived with the child's mother. When fathers receive notice of their obligations, they are often thousands of dollars in arrears.

Enforcement practices that assume fathers are absent from the family may also undermine relationships between unmarried couples. Arrested on an outstanding child support warrant, one man said:

Do you know that judge stood in front of my face and told me "I don't care where you live at, you better move back in with your mom, 'cause I'm taking half your money." He got no right to tell me that. . . . If I'm living with my kid's mother, I got a roof over my kid's head. You should have said, "damn if you're still with her and you're living with her and helping your kids out, well, OK." (O'Shen, p. 40, interview by Waller)

The arrears in question, O'Shen claimed, were accumulated during a period when he lived with his children and most of his money went to household needs—an informal arrangement presumably unreported by the mother to the welfare agency.

Intimidated or overwhelmed by enforcement practices, men ignored orders and accumulated substantial arrearages. One father built up arrearages while he was in jail:

When I was doing time, there was no other means for my wife with the kid. At the time, to get support was to go to welfare, and that's what she did. A certain amount of time went by, ten years or better, I got a letter from welfare stating I owed them so much money. I never answered the letter. It was a couple of thousand dollars and until today I haven't gotten bothered yet. When it does happen, I don't know what to do. (p. 39, interview by Sullivan)

Fathers quit jobs when they discovered how much of their wages were garnished to meet child support arrearages, substituting work in the informal or underground economy. And although it is against the law to fire noncustodial parents because of wage withholding, fathers interviewed in these studies believed that it commonly occurred: "I had a job at a body shop and they called the people and told them they were gonna garnish my wages. I lost the job just like that" (Jake, p. 41, interview by Waller).

### **Threat of criminal sanctions**

Fathers believed that heightened enforcement efforts were directed at nonresident fathers indiscriminately, regardless of their efforts to support or be involved with their children. Some believed the system was more likely to penalize fathers working in the regular economy than those working informally, or that the state was targeting

low-income African-American fathers for imprisonment rather than prosecuting higher-income fathers who were able to support their children. Fathers also remarked that if they did not have enough money to come up with a payment sufficient to keep them out of jail, they were even less likely to have it after serving time:

The jails are full of these guys for child support, and it's the craziest thing. And it's counterproductive, because you have these guys—they're practically living on nothing. You lock them up for child support. These guys who are already living on the edge, living in a terrible neighborhood, working a horrible job. And then they get put in jail because they fall behind on their child support. (Vincent, p. 43, interview by Waller)

In fact, the perceived likelihood of jail may be rather greater than its actual frequency, but in the study by Waller, one-quarter of fathers said they had been arrested on child support charges.<sup>8</sup> Unfamiliar with child support regulations and without legal representation, many such fathers do not feel that they have "had their day in court." Many fathers were unaware that they should report changes in income or employment. They said they needed more flexibility when they were out of work or incarcerated, but often did not know that their support orders could be modified downward, or how to arrange such modifications. Some fathers may be deterred from seeking modifications by the expense and time involved.<sup>9</sup> And those who did seek their day in court felt they had met with a less than sympathetic hearing. Evidence of informal support, in cash or in kind ("a shoebox full of receipts" as some men put it), may count for little under the formal system.

### **The consequences for policy**

Although the self-reports documented here may overstate the willingness of noncustodial parents to support their children, the fact remains that many poor parents are reluctant to participate in the formal child support system.<sup>10</sup> Like more affluent parents, the unmarried, low-income parents interviewed preferred to negotiate private agreements for support. They believed that participation in the formal child support system was unlikely to improve their children's well-being, exacerbated conflicts between parents, and unduly burdened poor fathers. For many young, low-income fathers in particular, the insensitivity of the formal system to their precarious economic circumstances, the bias toward the mother that they perceived, and the threat of criminal sanctions combined to create a highly stressful situation. The easiest response to such stress is likely to be withdrawal from the child's life and evasion of the responsibility to pay support.

These conclusions do not point directly to obvious policy solutions. Indeed, the perceptions of low-income parents are often at odds with the objectives and the realities of

child support policies. To take merely one example, low-income parents believe that child support should increase their children's standard of living, whereas the pass-through regulation rests on the principle that the welfare system is responsible for support only when parents' earnings do not meet the state's minimum standard. We believe, nevertheless, that any comprehensive strategy to improve the performance of the system must take into account the views and circumstances of the parents and seek to enhance their willingness and ability to comply. ■

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<sup>1</sup>All names used are pseudonyms. The studies from which each quotation is taken are listed in full in the note to Table 1.

<sup>2</sup>See, for example, the article by Freeman and Waldfogel in this *Focus*. California in particular has an abysmal record; in 1996, the state had established support orders for only 46 percent of eligible families, 22 percent below the national average.

<sup>3</sup>Parents in the studies were living in urban areas before the passage of welfare reform legislation in 1996. Because the 1996 reforms did not change the fundamental structure of the child support system, we believe that the difficulties parents in the studies reported with the child support system remain salient. Names of those interviewed are included when the original study does so.

<sup>4</sup>E. Sorensen and R. Lerman, "Welfare Reform and Low-Income Non-custodial Fathers: New Constraints and Opportunities," paper presented at the 19th Annual Research Conference of the Association for Public Policy Analysis and Management, Washington, DC, 1997.

<sup>5</sup>The pass-through that was required under federal law until 1996 was \$50, but the actual value of what the mother received was about \$35 after her food stamps were reduced.

<sup>6</sup>K. Edin and L. Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* (New York: Russell Sage Foundation, 1997).

<sup>7</sup>See, for example, I. Garfinkel, S. McLanahan, and T. Hanson, "A Patchwork Portrait of Nonresident Fathers," in *Fathers under Fire: The Revolution in Child Support Enforcement*, ed. I. Garfinkel, D. Meyer, and J. A. Seltzer (New York: Russell Sage Foundation, 1998), pp. 31–60.

<sup>8</sup>On the frequency of imprisonment, see Johnson and Doolittle, *Low-Income Parents and the Parents' Fair Share Demonstration*, p. 27.

<sup>9</sup>Sorensen and Lerman, "Welfare Reform."

<sup>10</sup>Both resident mothers and nonresident fathers tend to overreport the amount of support owed and paid, but the bias is larger for fathers. See N. Schaeffer, J. A. Seltzer, and M. Klawitter, "Estimating Nonresponse and Response Bias: Resident and Nonresident Parents' Reports about Child Support," *Sociological Methods and Research* 20, no. 1 (August 1991): 30–59.

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# The ethnographic study for the W-2 Child Support Demonstration Evaluation: Some preliminary findings

David Pate and Earl S. Johnson

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In the evaluation of the child support policies embodied in the Wisconsin Works (W-2) program that is now being conducted by the Institute for Research for Poverty there are two components—a large-scale experimental-design study and a modest ethnographic study. This article explains the ethnographic component and provides some preliminary findings from the field.

## The purpose of the ethnographic study

The intent of the qualitative component in the W-2 Child Support Demonstration Evaluation is to provide an understanding of the life experiences of noncustodial parents in the context of welfare reform. The mothers of the children in this sample have received benefits under Temporary Aid for Needy Families or its predecessor, Aid to Families with Dependent Children, and the noncustodial parents have child support orders. The ethnographic study will examine and document the complexities of lives and the effects of changes in child support

policies and distribution rules in a way that survey and administrative records alone cannot.<sup>1</sup>

The particular areas on which we hope to acquire informative and policy-relevant research data are: the effects of child support policy on noncustodial fathers; noncustodial fathers' understanding of their own roles and responsibilities and of welfare reform in Wisconsin; and some personal data, including the noncustodial parents' earnings. The preliminary report will primarily provide limited demographic information about the study sample, but it will also explore noncustodial parents' knowledge of the current child support policy, reactions to the "pass-through" program, and attitudes to the welfare reforms occurring in Wisconsin (most specifically in Milwaukee).

## Sample and methodology

The sample for the ethnographic study consists of 35 noncustodial fathers, primarily African Americans, in the city of Milwaukee, Wisconsin. The interviewees range in age from 18 to 60. The fathers in the sample were randomly chosen from the state's child support administrative records (KIDS), which were divided into two tiers for the purposes of this research.<sup>2</sup>

### "Tier One"

The first tier consists of noncustodial fathers who were randomly selected from the KIDS data. The goal is to conduct interviews with 25 noncustodial fathers who fit the profile developed for this portion of the qualitative

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**Jim Brown** is an African-American noncustodial parent in his thirties. He graduated from high school. Jim has applied for, and been rejected for many jobs. He now has employment with a temporary agency, and makes \$7.00 an hour. He is unable to locate adequate employment because of a prior felony record for nonpayment of child support. He is single and lives with his girlfriend of five years, Lorraine, and their three children. The mother is not now receiving any W-2 services but formerly received AFDC and some medical and child care benefits. One of the children is from her previous relationship, but it has been legally established that Jim is the father of the other two children. He makes weekly child support payments for the two children living with him in the amount of \$100 collected through wage garnishment. The custodial family has been assigned to the control group of the W-2 experiment, and they do not receive a "full" pass-through of his child support payments. All of his child support goes to reimburse the state except for \$50.

Jim would like to work more at the temporary agency, but is reluctant to do so because the increased income will lead to an increased deduction from his paycheck for child support, and his family will not benefit. His checks are small after all fees and obligations from the child support order are taken out. Neither his job nor his girlfriend's provide for health insurance, they both have gross incomes that are too high for them to qualify for Medicaid benefits, and they were unaware that they might qualify for Wisconsin's BadgerCare Health Care program for low-income families. Thus his children do not have adequate health care coverage. After a recent emergency room visit, they were informed by the doctor that their youngest child is asthmatic.

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sample.<sup>3</sup> At the present time, 18 noncustodial fathers are in the base sample and they are the basis for the discussion in this article.

### **“Tier Two”**

The second tier of noncustodial fathers consists of participants in the Children First program.<sup>4</sup> This sample of parents was not randomly assigned but was drawn from two W-2 sites (United Migrant Opportunities Services, Inc., and Employment Solutions). We were interested in obtaining data on fathers who have participated in job-search and job-training programs, such as Children First. Thus the Children First sample is a purposive sample similar to the Manpower Demonstration Research Corporation sample in the Parents Fair Share program.<sup>5</sup>

Fathers in both tiers share some common characteristics: their children are recipients of public assistance and they have child support orders entered against them. In addition, we wanted to interview noncustodial parents who have had problems with making payments and with employment prior to the experiment.

contempt of court for nonpayment, or for a felony conviction for criminal nonsupport.<sup>7</sup> Some of these men may be engaged in illegal activities or in work for which they do not report earnings. Often they are trying to keep money to provide for their child(ren) financially.

To protect the information we are collecting, the project was awarded a certificate of confidentiality by the Department of Health and Human Services.<sup>8</sup> All subjects are required to construct a pseudonym.

### **Challenges of random sampling for a qualitative research project**

A distinctive feature of this qualitative research project is that the majority of the sample participants are randomly selected from an administrative dataset. The method of random sampling in this population posed substantial challenges to the researchers. It was difficult to gain access to prospective subjects, to persuade individuals that there would be no negative repercussions from participation, and to have them consent to an interview. It is understandable that these men were distrustful of our

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**Jimmy** is a 23-year-old African-American man. He works as a security guard on the third shift. He and his former girlfriend, Patricia, have a three-year-old daughter. They no longer live together or romantically date but have decided to raise their child cooperatively. They are unable to afford all-day child care so he picks up the baby at 3 o'clock every afternoon from daycare and keeps her until the mother gets home from work at 5:30 in the evening. Jimmy is also responsible for at least 50 percent of the child care fees on a weekly basis. He lives with his mother because he is unable to afford his own place. Recently, he received in the mail a summons to appear in court for child support and paternity establishment. He decided, along with the mother of his baby girl, that it would be good to be legally recognized as the father. When the two of them appeared in court, they both acknowledged his paternity and then were told that he was being charged for the birthing costs of the baby, amounting to \$1,875. He was unaware that he would be charged for the delivery of his baby. He and his former girlfriend have never received any public assistance except for Medicaid. He sees his baby every day of the week and sometimes all weekend. He buys her clothes, shoes, food, and other necessary items. He was thinking about going to school at a local community college but with the birthing fees to pay, he will have to wait for another year.

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We have collected data through semistructured interviews that have lasted from 45 minutes to 3 hours. Fathers who participate in the first semistructured interview will be contacted once or twice more, for updates. These interviews began in May 1999 and are expected to end in August 2000. Finally, we will attempt a last interview with each participant who was initially interviewed.

### **Confidentiality**

Because we are interested in learning about all of the ways in which people create income-producing activities, guaranteeing confidentiality to these parents, in order to gain their trust and convince them to share their life experiences, was a high priority.<sup>6</sup> We expected that some fathers would routinely be providing in-kind contributions or informal child support to the custodial parent. This behavior is considered welfare fraud on the mother's part. If informal payments are substituted for formal child support payments, the noncustodial parent would continue to accumulate a large debt and subsequently place himself at serious risk of being jailed for

intentions. Many of them have experienced consistently negative interactions with government officials, police, and people in positions of authority.<sup>9</sup>

### **Characteristics of the interviewees in the preliminary report**

All of the men are African Americans and lived in Milwaukee at the time of the interview. Their average age is 35. Fourteen of the fathers have either a high school diploma or GED certificate, and 12 had a full-time job at the time of the first interview. Nine have been married at some point, and 14 have been arrested and incarcerated. The median number of children these men have is two. The majority of the men live with someone (most likely their girlfriends or their mothers) in a home where their name is not on a lease, but three are homeowners; all of them were able to purchase their homes by taking advantage of veterans' benefits.

Eight men have physical custody of their children, even though they are legally considered the noncustodial par-

ent. At the time of the interview they lived in the same home with the (legal) custodial parent and the children, and had an active and current child support order for the children. The remaining ten nonresident fathers were regularly involved in their children's lives. Two of the men with a current and active child support order were on Supplemental Security Income.

## Preliminary findings

The preliminary findings that will guide our future analysis can be succinctly expressed:

- The low-income men in this sample know very little about the mechanics of the child support system. Many have little or no knowledge about the rules and procedures of the Children First program either.
- The majority of the men in this sample are facing housing insecurity. Because of the combination of low wages, child support obligations, and the associated fees and arrears, many do not make enough money to maintain an apartment but must live with relatives, friends, or girlfriends.
- Economic opportunities for these low-income noncustodial parents are limited.<sup>10</sup> Many of the men in the study sample complained about their inability to get a better job because of felony convictions that were sometimes due to nonpayment of child support arrearages. Under law, the employer cannot discriminate, and it is illegal to fire or not to hire someone because of prior felony convictions. Nevertheless, noncustodial fathers in the sample state that they are routinely denied employment after the prospective employers discover that they have a felony conviction record.

Debt (much of it due to child support obligations), low-wage jobs, and feelings of hopelessness over their current life situation combine to have severe effects on these noncustodial fathers.<sup>11</sup> Even when they find "good" jobs (which many defined as jobs paying at least \$10 an hour), keeping them is hard.

Wage garnishment takes away the little control that they could have in managing their income. The men reported the garnishment not only of wages but also of tax refunds, and even in one case of a student aid grant to attend college. They also reported that beautician's and driver's licenses were taken away.

- For many of these men, the level of child support is high relative to their potential earning capability. The higher the debt, the less incentive there is to work to pay off the debt, which quickly gets out of their control. For example, one 55-year-old man makes \$7.25 an hour and owes \$30,000 in child support arrears. He is unlikely ever to clear so large a debt.
- Despite a lack of economic resources, these men participate in their families' lives as caregivers and are active participants in social networks. Several of the men not only cared for their own children on a daily basis but were responsible for the well-being of their biological parents.
- Some of these men have made what may be considered life mistakes early. They perhaps had a baby as a teenager, dropped out of school, ignored their original paternity establishment notice in the mail because they did not understand it or knew they could not pay it. The rigid and punitive nature of the child support system (e.g., compounded interest and incarceration) is designed to reimburse the government for welfare costs rather than to increase the well-being of the household where the child lives. Moreover, the options that many of these African-American men have are limited by the realities of the structural racism and discrimination that follow them throughout their lives.<sup>12</sup>

## Policy considerations

Even very early in this research project, certain policy issues have emerged:

1. In poor, primarily African-American communities, W-2 and the child support agencies need to ***better com-***

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**Ivy** is a 30-year-old African-American man, with a two-year college education. Two of his seven children, aged 10 and 13, are in his physical custody. His son is asthmatic and requires daily maintenance medication. The three of them live in a three-bedroom apartment in the city. Ivy also received legal custody of these two children, who were going to be released into foster care because their mother was unable to provide for them adequately. Ivy has held management positions in the past few years, but he has been unemployed for the last six months. He left his last job in discouragement because he was bringing home a paycheck that amounted to 25 percent of his net pay. The remainder went to pay child support for the other five children. Ivy had separate orders, each of which ordered that 17 percent be deducted for the child, and despite several attempts to combine his orders at the courthouse, he was unable to navigate the legal system for a modification. He has been looking for work but has received only rejections. At the time of the last interview, he had been threatened with eviction in two days because he had been unable to pay his rent. His options were limited. He has no family in Milwaukee; his mother lives in Green Bay but is now in a shelter. He had pondered the possibility of a shelter, but many shelters will not take men with adolescent boys. He sought help at various human service organizations, but help could not come fast enough in his current crisis. He was evicted and homeless two days later.

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**Ricky** is a 42-year-old man with four children. He has lived with his fiancée, Emma, the mother of his two youngest children, for eleven years. He has worked in maintenance at a local company in Milwaukee for the last eight years, and his fiancée works with the elderly in a nursing home. His older children are 19 and 21 years old and living in their own apartments. He is no longer paying child support for them, but pays \$232 per month in child support and associated fees for the two children that live with him. The mother has been designated as an experimental group member. Therefore, she gets all the money that he pays back into the household. He refuses to stop paying child support even though a state clerk has told him that he has the option of not paying because he lives with his children. He stated “I am too afraid to stop paying because I don’t know what the government might do to me. They may come back later and said that I never paid anything.”

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***municate the resources and opportunities*** that are available to low-income, noncustodial parents through their programs. In these communities, access to well-paying jobs is elusive. Good jobs are the only kind that might allow a father to support himself economically and meet his child support obligation. Low-income communities also need greater access to information about other programs for low-income families, such as health insurance through Wisconsin’s BadgerCare program.<sup>13</sup>

2. The lack of understanding of the child support system and the obligation it creates leads some low-income, noncustodial men to avoid the system completely. This, in turn, creates large debts that may be impossible *ever* to pay off. ***Better public education is essential.***

3. The child support system must acknowledge that ***having work is essential to paying child support***, as many of the men interviewed quite logically pointed out. Furthermore, placing low-income fathers with children on welfare in jail and withholding the licenses of low-income fathers does not assist them in becoming self-sufficient and productive adults. ■

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<sup>1</sup>See the Joint Center for Poverty Research, *Poverty Research Newsletter* 4, no. 1 (February, 2000). This issue highlights the use of quantitative and qualitative research methods in analyzing social policy. On qualitative research, see also E. Johnson, A. Levine, and F. Doolittle, *Fathers’ Fair Share: Helping Poor Men Manage Child Support and Fatherhood* (New York: The Russell Sage Foundation, 1999).

<sup>2</sup>Kids Information Data System (KIDS) is an automated child support enforcement system that contains case management information about all child support payments received and processed by the counties as a result of a court order.

<sup>3</sup>After a review of the KIDS dataset, 1,009 noncustodial fathers met the stringent criteria for inclusion in the base population of the research project. The population was distinguished by being an approximately equal mix of experimental- and control-group members. This population was then randomly assigned into a smaller sample of 250, which was the working sample used to recruit participants for a face-to-face interview with one of the researchers. There were seven waves of letters set out to 162 noncustodial fathers. Each wave consisted of an initial letter with a follow-up phone call, and a second letter.

<sup>4</sup>Children First, or the Community Work Experience Program for noncustodial parents, began in 1988 as a pilot program, to provide work experience and training to unemployed and underemployed noncustodial parents who are unable to meet their child support obligations and to promote their emotional and financial responsibil-

ity toward their child(ren). The court orders participation in the Children First program, but a noncustodial parent can also voluntarily enroll, by stipulation through the Child Support Agency, and perhaps avoid having to experience the contempt proceedings. The Children First program is successfully completed when the participant makes full and timely child support payments for three consecutive months or completes 16 weeks of employment and training activities. In Milwaukee County, program services are provided by the W-2 agencies, the County Department of Child Support Enforcement, and the state. Some of the services are job placement, résumé preparation, parenting classes, and transportation assistance. Participants who fail to participate can be jailed for up to six months, and will still owe the full amount of their child support order, along with interest.

<sup>5</sup>Qualitative sampling is generally purposive or purposeful. A purposive sampling means adopting certain criteria to choose a specific group and setting to be studied. The criteria for sampling must be explicit and systematic. See M. LeCompte and J. Preissle, with R. Tesch, *Ethnography and Qualitative Design in Educational Research*, 2nd ed. (Chicago: Academic Press, 1993). The Parents Fair Share (PFS) Demonstration conducted by the Manpower Demonstration Research Corporation was a multisite test of programs that require noncustodial parents (usually fathers) of children on welfare to participate in employment-related and other services when they are unemployed and unable to meet their child support obligations. See D. Bloom and K. Sherwood, *Matching Opportunities Obligations: Lessons for Child Support Reform from the Parents’ Fair Share Pilot Phase* (New York: Manpower Demonstration Research Corporation, 1994) and Johnson, Levine, and Doolittle, *Fathers’ Fair Share*.

<sup>6</sup>Previous researchers in this area have also found that the sensitivity of this information requires a high level of confidentiality. See K. Edin and L. Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work* (New York: The Russell Sage Foundation, 1997); Johnson, Levine, and Doolittle, *Fathers’ Fair Share*; and the article in this *Focus* by Waller and Plotnick.

<sup>7</sup>Wisconsin Child Support Policy and Program Administration Manual, Section 3.13.1, § 948.22(2) and (3), Wis. Stats. and Section 3.13.4 § 939.50, Wis. Stats., § 939.51, Wis Stats., § 948.22, Wis. Stats. “Criminal nonsupport” is defined as intentional failure for 120 or more consecutive days to provide any spousal, grandchild, or child support that the person knows or reasonably should know that he or she is legally obligated to provide. This is a Class E felony, for which the penalty is a fine, not to exceed \$10,000 or imprisonment for two years or less, or both. See Wis. Stat. Ann § 111.355 (1) (u).

<sup>8</sup>The Certificate of Confidentiality is needed because sensitive information will be generated which, if disclosed, could expose the subjects to adverse legal, economic, psychological, and social consequences. This information includes, inter alia, information about illegal income and/or in-kind or informal payments to the mother which, if unreported, might be construed as welfare fraud by the mother. The certificate helps the researchers protect the confidentiality of this information from subpoena and involuntary disclosures.

<sup>9</sup>See M. Duneier, *Sidewalk* (New York: Farrar, Straus, and Giroux, 1999). The Introduction and Appendix sections of his book provide excellent insights on the challenges faced by ethnographers in conducting their research.

<sup>10</sup>On nonresidential fathers and their economic hardships see K. Edin, L. Lein, and T. Nelson, "Low-Income, Non-Residential Fathers: Off-Balance in a Competitive Economy, An Initial Analysis," a report for the HHS Fatherhood Initiative, September 28, 1998. It is available on the World Wide Web site of the Department of Health and Human Services at < <http://aspe.hhs.gov/fathers/el/el98.htm> >

<sup>11</sup>PRWORA allows states to sanction noncustodial parents who are in arrears on their court-ordered child support payments. A recently proposed regulation for noncustodial parents participating in the Food Stamp Program (FSP) is to disqualify households containing a noncustodial parent who is in arrears on his/her child support payments from receiving food stamps. See Paula Roberts, Center for Law and Social Policy, Memorandum dated 1/31/2000, < <http://www.clasp.org/> >

<sup>12</sup>According to Donna Franklin, "no attention is being paid to the operation of forces that deny access to jobs, sustain discrimination in housing, or provide inferior education or no education to ghetto residents." See *Ensuring Inequality: The Structural Transformation of the African-American Family*, Introduction and Chapters 8 and 9 (New York: Oxford University Press, 1997). See also C. West, *Race*

*Matters*, Introduction and Chapter One (Boston: Beacon Press, 1993) and W. Wilson, *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy* (Chicago: University of Chicago Press, 1987).

<sup>13</sup>BadgerCare is a new program that started July 1, 1999, to provide health insurance for uninsured, low-income children and their parents in Wisconsin. Families with incomes less than 185 percent of the federal poverty line are eligible.

In March of 1999, the federal Department of Health and Human Services established a Medical Child Support Working Group, as required by The Child Support Performance and Incentive Act of 1998 (CSPIA; PL 105-200), to develop a performance indicator that would measure the effectiveness of state child support enforcement agencies in establishing and enforcing medical support obligations for children. (Under discussion at these meetings is a recommendation not to charge the noncustodial parent birthing fees, the subject of one vignette in this article.)

***Fathers' Fair Share:  
Helping Poor Fathers Manage  
Child Support***

Earl S. Johnson, Ann Levine,  
and Fred C. Doolittle

A detailed study of the Parents' Fair Share Program that examines its employment training services, peer support groups, and dispute mediation procedures and explores participating fathers' expectations and attitudes.

April 1999, 320 pp., \$45.00. For information: Russell Sage Foundation, 112 East 64th Street, New York, NY 10021 Tel., 212.750.6000; Fax, 212.371.4761; e-mail, [info@rsage.org](mailto:info@rsage.org).

# The effects of Parents' Fair Share on the employment and earnings of low-income, noncustodial fathers

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In the debate over welfare reform, noncustodial fathers have figured primarily as targets of increased child support enforcement efforts. Too often overlooked is the fact that many of the fathers associated with families receiving public assistance may be unskilled and insecurely employed. If child support payments are to contribute significantly to the well-being of single-mother families, then these fathers must be given better opportunities to meet their obligations.

The Parents' Fair Share (PFS) Program, a demonstration program conducted in seven urban areas across the country, was designed to do just that.<sup>1</sup> In exchange for fathers' cooperation with the child support system, PFS offered services to help them find more stable and higher-paid work and become better parents. The programs were run through partnerships between state and local agencies and community-based organizations.

PFS, which began in 1994, was directed toward unemployed or underemployed noncustodial fathers of children on AFDC who had support orders in place but were not paying child support. The services that PFS programs offered them had four main components: peer support, employment and training services, enhanced child support enforcement, and mediation between custodial and noncustodial parents.<sup>2</sup> For fathers referred to the program, participation was mandatory. If they cooperated, their child support orders were reduced; when fathers found employment—or if they stopped participating in the program—orders were restored to their previous level.

Beginning in 1994, the Manpower Demonstration Research Corporation undertook a full-scale evaluation of the program. Between 1994 and 1996, over 5,000 noncustodial parents eligible for PFS in the seven sites were randomly assigned to either a program group that would receive PFS services or a control group that would not. In the report summarized here we examine the effects of PFS on the employment and earnings of the men who took part, drawing information from state administrative data for the full sample and from a detailed survey administered to a smaller group of about 550 fathers one year after they entered the program.<sup>3</sup>

## The characteristics of low-income fathers referred to PFS

Fathers referred to the PFS program because they had been unable to meet their support obligations were more disadvantaged than low-income noncustodial fathers in general. The men in the survey sample were relatively young (nearly three-quarters of them were under age 35), and the majority (60 percent) had never been formally married. Over half were black, almost a quarter Hispanic.

Over a third of the fathers in the survey sample lived alone, and a quarter were living with their parents. About the same percentage shared a house with a spouse or partner, some of whom were supporting other children. But living situations

**Table 1**  
**Potential Barriers to Employment among Noncustodial Fathers**

	%
<b>Housing status</b>	
Own home	5.8
Rent home	29.3
Live with family and friends and contribute to rent	31.5
Live with family and friends and don't contribute to rent	7.9
Other	25.5
<b>Housing stability</b>	
Among those who own, rent, or contribute to rent	
Stayed in 3 or more places since random assignment	21.5
Slept in shelter, car, or public place in the last 3 months	5.7
Among those with other arrangements	
Stayed in 3 or more places since random assignment	26.1
Slept in shelter, car, or public place in the last 3 months	13.6
<b>Education</b>	
No high school diploma/GED	49.5
High school diploma/GED	49.9
Associates degree or higher	0.6
<b>Health</b>	
Rates as good or excellent	73.6
Reports a disability <sup>a</sup>	12.4
Reports drug use in past month	13.7
Reports alcohol use in past month	31.7
<b>Arrest/conviction history</b>	
Arrested and charged with crime since random assignment	31.6
Drug-related	24.8
Driving without a license	19.6
Other	55.6
Convicted of criminal offense since age 16	68.5

**Source:** MDRC calculations from noncustodial parent survey (control group only, N = 261) and Parents' Fair Share background information form.

<sup>a</sup>Fathers were classified as disabled if they listed ill health or disability as a reason that they were not looking for work, if they received Supplemental Security Income, or if they had been bedridden for more than 30 days in the past year.

were unstable for a large minority (see Table 1), and this may hinder their ability to enter the labor market or stay employed. Men with unstable housing may not be able to give a permanent address or phone number to a prospective employer, but may have to rely on a beeper—a circumstance which may make them uncomfortable and the employer less interested. And they have less opportunity for ongoing social contact, an important link to potential employers.<sup>4</sup>

The men in the survey faced other serious barriers to employment. Nearly half did not have a high school diploma or GED, and nearly 70 percent reported that they had been convicted of a criminal offense since age 16 (Table 1). Earl Johnson and his colleagues found that some fathers did not get jobs because they failed employer drug tests.<sup>5</sup>

## Employment and earnings of control group members

Unstable housing, low education, limited work experience, and drug use are, in general, associated with low earnings and unstable employment. The fathers referred to PFS are no exception: those without a high school diploma were both more likely to be unemployed and more likely to leave employment in a given month than men who had completed high school. Those who reported drug use in the month before the survey and those who had little work experience before random assignment were also less likely to work.

Table 2 reports employment and earnings in the year after random assignment for fathers who were in the survey sample, but not receiving PFS services (the control group). Nearly 40 percent of the men earned less than \$5,000, and average earnings were \$5,894, considerably less than the average earnings of around \$25,000 for all nonresident fathers.<sup>6</sup> On average, the fathers in the sample earned slightly over \$7 per hour, and nearly three-quarters of those who were employed worked full time. But even those who worked full time were much less likely to have employer-provided benefits than are workers in general; around 30 percent of PFS fathers had such benefits, whereas nationally, over 60 percent of employees received employer-provided health insurance in 1999, and over 50 percent had paid sick days.

Although 70 percent of surveyed fathers worked at some point during the previous 12 months, this overall employment rate indicates neither how long the average job lasted nor whether men experienced spells of unemployment. A significant fraction (around 30 percent) were never employed the entire year; almost as many (22 percent) were always employed.

## The effects of PFS on employment and earnings

For the sample as a whole, PFS did not significantly increase fathers' employment or earnings in the first two years during which they were followed. However, there is

**Table 2**  
**Employment, Earnings, and Job Search Activities**  
**of Fathers in the Parents' Fair Share Control Group**

Employed within 12 Months of Random Assignment	
UI records	80.5%
Reported on survey	70.0%
Average Earnings within 12 Months of Random Assignment	
UI records	\$5,449
Reported on survey	\$5,894
Among those employed	\$8,204
Characteristics of most recent job, for those employed (N = 180)	
Average hourly wage	\$7.10
Average weekly hours	
1–19	3.9%
20–34	23.6%
35+	71.9%
Employer-provided benefits for those working 30+ hours	
Paid sick days	21.2%
Paid vacation	33.1%
Health benefits	32.0%
Job Search Activities, if not employed at survey (N = 126)	
Looking for work	63.9%
Hours in last month spent looking	
Less than 20	36.6%
21–40	32.7%
40+	30.6%
If Neither Employed Nor Looking for Work, Reason (N = 46)	
Ill health, disability, or other personal handicap	24.7%
In jail	23.9%
Other	51.4%

**Source:** MDRC calculations from noncustodial parent survey and Unemployment Insurance (UI) administrative records.

**Note:** Data are for fathers from the control group for the survey sample (N = 261). UI records may well miss earnings for individuals who work off the books, out of state, or in uncovered employment; men answering a survey may fail to remember small intervals of employment, or underreport their earnings.

evidence that the program increased earnings for more disadvantaged men, particularly those who entered the program later in the evaluation, by increasing the duration and quality of their jobs. For less disadvantaged men, PFS somewhat reduced employment rates among those who would have worked in part-time, lower-wage jobs, perhaps by encouraging them to hold out for better jobs. The full story on the effects of the program comes from examining impacts on the full sample and the survey sample and from using earnings data from two sources.

First, the program's impacts were different for the full sample and the survey sample, in part because the survey respondents are a somewhat select group of men, and in part because the survey sample came from a late cohort of fathers. The program had bigger effects on the later cohort, either because the local economies changed over time or, as the implementation research suggests, the program became more effective over time: job search services improved as technical assistance was provided, and the coordination between PFS staff and the child support enforcement agencies also improved.<sup>7</sup>

**Table 3**  
**Effect of PFS on Employment, Earnings, and Benefits**  
**for Noncustodial Fathers**

Outcome	Program Group	Control Group	Effect
Full PFS Sample (N = 5020)			
Year 1 (UI)			
Employed	71.9%	70.4%	1.5
Earnings	\$4,928	\$4,876	\$52
Year 2 (UI)			
Employed	70.3%	69.7%	0.6
Earnings	\$6,238	\$6,079	\$159
PFS Survey Sample (N = 553)			
Year 1			
Employed (UI)	75.4%	81.2%	-5.8*
Earnings (UI)	\$6,090	\$5,412	\$678
Employed (survey)	70.2%	70.1%	0.1
Earnings (survey)	\$7,150	\$5,779	\$1,371**
No. quarters employed (UI)			
0 quarters	24.6%	18.8%	5.8*
1 quarter	10.1%	18.9%	-8.7***
2–3 quarters	29.4%	28.4%	1.0
4 quarters	35.9%	34.0%	1.9
Characteristics of most recent job <sup>a</sup> (survey)			
Hours worked			
<35 hours	15.7%	19.9%	-4.2
35+ hours	54.5%	49.9%	4.6
Wage range			
<\$5/hr	4.6%	7.4%	-2.8
\$5–\$6.99/hr	24.2%	30.1%	-5.8
\$7–\$8.99/hr	22.4%	18.4%	4.0
>\$9/hr	17.1%	9.9%	7.2**
Benefits			
Paid sick days	20.0%	13.5%	6.4**
No paid sick days	48.7%	55.5%	-6.8
Health insurance	25.6%	19.0	6.6*
No health insurance	42.5%	49.9%	-7.4*

**Source:** MDRC calculations from noncustodial parent survey and background information forms and from Unemployment Insurance (UI) administrative data. Massachusetts site not included in the analysis as data not available for the full sample after quarter 3.

\*\*\*p < .01, \*\*p < .05, \*p < .10

<sup>a</sup>Respondents for whom information is missing are excluded.

Second, the impacts are also somewhat different depending on whether we use Unemployment Insurance (UI) or survey data. The survey data may capture “off-the-books” work or work not reported by employers, so it is not surprising, especially for this group of men, that the two sources might give different results.

For the full sample, UI data show almost no difference between program participants and the control group in employment or earnings (Table 3). The survey data suggest, however, that those in the PFS program had higher earnings in year one.

When we considered the seven sites individually, we found, as we would expect, that employment and earnings for both program and control groups varied according to local labor market conditions or differences in the characteristics of the

fathers at each site. For example, fathers in Memphis earned substantially less than fathers in the other sites (an average of \$3,591 for quarters 1–4 of the follow-up, compared to \$4,200–\$5,900 in the other sites).

Again, according to UI data, PFS did not consistently or significantly affect employment or earnings except in two sites, Grand Rapids and Dayton. In Grand Rapids, the program increased earnings by a statistically significant amount in the later quarters, though without a corresponding increase in employment rates. In Dayton, the program increased both employment and earnings rates in the early quarters. Grand Rapids was one of only two sites that placed a fair number of fathers into on-the-job training slots (nearly 20 percent within one year of random assignment). The increase in earnings, without an increase in employment rates, may be explained by the fact that these slots provided men with higher-paying jobs than they would have found otherwise.

In three sites, Memphis, Trenton, and Los Angeles, PFS tended to have negative employment and earnings impacts. The Los Angeles and Memphis programs placed an emphasis on skills training (primarily basic education in Memphis). The absence of any improvement in either employment or earnings after two years suggests that this strategy does not seem to be having long-term positive effects.

It seems likely that PFS would have different effects on men who may have more or less difficulty finding jobs on their own. Thus, we explored whether fathers’ education levels and previous work experience made a difference (Table 4).

*Education.* UI data suggest that the program produced generally larger effects on the employment and earnings of men without a high school diploma, and survey data, consistent with findings for the whole sample, also show a substantial increase in earnings for these men. Our analyses suggest that for this group the program increased the duration of employment among men who would have worked anyway and improved the types of jobs they found—18 percent of program members held jobs paying over \$9 per hour, compared with 8.3 percent of control members.

*Prior work experience.* Both the UI data and survey data in Table 4 suggest that the PFS program had a larger effect on the most disadvantaged group—those who had not worked within the six months prior to random assignment (about half of these men had a high school diploma). Again, the impact on earnings is much larger for the survey group, who entered the program later. And again, the earnings increase appears to be driven by an increase, among men who would have worked anyway, in the duration of employment and the quality of jobs.

We also examined the program’s effects by race. In general, the differences by race (not shown) are not as great as the differences by education and work experience. Nevertheless, the effects of the program appear to be smaller for African-American fathers than for the remainder of the sample.

**Table 4**  
**Effects of PFS on Employment, Earnings, and Benefits,**  
**for the Survey Sample at the End of the First Year**

Subgroup Characteristic	Employed	Earnings
<b>Education</b>		
High School Diploma		
UI		
Program Group	78.6%	\$6,926
Control Group	86.6%	\$6,304
Effect	-8.0*	\$622
Survey		
Program Group	71.7%	\$6,666
Control Group	79.8%	\$6,534
Effect	-8.0	\$132
No High School Diploma		
UI		
Program Group	72.0%	\$5,171
Control Group	75.3%	\$4,428
Effect	-3.3	\$743
Survey		
Program Group	67.9%	\$7,178
Control Group	61.5%	\$4,969
Effect	6.4	\$2,209**
<b>Prior Employment<sup>a</sup></b>		
Recently employed		
UI		
Program group	80.0%	\$6,630
Control group	88.6%	\$6,606
Effect	-8.6*	\$24
Survey		
Program group	74.4%	\$7,431
Control group	81.9%	\$6,977
Effect	-7.5	\$454
Not recently employed		
UI		
Program group	69.3%	\$5,221
Control group	68.3%	\$3,551
Effect	1.0	\$1,669*
Survey		
Program group	62.5%	\$6,050
Control group	52.7%	\$3,762
Effect	9.9	\$2,288**

**Source:** MDRC calculations from noncustodial parent survey and Unemployment Insurance (UI) administrative records. N = 553.

\*\*\* p < 0.01, \*\*p < 0.05, \*p < 0.10

<sup>a</sup>Men who worked within the 6 months before random assignment are defined as “recently employed.”

Did the level of participation in PFS services make a difference? Just 61 percent of fathers in the program group participated at all (these rates are comparable to rates achieved in male-targeted welfare-to-work programs that are generally considered successful).<sup>8</sup> Of the services offered, only two achieved impacts on participation above single digits—job clubs (32.6 percent participated) and peer support groups (46.8 percent participated). The effects of the program would appear to be generated largely by fathers’ participation in these two activities, as well as the overall PFS mandate. (From other data, we know that only about 10 percent of PFS fathers participated in on-the-job training or skills training.)

In sum, then, the PFS program appears to have been moderately successful in improving employment and earnings among the less employable fathers, those without a high school diploma and little recent work experience. It had no effect on the earnings of the more employable fathers and even caused a slight reduction in employment. Fathers who dropped out of the work force in response to PFS seem likely to be those who would have worked part time and earned relatively low wages. It has, indeed, been suggested that many fathers may have come into the programs with heightened expectations about the types of jobs that could get, and may have been less willing to accept lower-wage job offers.<sup>9</sup>

A quarter of the men assigned to PFS did not work at all during the year; some men appear to need more intensive services to keep and find jobs than PFS offered. Such programs might achieve greater effects if they were explicitly designed to deal with low education as a barrier to employment while still meeting their need for income, perhaps by providing additional skills training in combination with part-time work. For men who remain unable to find jobs through the program, community-service employment may be a way to acquire much needed work experience. ■

<sup>1</sup>The sites were Dayton, OH, Grand Rapids, MI, Jacksonville, FL, Los Angeles, CA, Memphis, TN, Springfield, MA, and Trenton, NJ.

<sup>2</sup>Some examples of enhanced enforcement included designating caseworkers who understood PFS objectives to serve program participants, allowing these designated caseworkers to handle smaller caseloads, and implementing mechanisms to ensure that caseworkers learned of employment more quickly than the standard.

<sup>3</sup>This article summarizes a longer study by the authors, “Increasing the Employment and Earnings of Low-Income, Noncustodial Fathers: Evidence from Parents’ Fair Share,” unpublished report, MDRC, New York, February 2000.

<sup>4</sup>E. Johnson, personal communication.

<sup>5</sup>E. Johnson, A. Levine, and F. Doolittle, *Fathers’ Fair Share: Helping Poor Fathers Manage Child Support* (New York: Russell Sage Foundation, 1999).

<sup>6</sup>See I. Garfinkel, S. McLanahan, and T. Hanson, “A Patchwork Portrait of Nonresident Fathers,” in *Fathers under Fire: The Revolution in Child Support Enforcement*, ed. I. Garfinkel, S. McLanahan, D. Meyer, and J. A. Seltzer (New York: Russell Sage Foundation, 1998); E. Sorensen, “A National Profile of Nonresident Fathers and Their Ability to Pay Child Support,” *Journal of Marriage and the Family* 59, no. 4 (1997): 785–97.

<sup>7</sup>F. Doolittle, V. Knox, C. Miller, and S. Rowser, *Building Opportunities and Enforcing Obligations: Implementation and Interim Impacts of Parents’ Fair Share* (New York: MDRC, 1998).

<sup>8</sup>Doolittle and colleagues, *Building Opportunities*.

<sup>9</sup>Doolittle and colleagues, *Building Opportunities*.

# Dunning delinquent dads: Child support enforcement policy and never-married women

Richard B. Freeman and Jane Waldfogel

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The economic plight of single-parent families headed by never-married women has drawn increasing public attention to absent parents who fail to meet financial obligations toward their children.<sup>1</sup> If these parents fulfilled those obligations, would the level of poverty among never-married mothers decline? Some statistics suggest so. They also suggest that women receiving child support are somewhat less likely to turn to welfare for assistance—a fact of even greater interest to public officials (Figure 1).

Since the mid-1970s, a far-reaching set of federal laws and regulations has offered new incentives and imposed new obligations on state governments, custodial parents receiving public assistance, and nonresident parents (see p. 3). A flurry of state laws has been passed to enforce and increase the support paid by absent parents, and state and federal budgets for child support enforcement have risen substantially.

How successful has this effort been? To explore this question we draw upon state administrative data and child support data in two national databases, the Survey of Income and Program Participation (SIPP) and the March and April Current Population Surveys (CPS). These sources provide a consistent picture of the effects of the increased national effort to raise child support payments by absent fathers.

## Meeting federal requirements

State efforts to comply with federal laws have targeted four stages in the process of enforcing child support payments on absent parents, who are overwhelmingly fathers.

### 1. Establishing paternity

In 1992, some 3.1 million children had no legal father. There was little consistency in state policies in this area: between 1989 and 1992, paternity establishment rates for children born to never-married mothers ranged from 3 percent in the District of Columbia to 87 percent in West

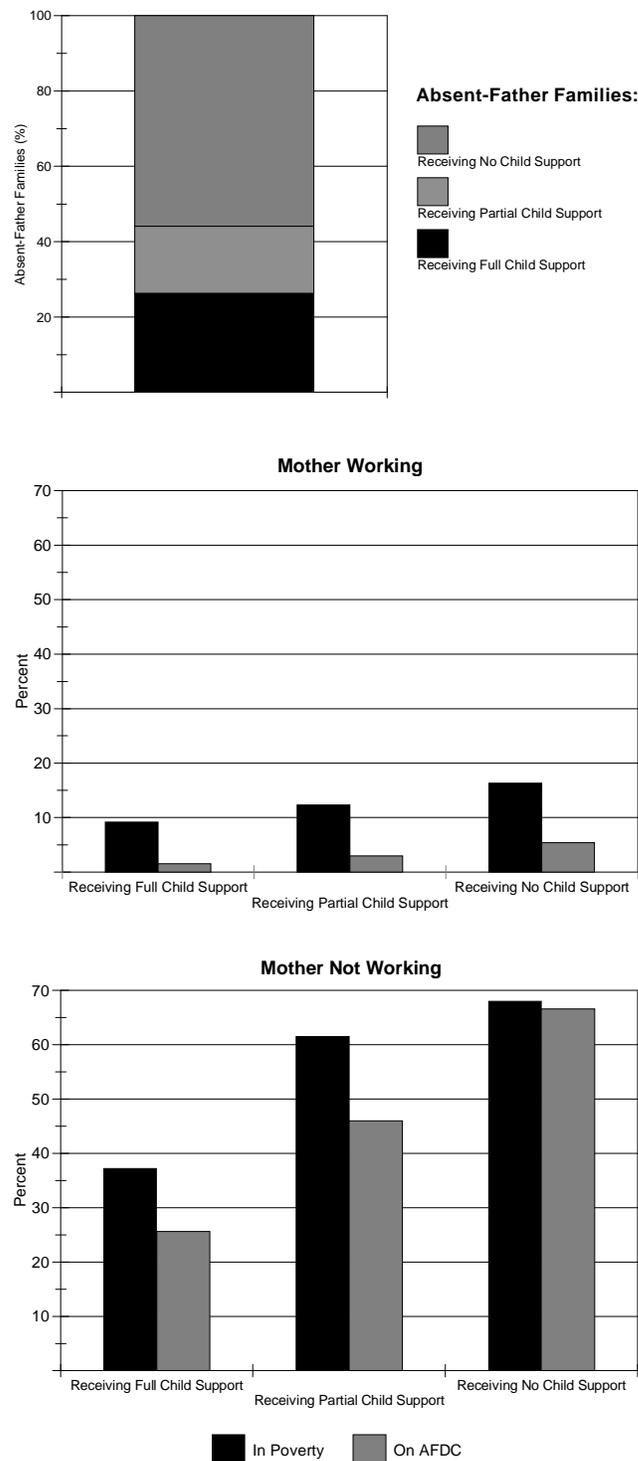


Figure 1. Poverty and child support among families with absent fathers, 1991.

Source: SIPP Child Support Module, 1991.

Virginia. Responding to the requirements of the Family Support Act of 1988, states steadily increased their efforts, almost doubling the number of children for whom paternity was established. Still, in 1993, state governments on average were establishing paternity for only 16 percent of cases to which it was applicable.

## 2. Obtaining a support order

Some single-parent families make arrangements for informal child support, but about two-thirds of those who obtain support do so through formal court or child support agency arrangements. The federal government requires states to establish and use guidelines for setting support orders (see the article by Rothe and Meyer in this *Focus*). In the mid-1990s, states were regularly establishing over a million orders each year, for both formerly married and never-married mothers.

## 3. Locating the absent father

In fiscal year 1993, states allocated 15 percent of their child support budgets to finding absent parents and determining their incomes or assets. As of that year, they had located nearly 4.5 million absent parents. Many absent fathers are not, however, in the work force, but are in prisons and jails. U.S. Department of Justice figures indicate that in 1991 approximately 840,000 absent fathers were incarcerated—roughly 10 percent of all absent fathers.<sup>2</sup> By extrapolation, this suggests that approximately 1 million absent fathers were incarcerated in 1998.

## 4. Collecting money

Between 1984 and 1992, expenditures on enforcement for AFDC cases doubled, from about \$11 million to about \$22 million. But expenditures on non-AFDC cases increased fivefold, reaching \$16.5 million in 1992, and the share of funds spent on AFDC cases fell from 84 percent to 57 percent.<sup>3</sup> In 1993, the Child Support Enforcement program collected \$8.9 billion, nearly three-quarters of it involving families not on AFDC.

Withholding of wages has become a major tool for collecting child support. Initially limited to delinquent fathers, withholding was extended, in 1988, to all new and modified orders in AFDC cases. In FY 1993, over half the money collected by child support agencies took the form of wage withholding. Another 16 percent consisted of withheld taxes, unemployment insurance, and the like. Only 38 percent of payments were “routine payments” from absent fathers. In 1985, by comparison, nearly all the money collected had been routine payments.

## The puzzle: Increased effort but stable proportions of support

The administrative data show child support efforts steadily increasing over time—more support orders,

more money collected, more wage withholding. These data suggest that more and more mother-only families should be receiving support from absent fathers. But Figure 2A shows no clear trend in the support received from them. The percentage with any awards at all dips modestly, and the percentage with payments rises modestly.

What explains this puzzling picture? Has the national effort to increase child support payments been ineffective?

Figure 2B offers a partial explanation. The proportion of absent-father households headed by never-married women has increased, and these are the women who typically have the lowest rates of child support. When we examine formerly married and never-married absent-fa-

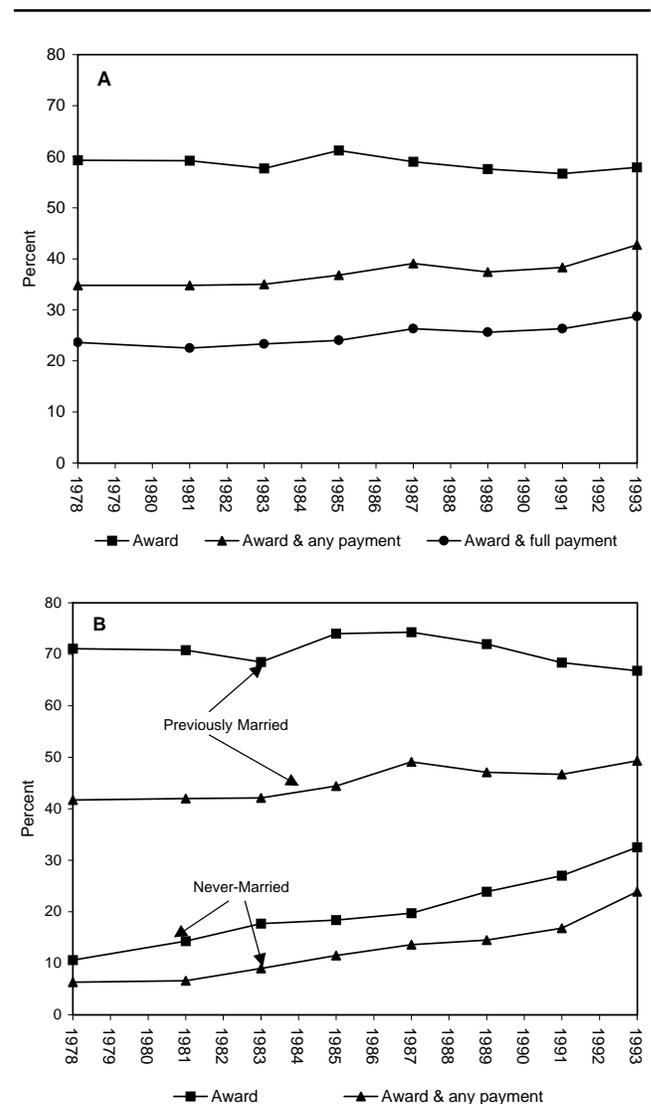
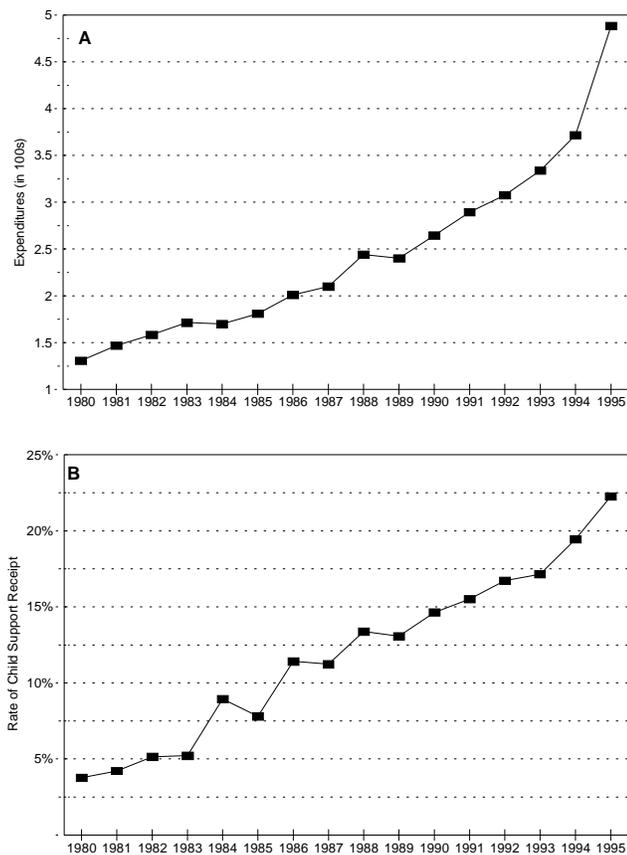


Figure 2. Child support award and payment rates for absent-father families, 1978-93. A. All families. B. By mother's marital status.

Source: Data from the CPS Child Support Modules, 1978-91, and the SIPP Child Support Module, 1993.



**Figure 3. Trends in child support expenditures and receipt, 1980–95.** A. Mean state expenditures per absent-father family (source: OCSE Annual Reports, amounts in 100s of constant 1996 dollars). B. Mean rate of child support receipt by never-married women (source: March CPS, 1981–86).

ther families separately, we find sizable improvements in the rate of support for never-married mothers. From 1978 to 1993, the share with awards more than tripled, as did the share with any payment. Other groups saw much more modest increases.

It makes sense that the largest gains in child support were among never-married women, since federal child support efforts have largely concentrated on the AFDC population. Before there was any substantial government involvement, many divorced women used the private and court-based enforcement system. For this group, the push for enforcement may simply have shifted collection activities from the private and judicial arenas into the offices of public child support enforcement agencies.

### Why has child support for never-married women increased?

The most obvious answer to this question is that the increase in support is due to the extensive governmental efforts that we have described. But there are other possible answers—for instance, that the characteristics of

never-married women and the fathers of their children have improved in ways that make them more likely to receive, and to pay, child support.

Indeed, during the 1980s the characteristics of never-married mothers improved slightly (for instance, they are somewhat better educated). We found, however, that improvements in qualities we can observe account for at most 2 percent of the rise in child support receipts. We have not examined the ability of women’s partners to pay, but it may have deteriorated, given the declining real earnings and increased incarceration rate of young, low-skilled men over these years.<sup>4</sup>

If government activity provides at least part of the answer, which aspect is most important—the increased expenditures on enforcement, or the enactment of child support legislation? Previous research has given ambiguous answers: increased expenditures have had a positive effect on some aspects of support but not on others, and some state legislative policies have had positive effects whereas others have had neutral or negative effects. Because changing policies without changing budgets may have little effect on outcomes—child support agencies may simply shift resources among activities—we examine the interaction of expenditures and policies.

### Estimating the effect of expenditures

Beginning in the mid-1980s, expenditures and receipt of support both rose sharply. From 1980 to 1995, average state child support expenditures rose from \$131 to \$418 per absent-father family (in constant 1996 dollars). Over the same period, the percentage of never-married women receiving support awards rose from 4 to 22 percent across all states (Figure 3).<sup>5</sup>

These trends are sufficiently well aligned to suggest some linkage. For a more precise and valid test of the link, we examine the interrelation between cross-state and time-series variation in expenditures and in the receipt of child support, controlling for various characteristics of the woman, such as her age, education, race, and number of children, and for state and year effects.

Using this approach, we estimate that a \$100 increase in expenditures on child support enforcement per absent-father family would raise the proportion of never-married families receiving support by about 1 percentage point. If we break out the expenditures per absent-father family into two parts, the number of cases per family (which measures the reach of the system) and the mean expenditure per case (which measures the intensity of the effort and perhaps also the difficulty of the case), we find that both appear to raise receipt of support among never-married women. The effect is larger for the proportion of cases opened, suggesting that reaching out to more cases appears to be particularly effective.<sup>6</sup> Overall, a conservative estimate would suggest that increased expenditures

accounted for about 20 percent of the increase in child support receipt from 1980 to 1995.

### Estimating the effect of legislation

Faced with a high and rising amount of state legislative activity over the last two decades, we chose not to investigate the effects of individual laws but instead to create an “index” of state activity by selecting 13 different types of child support legislation and examining how many states had enacted each one from 1974 to 1988.<sup>7</sup> The key assumption of this procedure, which is supported by our data, is that states that have passed the most laws have also the most advanced laws, including the least common ones, whereas states that have passed the fewest laws have only the most common of these 13.

In 1974, the average state had passed none or only one of these 13 types of laws, and the mean value of our child support legislation (CSL) index was -3.29; by 1988, the average state had passed eight or nine laws and the CSL index was 0.81. But if all a state does is enact a law requiring the child support agency to undertake new activities, these activities will not necessarily increase the proportion of never-married mothers that receive support. Indeed, the new law might have the opposite effect. For example, the 1984 Child Support Amendments required states to provide child support services to non-AFDC cases, many of whom were already receiving support through private resources or the courts. By shifting agency resources from AFDC to non-AFDC cases, this legislation potentially reduced the effect of agency expenditures on receipts. Thus we probe the *interactions* between laws and expenditures.

We do so by dividing states and periods into three categories—high, medium, and low—depending on where they fit in the distribution of states/years according to the CSL index and child support expenditures. We control for the characteristics of never-married women in our equations, and allow for a two-year time lag between the passage of laws and their actual implementation. We find that states/years with the weakest laws, as reflected in low CSL indices, have the lowest rates of child support receipt, whereas states/years with high CSL indices and high expenditures tend to have the highest rates of child support receipt.

In other words, the coupling of high expenditures and legal effort produces the biggest impact. Tougher laws work only when accompanied by more spending. ■

<sup>2</sup>U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Survey of State Prison Inmates, 1991* (Washington, DC: U.S. Department of Justice).

<sup>3</sup>Data are from the Annual Reports of the Office of Child Support Enforcement (OCSE) in the U.S. Department of Health and Human Services. The change in the relative amounts spent on AFDC and non-AFDC cases possibly reflects the requirements of the 1984 Child Support Amendments (see p. 3).

<sup>4</sup>R. Freeman, “Why Do So Many Young Men Commit Crimes and What Might We Do about It?” *Journal of Economic Perspectives* 10, no. 1 (1996): 25–42.

<sup>5</sup>Expenditure data are from the OCSE Annual Reports; data regarding receipt of child support from U.S. Census, March CPS data.

<sup>6</sup>Details of these analyses are given in the article cited in note 1. Note that the estimated impacts of expenditures on child support received by never-married women may understate substantially the effect of increased expenditures focused solely upon them. Our measure of expenditures of necessity includes dollars spent on all families with absent parents, and a rising proportion of them are non-AFDC cases (in 1992, 43 percent were not AFDC cases, compared to 22 percent in 1984).

<sup>7</sup>Four (all federally mandated) had become law in all states: wage withholding in cases of delinquency, liens for nonpayment, services for non-AFDC cases, and paternity establishment to age 18. For the complete list, see Appendix 1 of the article cited in note 1.

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<sup>1</sup>This article is based upon R. Freeman and J. Waldfogel, “Dunning Delinquent Dads: The Effects of Child Support Enforcement Policy on Child Support Receipt by Never-Married Women,” Working Paper 6664, National Bureau of Economic Research, Cambridge, MA, July 1998.

# The changing role of child support among never-married mothers

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How realistic is the current emphasis on child support as a source of income for single-parent families?<sup>1</sup> Despite two decades of substantial change in child support policy, aggregate outcomes hardly changed at all between 1978 and 1995. Throughout this time, between 50 and 60 percent of resident mothers were owed support, about three-quarters of those mothers received some payment, and divorced and separated mothers continued to fare substantially better than never-married mothers.<sup>2</sup> The lack of overall progress, however, masks improvements among some groups, including never-married mothers. The percentage of such mothers who actually received support, for example, increased from about 5 percent in the late 1970s to more than 15 percent in the late 1990s.<sup>3</sup>

That is encouraging, yet we know little about what underlies this trend. Is the increase in child support shared by all never-married mothers, or only by the newest cohorts? Furthermore, what happens to support as children grow older? Do the ties of nonresident fathers weaken with time, and what are the economic consequences for their children? The incomes of even poor

nonresident fathers typically increase over time, but so, perhaps, may their responsibilities to new families.

In this article we document the role of child support as an income source for never-married mothers from 1989 to 1997, a period of profound change in the relative availability of public and private forms of income support. To do so, we track the experience of four successive groups of mothers as their children age, using multiple panels of the Current Population Survey (CPS). By using what are, in effect, “synthetic cohorts” of mothers, we can mimic key features of longitudinal data, disentangling changes in child support across cohorts from changes over time within a child’s life. Because the data do not permit us to identify currently married or divorced mothers who were unmarried at the time of a child’s birth, we limit our attention to never-married mothers.<sup>4</sup>

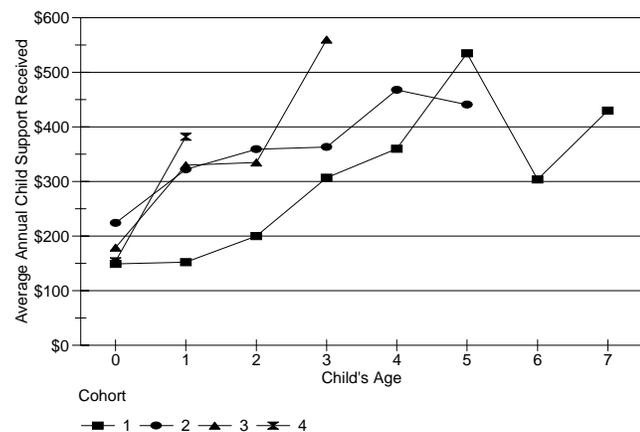
We examine child support income for these families in the broader context of concurrent changes in other sources of income. Declines in welfare participation, the shrinking value of cash assistance, and well-documented increases in work and earnings must all be factored into the changing income equation for poor single mothers.<sup>5</sup>

## Do child support receipts by never-married mothers grow over time?

From Figure 1, it is clear that they do. Although mean child support receipts by never-married mothers are quite low at all ages for all cohorts, they generally increase within each cohort as the child grows older. In the first cohort, for example, the annual amount of child support rises from \$149 the year the child is born to \$430 when the child is 7 years old. And for children of a given age, receipts increase over time. For a 1-year-old child in the first cohort, the annual average support received is \$152; for a 1-year-old in the fourth cohort, it is \$382.

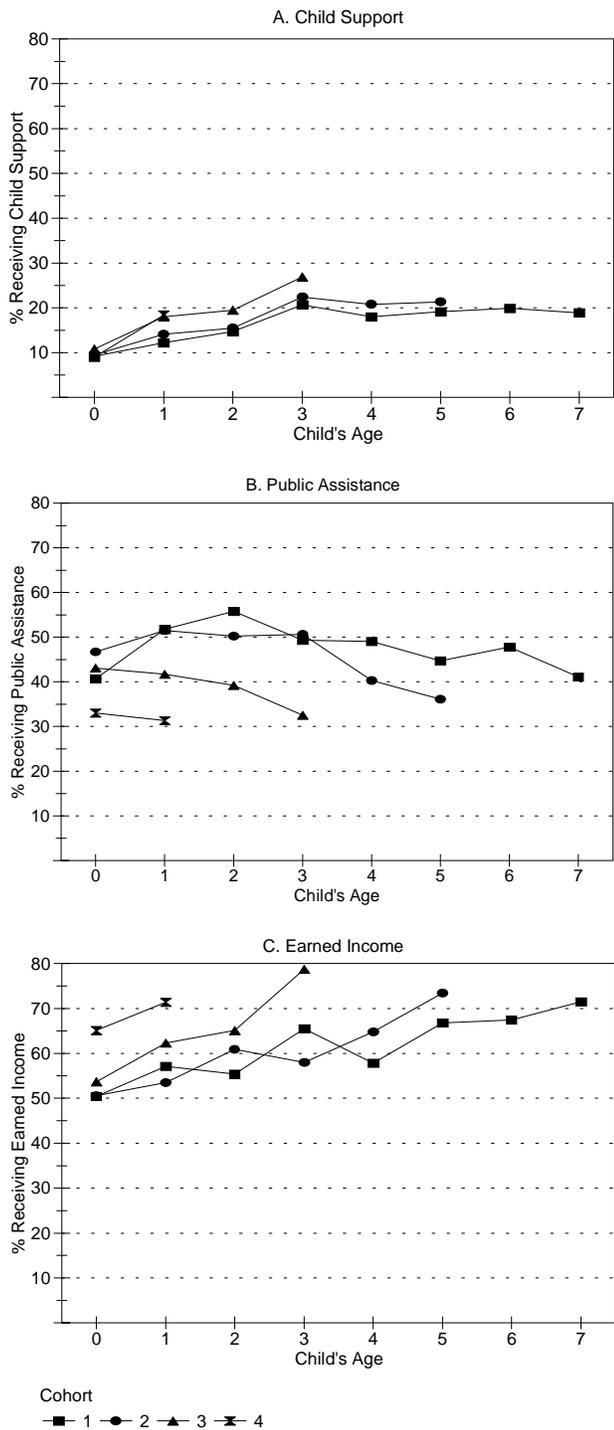
Average child support receipts mask substantial variation among individuals. Only a minority of these mothers get any support at all from the fathers of their children. But for those who do, the amounts are not trivial. If we include only women who receive some support in our estimate, then mothers receive \$1,242 to \$2,808 per year in support, with no particular pattern across cohorts or ages.

The percentage of mothers receiving support rises from cohort to cohort, and within cohorts, it rises as the children grow older (Figure 2A). In all cohorts, only about 10 per-



**Figure 1. Average yearly amounts of child support received by never-married mothers.** Cohorts 1–4 represent never-married mothers who first became mothers in 1988–89, 1990–91, 1992–93, and 1994–95, respectively (constant 1997 dollars).

Source: March Current Population Survey, 1990–98.



**Figure 2. Never-married mothers receiving (A) child support, (B) public assistance and (C) earned income, by child's age.** Cohorts 1–4 represent never-married mothers who first became mothers in 1988–89, 1990–91, 1992–93, and 1994–95, respectively.

Source: March Current Population Survey, 1990–98.

cent of the mothers are receiving any support when the child is less than a year old. But by the time the child is 3 years old, 21 percent of mothers in the first cohort are receiving support, and the percentage is larger in the later cohorts.

Multivariate analyses (not shown here) confirm these results—both the greater tendency to receive support on

behalf of somewhat older children, and an increasing likelihood of receiving support over the decade. They also reaffirm the importance of a variety of demographic variables associated with the receipt of child support in previous research. In particular, mothers aged 20–24 at the birth of their child are more likely to receive support than mothers who gave birth as teens; African Americans, Hispanics, and other minorities are less likely than whites to receive support; better-educated mothers are more likely to receive support than more poorly educated mothers; and rural mothers are more likely to receive support than urban mothers.

## The importance of other income sources

Two other major sources of income for never-married mothers are public assistance and earnings.

### Public assistance

Not surprisingly, never-married mothers are far more likely to receive public assistance than child support, across all ages and cohorts (Figure 2B). Over the decade, however, the likelihood steadily diminishes. In the first cohort, 52 percent of mothers of 1-year-olds were receiving such assistance, but in the fourth cohort, only 31 percent were. For the earliest cohort, public assistance receipt reaches a peak when the child is 2 and subsequently declines. In the last two cohorts, assistance steadily declines after the first year of the child's life.

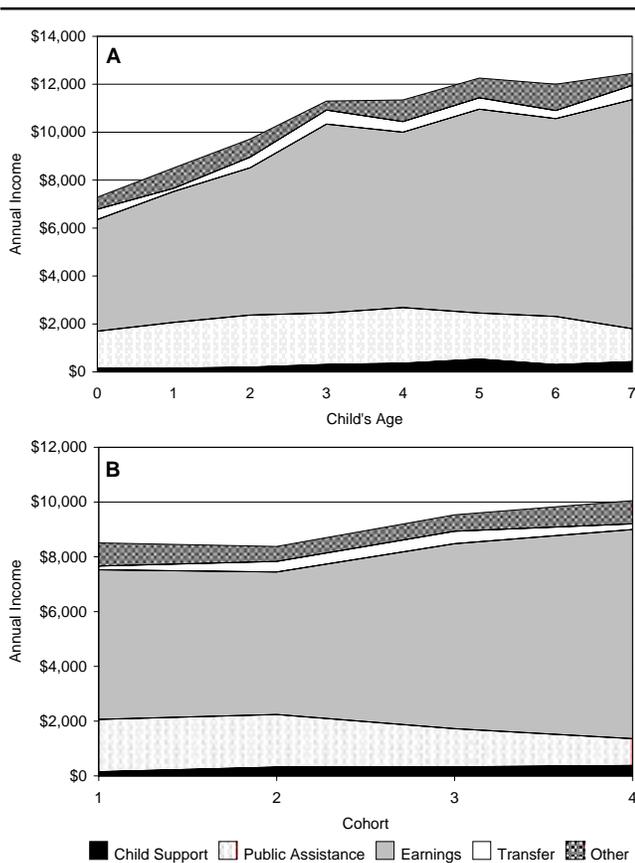
Trends in the receipt of child support and public assistance move in opposite directions, both as children age and across cohorts. Despite the predominance of public assistance over child support, the share of mothers receiving at least some support relative to those receiving at least some welfare grows. Mothers of 1-year-olds in the first cohort are four times more likely to be receiving welfare than child support; mothers in the fourth cohort are only 1.6 times more likely to do so.

### Earnings

More never-married mothers have earnings than receive either child support or welfare (see Figure 2C). One-half to three-quarters of mothers report such income, and the prevalence of earnings increases both as children age and from cohort to cohort. These increases are substantial, especially considering the relatively short time frame: Among mothers of 1-year-olds, the share with earnings increases from 57 percent to 71 percent across cohorts.

## The relative importance of child support and other income sources

What do these income trends mean for the changing importance of child support relative to other income



**Figure 3. Sources of income of never-married mothers (A) in Cohort 1, by child's age, and (B) by cohort.** Cohorts 1–4 represent never-married mothers who first became mothers in 1988–89, 1990–91, 1992–93, and 1994–95, respectively.

**Source:** March Current Population Survey, 1990–98.

sources? In Figure 3, we show changes in total income, (A) for the first cohort, as children age, and (B) across cohorts for mothers of 1-year-olds. We consider five main sources of income: child support, public assistance, earnings, other transfers, and other income. It is immediately clear that income increases considerably, both as children grow older and across cohorts, and that earnings are the dominant element in this increase. The magnitude of child support grows as well, but it plays a negligible role in the total income package at any point. Public assistance declines in importance as an income component.

Despite the overall increases, both earnings and total income remain quite low. For mothers in cohort 1, earnings increase from \$4,660 to \$9,550 between the year their child is born and the year the child reaches age 7, yet even by the end of this period, total income is only \$12,455 and more than 60 percent remain poor. Although average earnings for mothers of 1-year-olds increase across cohorts, total income is only \$10,052 for the most recent cohort, and approximately two-thirds remain below the poverty line.

As we see above, child support appears to play a very small role when considered in conjunction with other income sources. Among actual recipients, however, income from child support constitutes between 13 and 28 percent of total income—clearly not a trivial amount. The limiting factor is that so few never-married mothers receive any support at all. The major legislative changes governing child support for unmarried mothers enacted in 1996 may result in further improvements in outcomes for this especially disadvantaged group of mothers, but the evidence is only beginning to appear. ■

<sup>1</sup>This article summarizes J. Bartfeld and D. Meyer, "The Changing Role of Child Support among Never-Married Mothers," IRP Discussion Paper 1200-99, University of Wisconsin–Madison, October 1999. An earlier version of the paper was presented at the IRP Conference on Nonmarital Fertility, April 1999.

<sup>2</sup>See the article in this *Focus* by R. Freeman and J. Waldfogel.

<sup>3</sup>L. Scoon-Rogers, *Child Support for Custodial Mothers and Fathers: 1995*. U.S. Bureau of the Census Current Population Reports, Series P60-196, Washington, DC; E. Sorensen and A. Halpern, "Child Support Enforcement Is Working Better Than We Think," *New Federalism: Issues and Options for States* no. A-31, Urban Institute, Washington, DC, April 1999.

<sup>4</sup>The marriage rate following a nonmarital birth is relatively low; among never-married women who became mothers between 1985 and 1989, only about 36 percent of whites and 13 percent of blacks married within 5 years (see this issue, article by Bumpass and Lu). The data limitations are discussed in the full study.

<sup>5</sup>On work by single mothers, see B. Meyer and D. Rosenbaum, "Welfare, the Earned Income Tax Credit, and the Employment of Single Mothers," Working Paper, Joint Center for Poverty Research, Northwestern University/University of Chicago, 1998; on changes in welfare, U.S. House of Representatives, Committee on Ways and Means, *1998 Green Book* (Washington, DC: Government Printing Office, May 1998).

# To what extent do children benefit from child support? New information from the National Survey of America's Families, 1997

Elaine Sorensen and Chava Zibman

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The magnitude—and the consequences—of parental absence gained even greater public prominence when the welfare reforms of the mid-1990s placed work requirements and time limits on women seeking cash assistance. Could increased private support from absent parents compensate for the loss of an assured source of public income?<sup>1</sup> The National Survey of America's Families (NSAF), designed to capture an accurate image of American families in the context of these reforms, is now beginning to provide valuable current information on this question. Drawing upon data from the first survey, conducted in 1997, we focus upon the children in such families. We ask:

1. How do children who have a parent living elsewhere differ from other children?
2. How likely are children to receive financial and emotional support from an absent parent?
3. To what extent do children's families depend upon child support income?
4. Are poor children who receive child support different from those who do not?
5. Does child support reduce child poverty and income inequality?

## 1. How do children who have a parent living elsewhere differ from other children?

In 1996, children who have a natural parent living elsewhere—one in three children in the United States—remained unambiguously worse off than other children (Table 1). These children are three times as likely to be poor and four times as likely to receive public assistance as other children. This is unsurprising because the greatest number of these children live with only one adult—their parent—while nearly all other children live with their two natural parents.

## 2. How likely are children to receive financial and emotional support from an absent parent?

The answer is, not very likely. As Table 2 shows, barely half receive some financial support. Emotional support is even less available; about one-third of children saw their nonresident parent at least once a week and over a quarter had no contact at all. Nonresident mothers were generally less likely than fathers to be financially supporting their children but much more likely to see them. Children with support orders were about twice as likely as those without orders to receive some financial assistance.<sup>2</sup>

Although the federal government has pushed hard to increase interstate consistency in child support policy,

**Table 1**  
Characteristics of Children with and without a Parent  
Living Elsewhere, 1996  
(in percentages)

Characteristics	Children with a Parent Living Elsewhere	Children without a Parent Living Elsewhere
No. of Children	23 million	48 million
Which Parent Lives Elsewhere?		
Father	82.7	—
Mother	11.8	—
Both	5.5	—
Family Income		
Below poverty line	37.4	12.4
Between 100% and 200% of poverty	25.1	20.7
Between 200% and 300% of poverty	16.3	20.9
Above 300% of poverty	21.3	46.0
Children Who		
Received AFDC in 1996	23.3	3.3
Received food stamps in 1996	35.0	8.9
Received either in 1996	36.7	9.2
Living Arrangements of Children		
Two biological or adoptive parents	0	93.2
One parent, one stepparent	20.5	1.4 <sup>a</sup>
Single parent	72.4	4.9 <sup>a</sup>
Other	7.1	0.5 <sup>b</sup>

Source: National Survey of America's Families, 1997.

<sup>a</sup>We assume that one parent is dead.

<sup>b</sup>We assume that both parents are dead.

**Table 2**  
**Child-Support-Related Characteristics of Children with a Parent Living Elsewhere**  
(in percentages)

Characteristics	All Children	With Nonresident Fathers	With Nonresident Mothers
Received Any Financial Assistance from their Nonresident Parent in the Past 12 Months	51.9	52.8	38.6
With a Child Support Order	50.1	51.9	28.1
Received the full amount of that order	21.5	23.1	6.1
Received financial support	66.8	68.1	44.9
Without a Child Support Order, but Received Some Financial Support	37.0	36.3	32.8
Has Seen Nonresident Parent in the Past 12 Months	71.9	67.7	84.8
At least once a week	34.0	30.2	47.0
Less than once a week	37.9	37.5	37.8

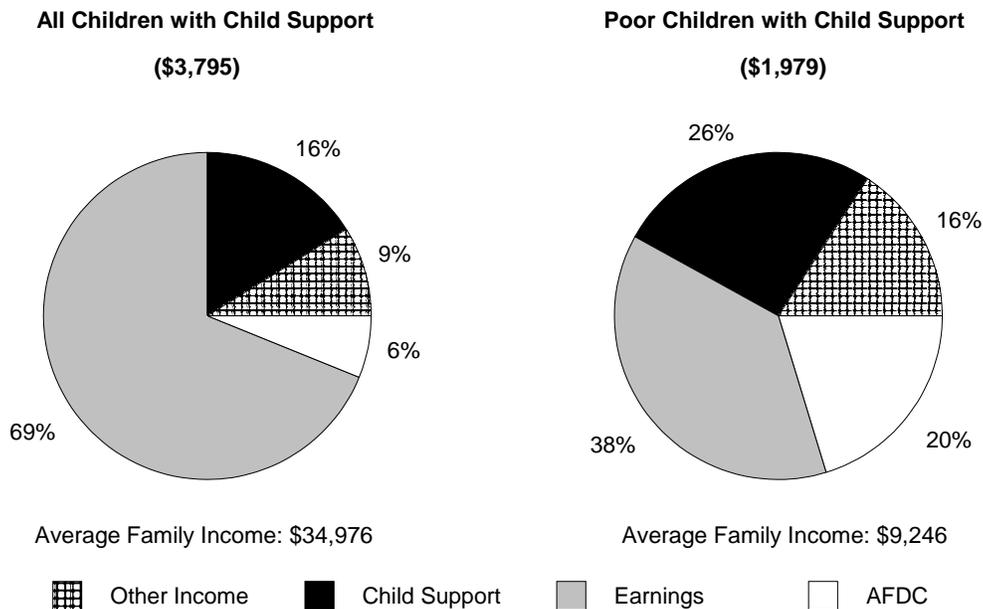
Source: National Survey of America's Families, 1997.

the likelihood that a child has a child support order and receives the full amount awarded still varies greatly by state. In 1997, in the 13 focal states included in the NSAF, the likelihood ranged from a high of 30 percent in Wisconsin to a low of 14 percent in California (the national average was 22 percent). This interstate variation is often attributed to the greater efficiency of some state enforcement programs, notably those in Wisconsin and Minnesota, the states with the highest proportions of children receiving support. There are, however, other interstate differences, for example, in immigration, nonmarital childbearing, and poverty, that clearly have some bearing on the relative effectiveness of state pro-

grams. And even in those states rated most effective, less than a third of children eligible for child support have a child support order and receive the full amount due.

### 3. To what extent do children's families depend upon child support income?

Averaged across all children, child support appears relatively unimportant—a mere 2 percent of family income. But child support is a substantial source of income for those who receive it. Even so, it is a supplement to earnings, not a replacement. (See Figure 1, and also



**Figure 1. Family incomes of children with a nonresident parent, 1996.** "Other income" includes SSI, social security, unemployment compensation, interest, dividends, rental income, etc.

Source: National Survey of America's Families, 1997.

**Table 3**  
**Child Support Receipt among Poor Children with a Parent Living Elsewhere, by Family's Welfare Status, 1996**

Welfare Status	Children Whose Families Received Child Support (%)	Child Support Received by Family	
		Amount	As % Family Income
On welfare in 1996 or currently	22.4	\$816	12.3
Not on welfare in 1996 or currently	36.2	\$2,751	34.8
Formerly on welfare	41.7	\$2,562	29.6
Never on welfare	32.8	\$2,894	38.7
All	29.2	\$1,979	26.2

Source: National Survey of America's Families, 1997.

Figure 2 in the article in this *Focus* by Bartfeld and Meyer.)

For poor children, child support is very important, representing, on average, over one-quarter of their family's income (Figure 1). But poor families seeking cash assistance (i.e., Temporary Assistance for Needy Families or its predecessor Aid to Families with Dependent Children) are required to cooperate with the child support enforcement system as a condition of receiving aid, and to assign collection rights to the state. As a result, families on welfare receive little, if any, child support paid on their behalf. Instead, this support goes to the government to reimburse it for providing welfare to the family.<sup>3</sup> Not surprisingly, only 22 percent of poor children on welfare had income from child support in 1996 (Table 3), and they received, on average, only \$813 in child support for

the entire year. In contrast, 36 percent of poor children not on welfare received child support in 1996 and it represented, on average, one-third of their family's income.

Interestingly, poor families that were formerly on welfare are more likely to receive child support than those that have never been on welfare. A possible reason is the requirement that families seeking welfare cooperate with child support enforcement agencies, while families that are not on welfare only receive services from these agencies if they request them.

#### 4. Are poor children who receive child support demographically different from those who do not?

The answer to this question may help analysts estimate the likely effect of increased enforcement. Figure 2 shows that those families least likely to have child support orders come from groups for whom earnings are lowest—African Americans, Hispanics, and the less educated. For this reason, it may well be harder in the future to establish support orders and obtain financial support for children who do not now have them.<sup>4</sup>

#### 5. Does child support reduce child poverty and income inequality?

Some researchers have argued that child support reduces child poverty and income inequality, because it redistributes income to custodial families from noncustodial families, who are generally better off and have fewer children. Others claim that child support contributes to income inequality among single-mother families because higher-income single mothers, on the whole, receive more child support than do lower-income mothers.<sup>5</sup>

The NSAF data allow us to examine the impact of child support on poverty and income inequality among all children who have a parent living elsewhere. To do so, however, we must make some assumptions; we cannot

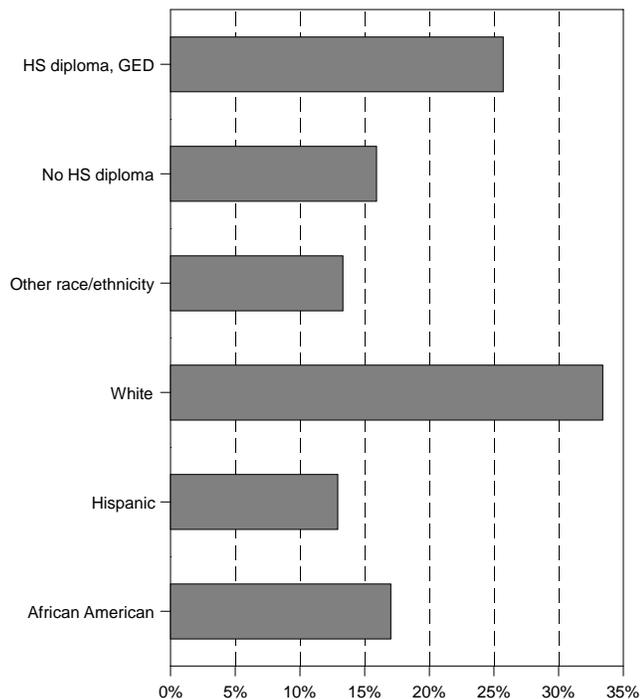


Figure 2. Poor children receiving child support, by race and education of the resident parent.

Source: National Survey of America's Families, 1997.

merely deduct child support income from total family income, for many families receiving child support might become eligible for cash assistance if their child support payments were to disappear.

We therefore estimate how many families would become eligible for cash assistance if child support disappeared, and assume that the state program would bring their income up to the payment standard. We expect this method overstates family income, for some families might not apply for aid nor others receive as much aid as we attribute to them. With these caveats, we estimate that, in the absence of child support, 39 percent of all children would be poor, compared to 37 percent that are poor when child support is included (from Table 1). Thus child support, we suggest, reduces child poverty by 2 percentage points—about half a million children.

Another common measure of the extent of poverty is the “poverty gap,” which is an estimate of the amount of money that would be necessary to bring all those who are poor out of poverty. For children with nonresident parents, the poverty gap is roughly \$30.5 billion. If child support is excluded, this number increases to \$33 billion. Thus we estimate that child support reduces the poverty gap by 8 percent.

We measured the level of income inequality among children with a parent living elsewhere by comparing family incomes in different income quintiles. Child support payments reduce income inequality, but the effect is not particularly large. In the NSAF data, the family incomes of the best-off children with a parent living elsewhere are 4.8 times the family incomes of those in the poorest quintile. In the absence of child support, the disparity would be greater—the best-off children would have family incomes 5.2 times those of the poorest.

The NSAF data show, beyond ambiguity, that child support benefits children. In 1996, families getting child support received, on average, \$3,795, representing nearly one-sixth of their family income. Child support also reduces child poverty and income inequality among children eligible for it. But there are two important caveats to this generally positive story. First, most children who are eligible for child support do not receive it. In 1997, only 22 percent of children eligible for child support had a child support order and received the full amount awarded. Second, the prospect for major improvements in the rates of receipt among poor children may not be altogether bright; it appears that any easy gains may have been made. ■

York, Texas, Washington, and Wisconsin. Households were asked questions about housing, family structure, employment, income security, health, education, and child well-being, with particular attention being given to low-income families with children. This article summarizes the authors’ report, “To What Extent Do Children Benefit from Child Support?” Report 99-19, The Urban Institute, Washington, DC, January 2000.

<sup>2</sup>The NSAF figures regarding financial support without an order are larger than those typically found by other researchers; this may have to do with the framing and order of the questions asked in interviews, a subject we discuss more fully in the Urban Institute policy report (see note 1). [Ed. note: See also the article in this *Focus* by Judith A. Seltzer, using 1988–94 data from the National Survey of Families and Households.]

<sup>3</sup>In Wisconsin, all of the child support received is passed through to the family. [Ed. note: See the article in this *Focus* on the Wisconsin Works Child Support Demonstration Evaluation, p. 42.]

<sup>4</sup>Nonresident parents tend to be of the same race or ethnicity and to have the same educational levels as custodial parents.

<sup>5</sup>See D. Meyer and Mei-chen Hu, “A Note on the Antipoverty Effectiveness of Child Support among Mother-Only Families.” *Journal of Human Resources* 34, no.1 (1998): 225–34; A. Nichols-Casebolt, “The Economic Impact of Child Support Reform on the Poverty Status of Custodial and Noncustodial Families,” in *Child Support Assurance: Design Issues, Expected Impacts, and Political Barriers as Seen from Wisconsin*, ed. I. Garfinkel, S. McLanahan, and P. Robins (Washington, DC: Urban Institute Press, 1992); K. Witkowski with R. Murthy, “How Much Can Child Support Provide? Welfare, Family Income, and Child Support,” Washington, DC: Institute for Women’s Policy Research, 1999.

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<sup>1</sup>The NSAF includes nearly 45,000 nationally representative households. All 50 states and the District of Columbia are represented, but 13 focal states were chosen to provide case studies of the effects of state policies. The states are Alabama, California, Colorado, Florida, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New

# Child support reforms: Who has benefitted?

Elaine Sorensen and Ariel Halpern

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Since 1975, Congress has created an open-ended entitlement to child support enforcement services and, together with the states, has spent over \$30 billion to implement this program. Yet despite this large infusion of government spending, the proportion of single mothers receiving child support has remained stagnant, at about 30 percent.<sup>1</sup>

This unimpressive result actually hides dramatic improvements among certain subgroups of single mothers, as other articles in this *Focus* have demonstrated.<sup>2</sup> The progress has been masked by a large increase in the proportion of single mothers who have never married; this group has much lower rates of child support than do divorced and separated mothers. Between 1976 and 1997, the numbers of never-married mothers increased fivefold, from 770,000 to 4 million, whereas the number of divorced and separated mothers rose at a much slower rate, from 3.6 to 4.5 million. (See Figure 1.)

Once these shifts in the marital status of single mothers are taken into account, child support enforcement reforms appear to have improved the economic well-being of mothers in all demographic groups. In this article, we move beyond aggregate statistics to explore the effects of specific enforcement tools. We find that some tools have benefitted certain groups more than others, and that

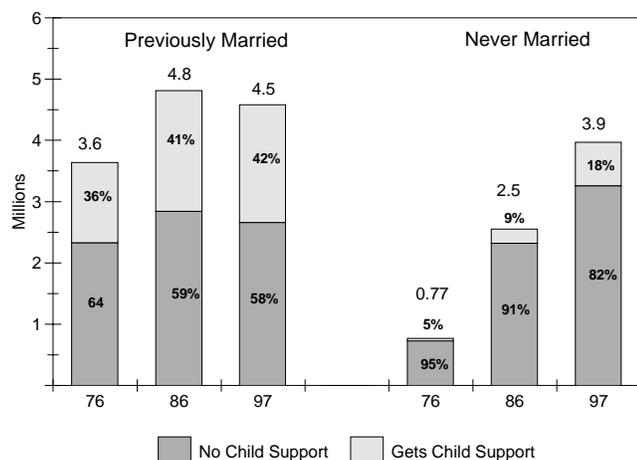


Figure 1. Number of single mothers, by marital status and child support receipt.

Source: March Current Population Surveys, 1977, 1987, 1998.

whether or not a woman participates in the welfare system has been integral to the effects of these policies.<sup>3</sup>

## Innovations in enforcement

The switch in child support from a complaint-driven, court-enforced system, based in state family law, to a more aggressive administrative or quasijudicial system has been gradual, and it is not yet complete. Services mandated for welfare families under Title IV-D of the Social Security Act Amendments of 1975 were only slowly extended to families not receiving Aid to Families with Dependent Children (AFDC). The pace quickened as federal matching funds for such cases were made permanently available in 1980, and incentive payments to states were added in 1984.<sup>4</sup>

Here, we consider six major innovations in child support enforcement and discuss the effects of each.

The first challenge facing the new federal-state partnership was to develop an efficient system for collecting past due child support from noncustodial parents who were in arrears. Two enforcement tools proved particularly popular: income tax intercepts and wage withholding. Intercept programs, which withhold income tax refunds from noncustodial parents who are behind in their support payments, were tried by many states and codified into federal law as part of the 1984 Child Support Enforcement Amendments. Wage withholding for parents in arrears on support orders was codified in the same amendments; by the late 1980s, many states began to implement the mandate even before the parent became delinquent. Under the 1988 Family Support Act, immediate wage withholding became federal law for all new child support orders in 1994.

At the same time as they strengthened enforcement, states began to address the lack of horizontal equity in the child support awards set through the courts. Child support guidelines were first mandated upon states in 1984, and the 1988 act required that they be made “presumptive,” i.e., binding on judges in the absence of a written finding. (For a discussion of issues relating to guidelines, see the article by Rothe and Meyer in this *Focus*.)

In 1993, Congress turned its attention to voluntary paternity establishment. Before then, the federal government had tried to make it more difficult for the fathers of children born outside marriage to avoid being legally identified, but it had not encouraged voluntary acknowl-

**Table 1**  
**The Effect of Specific Child Enforcement Policies on Rates of Child Support Receipt, 1976–1997**  
(in percentage points)

Policy	Never-Married Mothers			Previously Married Mothers		
	On AFDC	Off AFDC	All	On AFDC	Off AFDC	All
Wage Withholding				1.2	0.1	0.3
Tax Intercept Program	4.3	0.5	1.6	0.8	0.1	0.4
Guidelines	-0.9	2.5	1.9	0.9	1.2	0.7
In-Hospital Paternity Establishment	0.0	2.8	2.2			
New Hire Directories <sup>a</sup>						
\$50 Pass-Through	4.5	-0.9	0.4	2.1	0.9	1.1

**Source:** Annual data from the March Current Population Survey.

**Notes:** Numbers represent the percentage-point change estimated to be due to each policy over the years since it was put into effect, and are reported only when a statistically significant result at the 10 percent level was obtained from the likelihood ratio test for the model with and without the specific policy variable.

<sup>a</sup>Because only 11 states had adopted a new hire directory by 1997, it is improbable that any significant effect would show in our data.

edgment of paternity. As with wage withholding, successful state programs paved the way for federal action. Under the Omnibus Budget Reconciliation Act of 1993, all states were required to adopt civil procedures to allow unmarried fathers easily to acknowledge legal paternity for their children.

Finally, two provisions in the child support section of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 are also likely to have material influence upon enforcement.

First, the act required that employers report all newly hired workers within 20 days to the state child enforcement program, which will then pass that information through to a federal Registry of New Hires. This is expected to reduce the delay in establishing immediate wage withholding for noncustodial parents and to make it more difficult for them to avoid payment by changing jobs or leaving the state.

Second, the act eliminated the federal requirement that states pass through to welfare families the first \$50 of child support paid on their behalf by nonresident parents. This requirement, in effect since 1984, was meant to give the family on assistance an incentive to cooperate with the child support enforcement system. Since 1996, 28 states have eliminated the pass-through and are retaining all child support money paid by nonresident parents on behalf of families receiving public assistance.

## The elements of the analysis

Because one of our main goals is to measure the impact of enforcement, we included in our analysis, for each state, both the years in which the six child support enforcement laws described above became effective and yearly per capita child support expenditures. In total,

state and federal expenditures on enforcement rose eight-fold from 1976–97; the increase per capita was less, but still quadrupled, from \$71 to \$458.

We defined a single mother as any adult woman who is divorced, separated, or never-married and who lives with her own children, at least one of whom is under 18. We included some fundamental characteristics of the mother: her age, race or ethnicity, education, and the number and ages of her children.<sup>5</sup> Virtually all of these measures changed between 1976 and 1997, as we later discuss.

Because we were concerned about interactions among work, AFDC reciprocity, and child support, we used proxy measures for AFDC and work decisions rather than the women's actual observed characteristics. We included the maximum AFDC benefit level for a family of three in each state and year. The real value of the maximum AFDC benefit declined sharply nationwide after 1976, from around \$700 to around \$400. Our measure of work was the proportion of single mothers working in each state and year. Single mothers' employment, already high in 1976, increased over these decades, from about 70 percent to 80 percent.

We do not have earnings information for noncustodial fathers associated with the custodial mothers in our sample, so for each state and year we used the average earnings of single men between 15 and 39 years old to reflect noncustodial parents' ability to pay support. Never-married men's annual earnings rose slightly, from about \$9,400 to \$12,000, over these years. The earnings of divorced and separated men were stable at around \$27,000 until 1997, when they rose to nearly \$34,000.

Because a woman's decision to seek child support depends in part on her decision about AFDC income and vice versa, we made separate analyses for women receiving and not receiving welfare.

## Who has benefitted from the reforms?

From 1976 to 1997, three subgroups of mothers saw a dramatic improvement in their rate of child support receipt. Both groups of never-married mothers benefitted. Those receiving AFDC saw nearly a fivefold increase; for those not on AFDC, the rate of receipt doubled. For divorced and separated mothers who were on AFDC, the rate of receipt also doubled, but those not receiving AFDC saw a slight decline. Nevertheless, this last group of mothers was still much more likely to receive child support than any other group: their rate of receipt was 45.5 percent, twice that of never-married mothers.

Table 1 presents our estimates of the effects of child support enforcement policies on the likelihood that particular groups of women will receive child support. Although it is hard to isolate the impact of one specific policy from a group of policies that work together and have overlapping effects, we believe the effort is worth making. We therefore conducted a series of log-likelihood tests, deleting each policy variable in turn to estimate its impact on the likelihood that particular groups of women would receive child support.

In general, we found that most of the specific enforcement policies we discuss here had significant effects. These effects were not uniform for all groups, nor did they all occur at the same time.

### Previously married mothers

Taken together, we estimate, the child support enforcement policies that we have just described increased the likelihood that previously married mothers would receive child support by about 3 percentage points. That is, these policies were responsible for about 30 percent of the improvement in rates of child support receipt by these mothers. The enforcement program began to affect rates for previously married mothers in about 1985, coinciding with the first major federal efforts to reform enforcement. The influence of these policies appears to have declined somewhat since 1995.

For previously married mothers who were not on AFDC, the expansion of the enforcement system appears to have only modestly increased the rate of child support receipt. For those on AFDC, the effect was very much greater. However, it peaked at about 20 percentage points in 1995, and has since declined considerably. Because there is no similar decline for women not on AFDC, we suspect that part of the explanation may lie in changing welfare policies, in particular the elimination of the federally mandated \$50 pass-through.

### Never-married mothers

The effect of child support enforcement policies is greater for this group, about 12 percentage points, explaining nearly 60 percent of the rise in the rate of re-

ceipt. These effects are not apparent until about 1987, three years later than for previously married mothers. The greatest gains have occurred since 1994.

The greater effect of the child support enforcement program for never-married mothers was apparent both for those on welfare and for those who were not, but with some important differences. For mothers not on AFDC, the improvement coincided with the federal mandate to expand in-hospital paternity establishment programs. For mothers on AFDC, the influence of the policy changes on the likelihood of support peaked in 1987, at about 11 percentage points, and has since declined. Over half the decline occurred after 1995, again drawing attention to the repeal of the \$50 pass-through.

### The effects of specific enforcement policies

*Immediate wage withholding* has typically been considered the most effective tool for increasing the likelihood of receiving child support, but its effect was statistically significant only for previously married mothers on AFDC. It did not improve rates for previously married women not on welfare or for never-married women. Perhaps the limited influence of this policy is related to the fact that it has only been federally mandated for non-AFDC cases since 1994, whereas it has been in effect for AFDC cases since 1990.

The *tax intercept program* and *presumptive guidelines* both had a large effect. The former has largely benefitted AFDC recipients, the never-married much more than the previously married. Presumptive guidelines have had their greatest effect for mothers not receiving AFDC.

Among other programs, the *\$50 pass-through*, no longer required since 1996, significantly increased the likelihood that AFDC recipients would receive child support, the never-married more so than the previously married.<sup>6</sup> The *voluntary in-hospital paternity program* benefitted never-married mothers not receiving welfare. We surmise that never-married mothers on AFDC had little incentive to use the program because nearly all support collected on their behalf would go to the state.

## Child support receipt and the characteristics of single mothers

The demographic characteristics of single mothers changed considerably from 1976 to 1997:

1. In 1976, less than half of never-married mothers had completed high school; by 1997, 74.5 percent had. The high school completion rate for previously married mothers increased from 63.2 percent to 85.3 percent.
2. The proportion of never-married mothers who were African-American declined from two-thirds to about

one-half; among previously married mothers, the African-American proportion declined from 27.5 to 20.4 percent.

3. The proportion of Hispanic never-married mothers rose from 5.6 to 10 percent, and of previously married mothers from 8.4 to 12.7 percent.
4. The average age of never-married mothers rose from 26.3 to 28.9; that of previously married mothers from 34.5 to 37.5.

When we estimated the specific effects of these various characteristics, using the same method that we applied to enforcement policies, we found that the likelihood that single mothers will receive child support reflects fathers' ability and willingness to pay more than changes in mothers' characteristics.

To clarify this point: the education levels of single mothers have increased, and the number of children in the home has decreased. Both factors reflect an increase in the earnings potential of single mothers, and we would have expected them to have similar effects on the rate of child support receipt. But they do not. Higher mother's education is associated with *higher* rates of child support receipt, and smaller number of children is associated with *lower* rates. These opposed effects, we believe, are more consistent with the father's willingness and ability to pay than with the mother's characteristics. The partners of better-educated women are likely themselves to be better educated, and therefore more able to pay support. And the fewer the children, the less willing the father may be to pay.

The racial and ethnic distribution of mothers had statistically significant effects, though again in contrary directions. The proportion of never-married African-American mothers, who are less likely to receive child support than other groups, declined substantially. But offsetting this was the growth in the proportion of Hispanics, especially previously married mothers, who are less likely to receive child support than non-Hispanic mothers. The consequence was higher rates of child support receipt for never-married mothers, but lower rates for previously married mothers.

### The effects of the state of residence

Changes in the geographic distribution of single mothers are similar to those for the population as a whole. The proportions of previously married and never-married mothers living in the northeast and Midwest have declined, and the proportions living in the south and west have increased.<sup>7</sup> This has had a significantly negative effect on the rates of child support receipt, because single mothers are, on average, migrating away from states that have been relatively successful in collecting child support and into states that have worse records in this area.

State-level indicators of welfare generosity and of the labor market had, on the whole, minor or no effects, particularly when compared with the influence of enforcement policies. The decline in state AFDC benefit levels had no discernible influence. The rise in employment among single mothers was associated with a slightly reduced likelihood of child support. The slight increase in single men's earnings was associated with a 0.6 percentage-point increase in the likelihood that never-married mothers would receive child support.

## Conclusions

Three of the six child support enforcement tools examined here—the tax intercept, presumptive guidelines, and the \$50 pass-through—had a positive effect on the rates of child support receipt that was statistically significant among all groups of single mothers. Two others, immediate wage withholding and voluntary in-hospital paternity establishment, also had a positive and statistically significant effect on particular groups. The sixth, the directory of new hires, began too recently for any effect on rates to be visible. The very different effects of particular policies for different demographic groups, however, suggest that efforts to improve the efficiency and effectiveness of the system must pay close attention to such interactions if more single mothers are going to be able to count on child support as a reliable source of income. ■

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<sup>1</sup>This article summarizes parts of an extended report by the authors, *Single Mothers and Their Child Support Receipt: How Well Is Child Support Enforcement Doing*, Report 99-11, Urban Institute, Washington, DC, December 1999. The report is posted in full on the Urban Institute World Wide Web site at < <http://www.urban.org/> >. It is used here by permission. For details of the econometric methods and analyses, readers should consult the report.

<sup>2</sup>See, for example, the articles in this *Focus* by Freeman and Waldfogel and by Bartfeld and Meyer.

<sup>3</sup>Data are drawn from the March Current Population Survey, 1976–97. The advantages and disadvantages of the March CPS data are discussed in the report cited in note 1. We do not, for example, examine the amounts of child support received because the time trend for these data in the March CPS is particularly weak.

<sup>4</sup>Nevertheless, nonwelfare families are still underrepresented in the IV-D system. For a summary of federal laws relating to child support, see p. 3.

<sup>5</sup>We exclude widows. The March CPS does not allow us to identify custodial mothers who are currently married. Full details of the variables and the equations used in the analysis are included in the report on which this article is based (see note 1).

<sup>6</sup>This finding does not imply that the pass-through increased the likelihood that noncustodial fathers were more likely to *pay* support—the aim of the mandate—merely that mothers on welfare were more likely to receive it.

<sup>7</sup>A good example of the population shift is Texas. In 1976, 5.5 percent of previously married mothers and 2.1 percent of never-married mothers lived in Texas. By 1997, these figures had increased to 9.8 and 6.7 percent.

# Reshaping child support strategies for welfare families: The W-2 Child Support Demonstration

Underpinning the complex structure of federal and state child support enforcement programs in the United States is an essentially simple assumption: that the financial support of children is, first and foremost, the responsibility of their parents. When the parent with whom a child lives cannot alone provide for the child and the other parent does not contribute sufficient resources, then the state enters the picture, by providing cash welfare and other public benefits. But it does so *in loco parentis*; the nonresident parent continues to bear financial responsibility, and has an obligation to reimburse the state for some of the money expended on the child.

This simple assumption has proved very difficult to execute in practice. In order to collect the money due both to the child and the state, states have become major intervenors in the lives of welfare families. At the same time, confronted with apparently intractable difficulties, some states have begun to reexamine their strategies at the interface between public assistance and private child support.

At least three such strategies are possible.

First, the state may provide public support but seek to offset its costs by retaining private child support paid on behalf of the child on welfare. This was the national policy before 1984. There are at least two difficulties. Nonresident parents may be discouraged from paying child support, because no payments go directly to the children. And the parents have an incentive to cooperate with each other to hide support payments from the child support system so that resident-parent families can keep both public and private support.

Second, the state might pass *some* of the support received from nonresident parents through to the resident mother and children. This was federal policy from 1975 to 1996: up to \$50 per month was passed through to the resident parent. The remainder was divided between state and federal governments. If some money goes to the children, nonresident parents may be more willing to pay, and resident parents more inclined to cooperate with agencies in locating absent parents and in securing payments.

Third, the state might turn over *all* child support that it collects to the resident parent and children, and then ignore this private support in the calculation of the amount of public support given to the resident parent and children. This policy should remove most of the disincentives for nonresident parents to pay through the formal system and encourage resident parents to cooperate with agencies. If formal payments are more stable or

longer-lasting than informal payments, then this is not merely a formalization of support, but will also increase the total resources available to the child.

The third route offers other potential advantages and some disadvantages. Increased child support may diminish the need of resident parents for public assistance, food stamps, and Medicaid, in general increasing self-reliance and perhaps reducing state expenditures. It may promote more communication between nonresident parents and their children, although more communication might expose children to greater conflict between their separated parents. It is a simpler approach, administratively, and is consistent with the way private child support is treated among families not participating in the welfare system.

The ultimate fiscal implications of the policy are yet to be determined. Will private child support prove to be a reliable and adequate source of income that allows resident-parent families to leave public assistance? Will the beneficial effects of the policy compensate the state for the loss of revenue that follows from passing on all child support paid to children on public assistance?

Wisconsin, alone among U.S. states, has chosen the third option. It passes on all child support paid by the nonresident parent to the mother receiving welfare, and it disregards all such support in calculating the payments to the child's family under Temporary Assistance for Needy Families (TANF). Wisconsin undertook this policy change as part of a major restructuring of public assistance in the state (Wisconsin Works, W-2). Challenging in itself, this restructuring also affected the state's changing child support policy.

## The administrative context

In comparison with other state TANF programs, several features of W-2 are unusual and have important implications for the administration of the child support experiment. Especially, they concern the obligations imposed

This article draws from D. Meyer and M. Cancian, *Initial Findings from the W-2 Child Support Demonstration Evaluation*, August 1999 (see note 1). The implementation analysis reported here is discussed in chapter 2 of that report and draws primarily upon the work of Thomas Kaplan and Thomas Corbett.

on the resident parent receiving welfare. These features include:

- Minimal emphasis on social contracts, in which the state and the participant agree on reciprocal obligations. Instead, the primary emphasis is on the participant's obligation to follow the employability plan or to find a job if she is considered ready for unsubsidized employment. The Financial and Employment Planners (FEPs) who provide assistance in these processes have complete discretion in deciding such matters.
- Emphasis on immediate work or work activities as a prerequisite for cash assistance. W-2 seeks to replicate "the real world of work" by providing assistance levels that are unrelated to family size and by tying assistance to actual hours of participation. Applicants go to job centers, which also serve workers who are not welfare participants.
- Financial penalties for failure to participate in assigned activities. These are promptly invoked; there is no grace period.
- Heavy use of private agencies. In the great majority of Wisconsin counties, the agency operating W-2 is the county social or human services department that operated AFDC. In nine counties, W-2 is operated by private agencies under contract to the state. Since one of these counties is Milwaukee, where over 80 percent of W-2 participants were enrolled in the first 18 months of the program, the larger part of welfare administration in Wisconsin is, in effect, run by private agencies.

Welfare-to-work programs in general place heavy demands on program management, since administrators must move from emphasizing a condition (eligible or ineligible in a particular month for a particular level of payment) to tracking a process (progression through stages from welfare to work). W-2 presents even greater management challenges. The extensive use of private agencies has required new contracting and oversight procedures and generated concern about an unexpected level of agency profits. The promptness of financial penalties has placed special responsibilities upon the FEPs, who must convey the importance of meeting program obligations in a friendly and supportive way while also determining (sometimes on the basis of brief acquaintance) whether to invoke penalties or grant exemptions for good cause.

## The Child Support Demonstration

Understanding how Wisconsin's child support policy is working is particularly important because, under the terms of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, states were permitted to set their own policies with regard to retaining or passing

through child support collected for families receiving welfare. The larger number abolished the \$50 disregard (see the article in this *Focus* by Cassetty and colleagues). Wisconsin offers an opportunity to explore the potential advantages of a different approach.

The new child support policy in Wisconsin is operating as a demonstration program under a waiver from the federal Department of Health and Human Services. The waiver requires an evaluation based on the random assignment of resident parents to two different policy regimes. The evaluation is being conducted by IRP, which is using administrative and survey data to determine the effects of the child support demonstration within the broader context of W-2.<sup>1</sup>

Every resident parent who walked into a W-2 agency between September 1997 and June 1999 was potentially a participant in the Child Support Demonstration Evaluation, whether or not she (or he) chose to apply for W-2 benefits. These parents were randomly assigned to an experimental or control group.<sup>2</sup>

Those in the experimental group receive all child support paid on their behalf. Those in the control group who are in unsubsidized employment (about 30 percent of the total) also receive all support paid, but those who are in subsidized employment receive a reduced amount—either up to \$50 or 41 percent of the amount paid, whichever is greater. Ultimately around 7,000 were randomly assigned to the experimental and control groups (about 3,500 cases each). About three-fifths of these came from AFDC cases active in August 1997, the remainder from cases applying for assistance after W-2 was implemented in September 1997.

A major part of the evaluation has been an assessment of the effectiveness with which the policy has been implemented, especially in its earlier phases. In this article we discuss some of the findings from that analysis. They provide an interesting case study of the ability of government to implement complex reforms.

## Implementing the new child support pass-through policy

### Local W-2 agencies

Whether or not they ultimately decide to enroll in W-2, most resident parents assigned to an experimental or control group would at least meet with a resource specialist who would screen them for eligibility, discuss what other programs are available, possibly divert them elsewhere, and, for those who choose to enroll, set up further appointments with FEPs. This is an important juncture for discussing the nature of the child support policy. But did agency staff do so?

We found that staff in those W-2 agencies that had previously been AFDC agencies both understood the demonstration and did discuss it with resident parents starting on W-2. Most were inclined to think that few of their W-2 participants were likely to receive enough child support to be affected by their status in the experiment.

The level of staff understanding was quite different in Milwaukee. For these newly contracted private agencies, every aspect of the welfare program was new, including the computer system.<sup>3</sup> In the midst of so much simultaneous change, the child support demonstration was not immediately understood, nor was it routinely explained to participants, as shown in this transcript of an interview with a Milwaukee FEP:

**FEP:** [The computer system] might tell us this person has been selected for the control group. But I never tell them [participants] they have been selected because I really don't know. . . .

**IRP Interviewer:** Do you talk about it at all with them, that some people are in this group and some are in this? Or do you just leave that to the Child Support staff?

**FEP:** I tell them that, you know, because sometimes they asked "Are they going to get the full amount," or "Could they?" Because they, a lot of times clients hear from other people and everything, and I tell them, "Yeah, but I don't know what group you will fall under." . . . [T]he only thing I tell them is just, you know, "You'll be notified as to if you will get the whole amount opposed to part of it anyways." . . .

**IRP Interviewer:** How will they get notified? Do you know?

**FEP:** I have no idea.<sup>4</sup>

Agency employees' understanding of the pass-through policy grew incrementally after the demonstration began—the state distributed more informational materials and held more and better training sessions—and the level of comprehension in January 1999 was much higher than it had been even six months earlier. Nevertheless, it was inconsistent. Some FEPs were knowledgeable; some were unable to explain the program. Participants in the demonstration were supposed to sign an acknowledgment that the program had been explained and that they understood their status, but as late as January 1999 staff in one Milwaukee agency were unaware of that requirement.

### County child support agencies

Child support specialists in general commented on the increasing complexity of the public assistance environment in which they operated. Before W-2, they had only to distinguish between those who were receiving AFDC and those who were not. They now had to be aware of

participants who might be in one of six different categories.<sup>5</sup>

Not only is the public assistance environment more complex, but the experiment affects only a small part of all child support cases. It is not unusual for a child support specialist to have a caseload of over 1,000, only a small portion of whom receive W-2. A Milwaukee child support worker commented, "You know, it really is kind of confusing to us over here, because we've not had a lot of training in any of these kinds of things." Another specialist, asked if the demonstration was mentioned to groups of resident parents, responded, "No, 'cause that's nothing to do with us. That's all Human Services. We don't have control of that at all."<sup>6</sup>

Although this lack of discussion may represent a lost opportunity to explain a fairly complex experiment to the people most affected by it, in fact most child support workers have little direct contact with resident parents after a support order is established. They have, however, received complaints from resident parents receiving the partial pass-through and have said they have a hard time explaining why parents do not receive the full amount. But the complaints are often not so much about the amount as about the timing. Those receiving all support paid get it immediately; those receiving only part of support have to wait for the end of the month, so that the correct amount can be calculated.

In summary, then, our analysis illustrates the challenges faced in implementing a new child support policy in the midst of a major restructuring of public assistance programs. Although experienced welfare agency workers generally understood the program and said they explained it to participants, in new agencies the program was neither fully understood nor made part of routine agency operations. And there were other problems. Faced with an unexpected decline in applications for public assistance, the demonstration had several times to retool its strategies for assigning participants; it was also plagued by computer problems, and admissions were actually halted for 6 months in 1998 while the problems were resolved. The implementation analysis suggests that in the early months, participants in the demonstration, especially in Milwaukee, may neither have understood its purpose nor known their own status.

## Conclusions

It is at this point premature to discuss the effects of the experiment for the well-being of mothers and children and for relationships between fathers and children. These analyses are under way, but at present only administrative data from the first 9 months are available for analysis. The early data suggest that participants in W-2 are moving off the program fairly quickly, and many are finding employment. Earnings, however are low: by the

second quarter after entry, only 25 percent earned \$2,000 or more per quarter. Although only a minority of W-2 recipients received child support when they entered W-2, the percentage with any support has been slowly increasing, and the amounts received by those who have any payments at all are important, around \$200 a month.

More data are essential, not only because some effects are likely to take time, but also because knowledge of the policy is increasing over time. Many critical outcomes, including child well-being, resources after a family has left W-2, and changes in parent-child contact and informal child support require survey as well as administrative data. These data are now being collected and analyzed. A final report is due early in 2001. ■

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<sup>1</sup>A preliminary report on the project as a whole is D. Meyer and M. Cancian, *Initial Findings from the W-2 Child Support Demonstration Evaluation*, prepared for the Wisconsin Department of Workforce Development, August 1999. The report is available in full on the IRP World Wide Web site, < <http://www.ssc.wisc.edu/irp/research/home.htm> >. Three other articles in this *Focus* also relate to IRP's Child Support Demonstration Evaluation—those by Pate, by Bartfeld and Sandefur, and by Cassetty and colleagues.

<sup>2</sup>A third, “nonexperimental” group included all others participating in W-2. They receive the full amount paid and are otherwise treated identically to the experimental group. Those who then chose not to apply to W-2 or were diverted by the agency will be considered in a separate analysis.

<sup>3</sup>Agencies were required to use the state's public assistance information system, CARES, in order to provide a measure of continuity and consistency in reporting. See Meyer and Cancian, *Initial Findings*, pp. 16–17.

<sup>4</sup>Meyer and Cancian, *Initial Findings*, pp. 18–19.

<sup>5</sup>These were participants receiving: (1) a W-2 payment and a full child support pass-through; (2) a W-2 payment and a partial pass-through; (3) a W-2 payment but no child support payment; (4) child care assistance; (5) food stamps; (6) Medicaid.

<sup>6</sup>Meyer and Cancian, *Initial Findings*, p. 21.

# Child support as an income source for welfare recipients in Wisconsin: Where are the gaps?

Judith Bartfeld and Gary Sandefur

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In an era of time-limited public assistance, policymakers and politicians frequently express the hope that a stronger private child support system can replace income that has been provided to low-income single parents through the public welfare system.

At the same time, some critics fault the welfare system for not allowing parents to combine public assistance with private child support. Under Wisconsin's welfare replacement program, known as Wisconsin Works, or W-2, this is no longer the case. In addition to any assistance received from W-2, participants are also allowed to keep *all* child support paid on their behalf. Child support should, therefore, be a more important supplemental income source for families receiving public assistance in Wisconsin than in other states, where most child support paid on behalf of families receiving public assistance is retained by the state to offset welfare payments.

Many factors may nonetheless limit the importance of child support for this population. First, many W-2 participants do not have a legally identified ("legal") father for their child(ren), and thus cannot receive formal child support. Second, child support orders may be low or nonexistent. Third, existing support orders are frequently not paid. Finally, all of these factors are compounded by the low incomes of many noncustodial parents in this population.

Early research suggests, indeed, that child support is not a major income source for most W-2 participants. Fewer than one-quarter of participants received child support during their first quarter on W-2, and only 38 percent received support during the first year following W-2 entry. But child support amounts are high enough to make a difference in the lives of those who do receive such support. The average monthly support received, when positive, was \$185 during the quarter of W-2 entry, increasing to \$217 by the third quarter after entry.<sup>1</sup>

These statistics are broadly consistent with what we know about the prevalence and amount of child support received by never-married mothers nationwide (see the

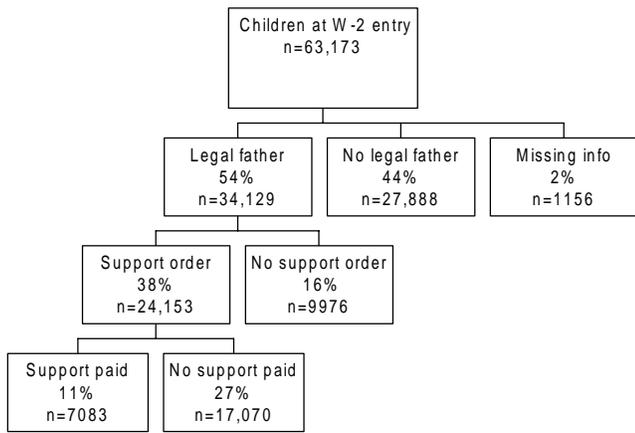
article in this *Focus* by Bartfeld and Meyer). Likewise, they are consistent with data from the 1996 Child Support Supplement to the Current Population Survey, which indicates that only 26 percent of child-support-eligible mothers who received AFDC during the year also reported child support income.

This article examines the ways in which potential child support is lost to welfare recipients in Wisconsin, by quantifying the stages at which such recipients "fall out" in the child support process.<sup>2</sup> In particular, we examine the extent to which potential support is lost because there is no legal father, no support order, and no support payment. These steps are sequential, and a parent can fail to receive support because of a breakdown at any of these points.<sup>3</sup> Note that we do not address two additional points at which potential support is lost: orders which fall below support guidelines, and lack of full payment. Furthermore, we focus solely on where potential support is lost at the time that a custodial mother enters W-2. In future work, we will track parents' progress through the child support system over time.

Because many parents receiving W-2 have multiple children, often with different fathers, a mother could be at a different stage in the child support process with each of her children. We begin by summarizing how children fare in the child support process, and subsequently to look at how mothers fare, considering all of their children.

We use administrative data from the W-2 and child support systems to address these questions. We focus on the 25,792 single mothers who entered W-2 over the first 21 months of program operation—from September 1997 through May 1999. A high proportion of these women have more than one child—indeed, 40 percent of them have three or more children. And the great majority of those children were born outside marriage; 85 percent of the fathers are nonmarital fathers, for whom paternity needs to be legally established at the time of the birth or later.

Our sample includes mothers receiving cash assistance as well as those receiving case management only. We exclude women who qualified for W-2 case management services because they were pregnant but who had no children when they entered the program. The majority of our sample (68 percent) entered the program during the first six months, primarily by transferring from Aid to Families with Dependent Children (AFDC), whereas the remainder entered the program at a fairly uniform rate over the subsequent quarters.



**Figure 1. Child support outcomes for children during first month of W-2 participation.** Each group's percentage of the total sample is shown.

Source: Wisconsin Child Support Demonstration Evaluation.

### How do children fare in the child support process?

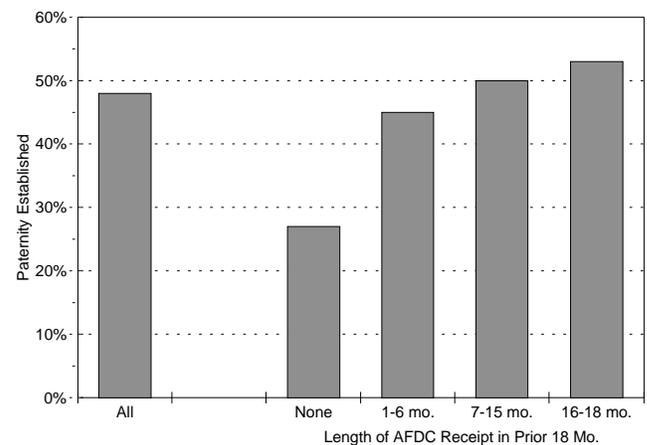
Figure 1 illustrates the extent to which children have progressed through the child support system at the time their mother enters the W-2 program. Of all the children in our sample, 54 percent, a bare majority, have a legally identified father when they enter the program.<sup>4</sup> Three-quarters of these children were born outside marriage, and their fathers have formally established paternity. Of children with legal fathers, 71 percent—or only 38 percent of all children entering W-2—have been awarded child support and are at a point at which they could be receiving formal support payments. Finally, of the subset owed child support, only 29 percent—11 percent of all the children in the sample—received a payment during the month they entered W-2.<sup>5</sup>

Lack of a legal father is clearly a critical step in this process, as nearly half of the children fall out at this stage. In the case of divorce, identification of a legal father is automatic. For children born outside marriage, however, identification of a legal father requires that paternity formally be established, either through the courts or through an expedited administrative process. There are a variety of reasons that no legal father is established at this point: the mother could be unwilling or unable to identify the father, the father could have been identified but not located, or the father could still be in the process of establishing paternity.

At the time they entered W-2, less than half of children born outside marriage had a legal father (Figure 2). With extremely limited exceptions, mothers who receive assistance from W-2—and in the past, mothers who received assistance from AFDC—are obligated to cooperate with the child support system to identify a father and seek a support order. Mothers who are not receiving public as-

sistance, however, are not legally required to do so. We would expect, then, that children whose mothers have had greater exposure to public assistance are more likely to have legal fathers. This indeed is the case. Only 27 percent of children whose mothers are new to the welfare system (they had not, at least, received welfare in the prior 18 months) have legal fathers, compared to 53 percent among children whose mothers have been on AFDC for most of the last 18 months (Figure 2).

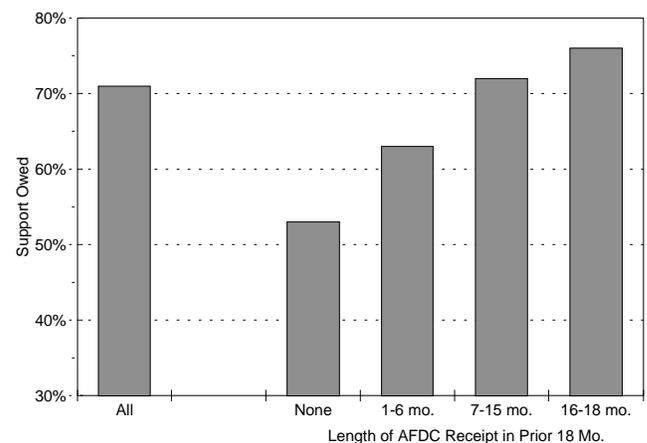
The pattern is similar for support orders. Among children with a legal father, support is much more common if the mother has had longer experience with AFDC (Figure 3). The data suggest, then, that longer periods of welfare



**Figure 2. Paternity establishment among nonmarital children, in cases entering W-2.** N = 53,542.

Source: Wisconsin Child Support Demonstration Evaluation.

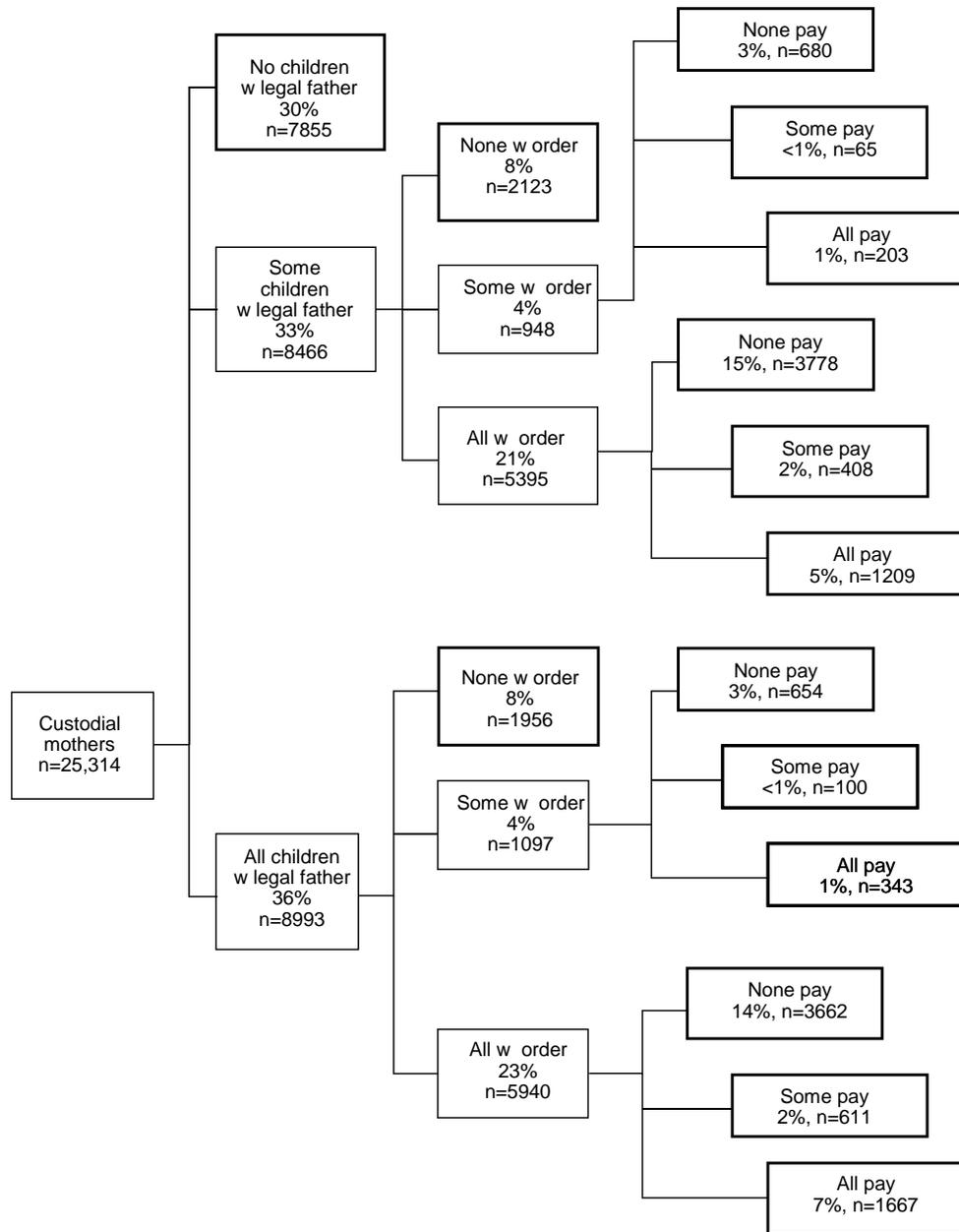
Note: Mothers entering W-2 September 1997 to May 1999; mother's AFDC receipt in prior 18 months is used as an indicator of experience with the welfare system.



**Figure 3. Support orders among children who have legal fathers, in cases entering W-2.** N = 34,129.

Source: Wisconsin Child Support Demonstration Evaluation.

Note: Mothers entering W-2 September 1997 to May 1999; mother's AFDC receipt in prior 18 months is used as an indicator of experience with the welfare system.



**Figure 4. Child support outcomes for mothers during first month of W-2 participation.** Each group's percentage of the total sample is shown.

Source: Wisconsin Child Support Demonstration Evaluation.

receipt are associated with improved child support outcomes. Of course, this simple analysis does not prove that welfare participation is the cause of those outcomes; such a conclusion would require a more complex analysis to determine the factors contributing to changing support outcomes over time.

### How do mothers fare in the child support process, considering all their children?

It is common for a mother to be at different points in the child support process for different children—and two-thirds of these mothers have two or more children. We

aggregate across children to determine how custodial mothers entering W-2 fare with regard to child support, considering all of their children. This information is summarized in Figure 4, which examines three steps—establishment of a legal father, existence of a support order, and payment of support—and indicates whether each step is achieved for all, some, or none of the children associated with a W-2 case.

Several stories emerge from these results. On the one hand, having multiple children provides mothers with multiple opportunities for successful support outcomes. This is clearly indicated by comparing the situation of children in Figure 1 to that of mothers in Figure 4. For

example, only 54 percent of children have a legal father (Figure 1), whereas 69 percent of mothers have at least one child with a legal father (Figure 4). From this standpoint, support outcomes appear to be more favorable when the mother rather than the child is the unit of analysis.

On the other hand, having multiple children also provides multiple opportunities for losing potential child support. Mothers are much less likely to have successful child support outcomes on behalf of *all* of their children than to have successful outcomes on behalf of *any* children. This is best illustrated by the following statistics in Figure 4: only 36 percent of mothers have a legal father for each of their children; only 23 percent have an order on behalf of each of their children; and a strikingly low 7 percent have support paid on behalf of each of their children during the month they enter W-2. In short, even when mothers successfully navigate the child support system with one child, they are often not able to do so with all of them.

## The implications

These simple descriptive statistics suggest that few women and children on welfare benefit fully from the potential child support available to them at the time they enter the W-2 program. The barriers occur at each stage of the child support process. Too few children have legal fathers. Among this group, too few have child support orders. Among those with orders, far too few have support paid on their behalf.

It is important to remember, however, that this is a very disadvantaged population who are selected by their decision to seek public assistance. They are different in many ways from low-income women with children who elect not to seek such assistance, and we cannot generalize from the results for this group to other groups of women and children.

Furthermore, this article has looked only at the formal child support system, and reflects the perspective that cooperation with the formal system is the preferred outcome. Other work suggests, however, that some men provide support informally and off the books (see the article in this *Focus* by Waller and Plotnick). Likewise, research suggests that many fathers of children on welfare have extremely low incomes (see the article in this *Focus* by Martinez and colleagues). In some cases, fathers may be incapable of providing either formal or informal support. In still other cases, there are significant psychological costs to the mother of establishing paternity and creating a formal relationship with a father with whom she would prefer to have as little to do as possible. Despite these caveats, formal child support, as we noted

earlier, does make a substantial difference to those who receive it.

In light of Wisconsin's child support pass-through policy, it seems likely, from these findings, that increased vigor in establishing paternity, obtaining support orders, and ensuring the payment of child support have the potential for improving the lives of families on welfare in both the short and the long run. ■

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<sup>1</sup>D. Meyer, M. Cancian, J. Bartfeld, E. Caspar, R. Haveman, and others, *Initial Findings from the W-2 Child Support Demonstration Evaluation*, report to the Wisconsin Department of Workforce Development, August 1999. This report is available in full on the IRP web site, < <http://www.ssc.wisc.edu/irp/research/home.htm> >. See also L. Scoon-Rogers, *Child Support for Custodial Mothers and Fathers: 1995*, Current Population Reports P60-196, U.S. Bureau of the Census, Washington, DC, March 1999.

<sup>2</sup>We are grateful to Jongsoog Kim and Steven Cook for assistance with the analyses.

<sup>3</sup>Of course, parents can choose to pay support outside of the formal system, and research suggests this is not uncommon despite the potential risk to both parties. Such informal support payments are not captured in our analyses. See K. Edin and L. Lein, *How Single Mothers Survive Welfare and Low-Wage Work* (New York: Russell Sage Foundation, 1997).

<sup>4</sup>Information is missing for 2 percent of children, who are presumed not to have a legal father, because they are not found in the state administrative system used to track child support, the KIDS database.

<sup>5</sup>In theory we should not find any support payments in the absence of a formal order. We do, however, find payments for 81 cases without support orders.

### ***Fathers under Fire: The Revolution in Child Support Enforcement***

Irwin Garfinkel, Sara S. McLanahan, Daniel R. Meyer, and Judith A. Seltzer, editors

1998, 369 pp. \$49.95. For information: Russell Sage Foundation, 112 East 64th Street, New York, NY 10021 Tel., 212.750.6000; Fax, 212.371.4761; e-mail, [info@rsage.org](mailto:info@rsage.org).

# Who gets custody?

Maria Cancian and Daniel R. Meyer

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Contemporary changes in the living arrangements of children have major implications for the success of social policies designed to improve their well-being.<sup>1</sup> The rise in the number of people cohabiting and the number of children born outside marriage has recently attracted the lion's share of public attention, in part because so high a proportion are poor. But rates of separation and divorce, though no longer rising, remain high, and so does the economic vulnerability of children in separated families.<sup>2</sup> Effective child support policies must address the needs of these families also, but to do so we must understand the repercussions of changing family organization in the areas of divorce and custody.

Changes in family structure include not only the high rate of marital breakdown, but also changes in the family division of labor and responsibility for children. Many recent social welfare and family policy initiatives have reflected a growing interest in increasing the role of fathers, given the negative consequences of growing up in a single-parent family.<sup>3</sup> Does living without a father have detrimental effects on a child's development? Those who believe so argue that fathers should play an increased role in their children's lives, potentially through shared physical custody. But if poverty rather than the absence of the father is at the root of problems in mother-only families, then one remedy is the transfer of a larger share of fathers' resources to their children; indeed, this perspective underpins the child support enforcement system. Another remedy would be to grant sole custody more often to fathers, who tend to have higher incomes than do mother-only families.

Until recently, the custodial parent was almost invariably the mother, and there has been little opportunity to explore the correlates of where children live (i.e., physical custody arrangements). State custody laws previously gave an explicit preference to mothers, but in every state, gender preference has now been removed. This article seeks to place mother-custody families in a richer context, by providing information also on other kinds of custody that have recently become more common—shared custody and father-only custody.<sup>4</sup> A trend toward shared custody, for example, may have important impli-

cations if fathers provide more resources toward children who are at least partly in their custody.

Although some national longitudinal data sources identify divorced families with children, none has information on custody issues. In this article, we use the Wisconsin Court Record data, a uniquely detailed sample of cases coming to court in 21 Wisconsin counties. We examine physical custody outcomes for approximately 4,000 cases from 1986 to 1994, including both sole- and shared-custody cases (see Table 1). With these Wisconsin data, we are able to examine custody outcomes over a nine-year period, rather than at a single point in time.

## The policy context

When parents divorce, several formal legal decisions must be made: where the child is to live (physical custody), who is to make major decisions about the child

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**Table 1**  
**Selected Characteristics of Families in the Wisconsin Sample**

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Characteristics	Mother Sole Custody	Shared Custody	Father Sole Custody
Parents' Employment and Earnings			
Both employed	73.6	87.0	74.8
Only father employed	16.7	10.5	16.5
Only mother employed	5.9	2.0	5.1
Neither employed	3.8	0.5	3.6
Total family income (mean)	\$42,837	\$51,063	\$41,577
Mother's share	40.4	37.8	31.0
Home Ownership	47.2	65.5	56.4
Mother Received AFDC	25.4	14.5	14.0
Prior Marital Status and Children			
Father has other children	5.4	3.0	1.4
Father has prior marriage	15.7	12.5	10.4
Mother has other children	7.8	8.3	10.4
Mother has prior marriage	12.3	15.7	14.2
Gender of Children			
All boys	34.0	42.2	40.2
All girls	34.0	30.6	27.0
Both	32.0	27.0	33.0
All aged 11+ are boys	11.5	14.1	19.5
All aged 11+ are girls	12.0	10.6	13.5
Both boys and girls aged 11+	5.5	3.5	7.4
No child aged 11+	71.0	71.8	59.6
N	3,226	432	415

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**Source:** Wisconsin Court Records Data.

**Note:** The average age of the mothers was 32.7 and of the fathers, 35.2. The average length of marriage was 10.8 years. All figures are percentages unless otherwise indicated.

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(legal custody), how assets will be divided, and whether there will be continuing financial transfers (alimony or child support). These decisions, often initially negotiated by the parents, are then approved or, sometimes, ordered to be revised by the court.

The explicit preference for the mother in custody determinations, itself a 19th-century development, began to yield ground in the 1960s. Since then, the prevailing theory has held that physical custody should be awarded in keeping with the “best interests” of the child. In practice, custody has still mostly gone to the mother. More recently, the view that children should spend substantial amounts of time with each parent—an arrangement known as “shared physical custody”—has been legally recognized and in some states is now preferred.

The evidence nevertheless suggests that custody may largely be determined outside the formal legal process, whatever the preferred policy. A California study from the mid-1980s found that about four-fifths of mothers wanted sole physical custody. Among fathers, preferences were almost equally divided: a third wanted sole custody, a third shared custody, and the remainder wanted the mother to have sole custody. Despite these differing preferences, the issue was rarely contested; in almost 80 percent of cases, the parents agreed on which of them should receive physical custody. When custody was contested, the decision favored the mother about twice as often as the father.<sup>5</sup>

### **Custody determination: Theory and reality**

The classical economic model of the household posited that the husband worked, because he could command a higher wage, while the mother, whose earning capacity was lower, provided the primary care for children and other “home production.” If the parents divorced, this division of labor led, logically, to mothers gaining sole custody of the children while fathers continued to provide financial support in the form of alimony and child support.

This model seems increasingly less convincing as more women with children enter the workforce and as their wages approach those of men. Although women continue to bear a disproportionate share of household labor, husbands have increased the time they devote to child care and other work in the home. Under these changed circumstances, the implications of economic models for custody also change. The theory implies that a mother is more likely to have custody if she has a relative advantage in providing child care, a father if he has a relatively higher income than the mother.

The trade-offs between work and child care responsibilities also vary with the number, age, and gender of the children. Parents’ attitudes about the different caretaking

needs of boys and girls or of younger and older children may affect their decisions about who should have custody.<sup>6</sup> Parents’ preferences and the court’s judgments may also depend on other family commitments. Parents who have been previously married or who have other children may have less interest in custody.

### **Custody outcomes**

Some “baseline” evidence on custody arrangements made during the 1980s exists for four states. In three midwestern states, Wisconsin, Michigan, and Minnesota, physical custody went to the mother in the vast majority of cases (89 percent in Wisconsin and Michigan, 81 percent in Minnesota). The father gained custody in about 10 percent of cases, and joint physical custody was established for only 2 percent of cases in Wisconsin and Michigan, 6 percent in Minnesota. In California at the same time, rates of joint custody were higher, about 20 percent, but father-only custody was awarded in just 9 percent of cases.<sup>7</sup>

There is some national evidence suggesting that fathers may be playing a larger role, even though most children live with their mothers after divorce. One study estimated that in 1988–89, joint custody (physical or legal) was awarded in about 13 percent of cases.<sup>8</sup> And the numbers of father-only families with children increased nationally by over 40 percent in the 1980s, in every state and ethnic group, suggesting that more fathers may be taking sole custody.

In all studies, father-custody was more likely for boys and for older children. The evidence regarding the income of the parents was inconsistent, though most studies found that shared physical custody was more likely when fathers had higher income.

### **The evidence from Wisconsin**

Over the relatively short period from 1986 to 1994, there is a small but definite trend in custody arrangements made in Wisconsin courts. In the early years, mothers were awarded sole custody in 80.2 percent of cases; by 1992–94, the rate had fallen to 73.7 percent. Throughout these years, father-only custody cases held steady at about 10 percent. Thus the decline in mother-only custody reflects increases in equal and unequal shared custody.<sup>9</sup> By 1992–94, unequal shared custody was awarded in 8.4 percent of cases, equal shared custody in another 5.8 percent.

We estimated the likelihood of shared custody (equal or unequal) and father-only custody, relative to mother-only custody. We included each parent’s employment status and the relative share of family income earned by the mother; these, we assume, reflect the extent to which the mother is the primary caretaker and each parent is

involved in the market and home spheres. We examined total income and home ownership to explore whether custody outcomes differ by class. We took into account prior marriages and prior children, and the number, age, and gender of the children from the marriage that was ending. We included parents' ages, the length of the marriage, and whether the mother received welfare (we do not know race and educational level). Finally, we included variables related to the court process (who had legal representation, who was the plaintiff, and the county of final judgment), but our findings were qualitatively similar when these were excluded (they are not reported here).

We found that employment status had only a small impact: cases in which only the father works are less likely to result in shared custody than are cases in which both parents work, all else being equal. Perhaps women who do not work tend to be primary caretakers, and so more likely to request sole custody. As family income rose, the probability of shared custody rose, though at a declining rate, and that of father-only custody fell. As the mother's share of total family income increased, the probability of father-only custody declined markedly. Home ownership increased the probability of shared custody and father-only custody; welfare receipt decreased the probability of both.

If a parent has been previously married or has children from a previous relationship, he or she (especially the father) is less likely to be awarded sole custody. Older mothers are more likely to be awarded sole custody, but the only other noticeable effect of parents' ages and length of marriage is a somewhat greater likelihood that fathers in long marriages will be awarded sole custody.

The number of children in a family has no apparent direct effect, but their age and gender do. If there are young children—even up to age 10—the father is less likely to receive sole custody, but the probability of shared custody is unaffected. If the children are all boys, shared custody is more likely. If the family contains boys over age 11, fathers are more likely to receive sole custody.

The results we report here are only from a single state, but the significant, if small, increase in shared custody mirrors national trends. It is perhaps not surprising that shared custody increases with income and is more likely among couples who own a home—shared custody is, after all, a more expensive outcome in that both parents typically need bedroom space for the children and there may be costs for regular transportation and other items.

Our results do not support the theory that mothers who do not work outside the home are more likely to remain primary caretakers after a divorce. Although mothers without income are slightly more likely to receive custody than mothers with low earnings, the effect is not large. Moreover, at other levels of income, we find (hold-

ing the father's income constant) that mothers who have higher earnings are *not* less likely to receive custody—indeed, in such cases the *fathers* of the children are. This finding is more consistent with the notion that the balance of power between the spouses is important, and that mothers gain a share of custody when they have a higher share of the family's economic resources. Economic viability is not the only criterion, however: mothers who received welfare are more likely than the fathers of their children to be awarded custody.

## The implications

The rise in shared custody makes possible explicit examination of father-only and shared-custody families. Such research may provide a different perspective on the extent to which low income is responsible for the negative consequences of growing up in a single-parent family. The prevalence of mother-only custody also appears to contribute to the lower remarriage rate of divorced women as opposed to divorced men and hence to their greater poverty. Shared custody may therefore benefit mothers. Yet if it results in greater conflict between separated parents, children may suffer.

The extent to which these changing custody patterns affect children's well-being depends at least partly on the stability of the initial living arrangement. The California study earlier discussed found that, two years after the divorce, there had been substantial changes in where children were living. Particularly unstable were arrangements in which children were to spend significant time with fathers. Almost half of children who began in "dual residence" and 30 percent of those initially with their fathers had moved to some other living arrangement, compared to only 16 percent of children initially living with their mothers. The stability of shared custody arrangements is the focus of new research under way at the Institute for Research on Poverty. Understanding the dynamics of shared custody is increasingly important for the design of child support enforcement programs and policies. The long-term implications of custody awards for fathers' roles and children's well-being merit further study. ■

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<sup>1</sup>A long version of this article appeared in *Demography* 35, no. 2 (May 1998): 147–57. It is summarized here by permission of the Population Association of America, the publishers of *Demography*.

<sup>2</sup>In 1997, the number of never-married mothers was around 4 million, but the number of previously married mothers was about 4.6 million (see the article in this *Focus* by Sorensen and Halpern). And around 70 percent of the increase in mother-only families among white children between 1960 and 1988 can be accounted for by the rise in separation and divorce, which far outweighed the rise in never-married mothers. See G. Duncan and J. Brooks-Gunn, ed., *Consequences of Growing Up Poor* (New York: Russell Sage Foundation, 1997), p. 30.

# *Child Support: The Next Frontier*

**J. Thomas Oldham and Marygold S. Melli, Editors**

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**University of Michigan Press, P.O. Box 1104,  
839 Greene Street, Ann Arbor, MI 48106-1104  
forthcoming 2000, \$44.50, about 235 pages**

<sup>3</sup>S. McLanahan and G. Sandefur, *Growing Up with a Single Parent: What Hurts, What Helps* (Cambridge, MA: Harvard University Press, 1994).

<sup>4</sup>The article on which this summary is based also considers split custody; the sample is, however, very small and such families are not discussed here.

<sup>5</sup>E. Maccoby and R. Mnookin, *Dividing the Child: Social and Legal Dilemmas of Custody* (Cambridge, MA: Harvard University Press, 1992).

<sup>6</sup>G. Fox and R. Kelly, "Determinants of Child Custody Arrangements at Divorce," *Journal of Marriage and the Family* 57, no. 3 (1995): 693-708.

<sup>7</sup>See, e.g., J. A. Seltzer, "Legal and Physical Custody Arrangements in Recent Divorces," *Social Science Quarterly* 71, no. 2 (1990): 250-66; Fox and Kelly, "Determinants of Child Custody"; Maccoby and Mnookin, *Dividing the Child*.

<sup>8</sup>D. Donnelly and D. Finkelhor, "Who Has Joint Custody? Class Differences in the Determination of Custody Arrangements," *Family Relations* 42, no. 1 (1993): 57-60.

<sup>9</sup>We define "unequal shared custody" to mean that the child lives with one parent 30-49 percent of the time, and with the other parent 51-70 percent of the time.

# Child support and child access: Experiences of divorced and nonmarital families

Judith A. Seltzer

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If child support is more strictly and widely enforced, what will be the consequences? Are parents who pay support more likely to remain involved in their children's lives? Will more stringent enforcement have different effects on children born to married and unmarried parents?<sup>1</sup>

There are no obvious answers to these questions, and data have been especially sparse in two areas: whether involvement changes over time, and the experiences of nonmarital families. Despite the demographic and administrative significance of children born outside of marriage—nearly a third of U.S. children are born to unmarried parents—most research has focused upon divorced parents. One large body of data, however, does provide information about child support and visiting behavior for divorced and unmarried parents over the longer term: the National Survey of Families and Households (NSFH). Using NSFH data, I explore two questions: How does fathers' contact with children change over time? Do fathers who pay more child support see their children more frequently?<sup>2</sup>

## The expected effects of child support on fathers' time with their children

For nonresident as for resident parents, looking after children potentially involves trade-offs between time and money. In order to pay support, nonresident fathers may work longer hours, and have less time to spend with children. And the money they pay in support means that less will be available to the father for travel expenses for visiting or for purchasing things children might need.<sup>3</sup>

Most evidence suggests a generally positive relationship between paying child support and visiting. The converse also holds: families that report problems with paying and collecting child support are likely to report problems with visiting.<sup>4</sup> Economic theory suggests that the connection would make sense. Fathers may use visits to keep track of how the children's mothers spend their contributions. And the act of paying support may alter both par-

ents' perceptions about a father's right to spend time with his children.

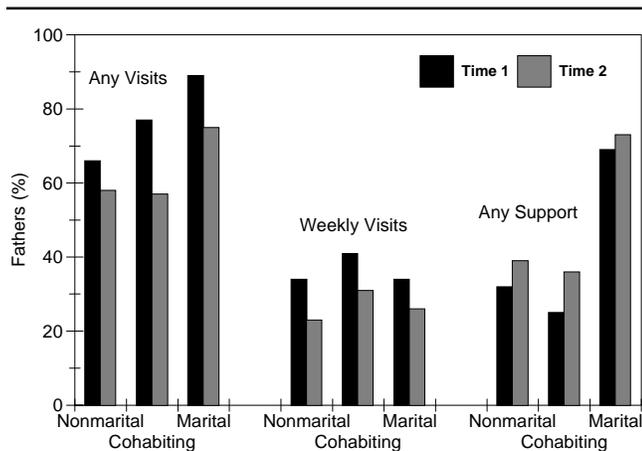
It is possible, however, that the positive association between payment of child support and visiting is not causal, and that both are the result of other factors, such as parents' commitment to their children and their ability to cooperate in child rearing, or the father's socioeconomic status. Evidence of continuity in family relationships and in children's behavior before and after separation suggests that this may be the case.<sup>5</sup> If so, then child support enforcement is unlikely to increase the amount of time that nonresident parents spend with their children.

One way to judge the relative merits of these competing claims is to observe relationships between parents and children over time. The NSFH data provide longitudinal information about family relationships. The survey first interviewed a cross-section of U.S. adults in 1987–88, then reinterviewed over 80 percent of them in 1992–94. The survey included large samples of single-parent families, families with stepchildren, cohabiting and recently married couples, and some minority groups.

To explore the questions I have asked here, I use interviews with 645 women who were already resident mothers (single or remarried) in 1987–88, and who still had a child under 18 at the time of the second interview. The sample was about evenly split between divorced women and women whose children were born outside of marriage, some in cohabiting unions, some not. At the first interview, about half of the families had been separated for four years. By the second interview, half had been separated for about ten years, providing evidence on support and visiting for children in long-separated families. Information came from the mothers, who were asked about fathers' contact with one randomly selected child, about support orders, and about formal and informal child support payments.<sup>6</sup>

## The disengagement of nonresident fathers from their children

In the NSFH sample, contact between children and their divorced or nonmarital fathers declined significantly between the first and second interviews. About 77 percent of fathers had seen their children in the year before the first interview, compared to only 66 percent in the year



**Figure 1.** Nonresident fathers' involvement with their children in 1992-94 (Time 2), by the status of the parents' relationship at the time the child was born (Time 1, 1987-88).

**Source:** National Survey of Families and Households, 1987-88 and 1992-94, child living with resident mother in 1987-88.

before the second interview. The percentage of fathers who saw their children at least weekly declined from 34 to 25 percent. However, the proportion who paid any child support remained relatively constant, at about 50 percent (see Figure 1). Divorced fathers and unmarried fathers for whom paternity had been established were much more likely to pay child support, perhaps reflecting their greater economic resources (results not in Figure 1).

There were substantially different visiting patterns between formerly married and unmarried nonresident fathers. Divorced fathers were much more likely to see their children after separation than were unmarried fathers. The visiting patterns of formerly cohabiting fathers were more like those of unmarried than of formerly married fathers. Legal paternity made a difference: unmarried fathers who had established paternity were more likely to visit than those who had not. Children from a marriage were much more likely to make overnight stays (74 versus 47 percent, among those with any contact) or to be living with their fathers (12 versus 8 percent) than were children from nonmarital relationships (results not in Figure 1). The picture of marital status differences in contact disappears when one considers whether the father saw his child at least weekly. Approximately equal percentages of fathers had weekly contact with their children, regardless of parents' marital status when the child was born.

A comparison of the visiting patterns of fathers separated for only a short time and those who had been separated for longer shows evidence of disengagement. Eighty-four percent of all nonresident fathers who had been separated for less than two years had seen their children in the year before the interview, but only 64-76 percent of those separated for 8-10 years had done so. Declines in contact between nonresident fathers and their children occurred in the first few years after separation. Thereafter, the level of contact remained fairly stable. Fathers

who still spent time with their children 10-12 years after the separation are probably those who were originally more committed to staying involved, and who arranged their lives to make it easier to do so.

About 41 percent of fathers saw their children less frequently at the time of the second interview than at the first interview, about six years earlier. Behind this aggregate statistic lies wide variability in the frequency of contact. Among fathers who had any contact at all at the first interview, 53 percent saw their children less frequently at the second interview, and 21 percent saw them more frequently. Fathers of children born outside marriage were less likely to reduce their contact over time, but that is because such a high percentage had already lost touch with their children by the first interview.

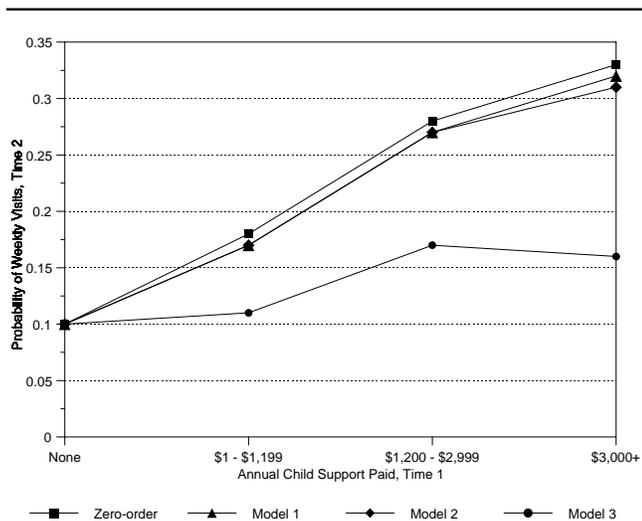
Some fathers and children reestablished ties after a period of no contact. Just over a quarter of fathers who did not see their children at the first interview were in touch by the second interview. Fathers in nonmarital families were more likely to regain contact than divorced fathers, but the difference is not statistically significant. The sex of the child also made a difference. At the first interview, 137 fathers had no contact with their children. By the second interview, 32 percent of them had reestablished contact with sons, 19 percent with daughters. Such renewed contact was most common when children were in late childhood or early adolescence, a time when they had more independence and freedom to see their fathers without relying on either parent to organize visits. Reestablishing contact was less likely when there was a stepfather in the child's home, perhaps because of conflict or ambiguity about each father's responsibility for the child. The difference by mothers' marital status, however, is not statistically significant. The fathers who renewed contact were still significantly disengaged. The most common visiting pattern was for fathers to see their children only a few times a year.

Are the low and unstable levels of contact between nonresident fathers and children likely to be altered by more rigorous child support enforcement?

### Effects of child support on fathers' contact with their children

The cross-sectional association between child support payments and visits is strong. Fathers who paid any support at all were significantly more likely to see their children, although there was no particular relationship between how much fathers paid and how frequently they visited.

The longitudinal design of the NSFH allows a direct investigation of the relationship between the payment of support and later contact between fathers and children. The data show that fathers who, at the time of the first



**Figure 2.** The predicted probability of weekly visits at Time 2 (1992–94) by child support at Time 1 (1987–88). The models are described in the text.

**Source:** National Survey of Families and Households, 1987–88 and 1992–94, child living with resident mother in 1987–88.

interview, were paying at least some support were more likely later on to see their children at least once a week than fathers who were not paying (23 percent versus 12 percent). It made no difference whether parents were married or not when the child was born. Fathers who were complying most fully with their support orders were also more likely to see their children frequently than those who were less compliant.

While the patterns in these data are suggestive, they do not show that child support payments “explain” fathers’ continued involvement with their children. Other characteristics of fathers and their families may account for both higher payments and more frequent visits. To address this concern, I conducted a series of multivariate analyses in which I estimated the probability that a father would have at least weekly contact with his children at the time of the second interview, adjusting statistically for several other differences among fathers and families (see Figure 2).<sup>7</sup>

The first, zero-order, model in these analyses takes into account only the amount of child support paid at the time of the first interview and illustrates the strong gross association between visits and payments. Models 1–3 adjust for characteristics of children and their families that might explain the apparent effect of child support payments on visiting patterns. Model 1 takes into account race, the child’s sex, whether the child was born into a marriage, parents’ education and marital status at the first interview, and how long they had been separated. Model 2 adds the terms of the parents’ legal arrangements, whether they have a formal child support order, and whether they share joint legal custody. Model 3 adds other family characteristics at the time of the first interview: the frequency of fathers’ visits, whether parents

had serious disagreements, and the distance between the parents’ homes.

Taking account of the characteristics of children and parents included in Model 1 has little effect on the relationship between child support and subsequent contact (compare the zero-order model and Model 1 in Figure 2). Nor is there much change when the model also adjusts for legal custody and child support orders (compare Model 2 with Model 1). Only the inclusion of the characteristics in Model 3—how frequently father and child visited at the earlier time, conflict between the parents, and distance at the earlier time—reduces the association between support and visiting. Much of the association between the amount of support paid and frequency of visits is explained by these underlying characteristics of the family relationship.<sup>8</sup> A small association remains, however. The probability of weekly visits was still higher for fathers who paid at least \$1,200 a year than it was for father who paid less. Although Figure 2 also shows that those who paid more than \$1,200 in child support were more likely to see their children weekly than those who paid no support, this contrast is not quite statistically significant.

### Child support reform and fathers’ access to children

Once fathers and children begin to live apart, fathers disengage from both the financial and the time-intensive aspects of rearing children. Only a minority remain closely involved in these aspects of their children’s lives. Both fathers of children born in marriage and those whose children were born outside of marriage have less contact with their children the longer they have been separated.

Fathers who pay child support are more likely to spend time with their children, whether or not they were married to the child’s mother. Earlier patterns of contact only partially account for the observed association between support and visiting. This suggests that child support may have a small direct effect, even after fathers’ visiting patterns have been established.

That previous visiting practices explain much of the association between child support and subsequent visits leaves unresolved the question of exactly why visits and payments are related when they are observed contemporaneously. Stronger evidence on whether payments and visits are causally related would show that payments increase visits, even after adjusting explicitly for other important characteristics of families, such as parents’ commitment to children or stability of fathers’ employment. By focusing on families that were first observed after fathers and children had already begun to live apart, the data used in this article cannot identify the initial conditions, such as parents’ cooperation or attitudes

about child-rearing, that explain why some fathers spend significant time and money on children and others do not.

Nevertheless, the weak positive effect of child support payments on visiting in the NSFH sample is consistent with findings from other studies.<sup>9</sup> Taken together, these studies provide modest support for claims that stricter child support enforcement will increase fathers' contact with children. Higher child support payments are likely to moderately increase visits, at least once families establish the initial conditions for fathers' involvement with children after separation. For families that are already separated, the weight of arrangements in parents' new lives and the constraints of decisions made at the time of separation imply that increased child support enforcement will have only a small effect on fathers' contact with children.

The effect, however, may be greater in the future. The families described in this article were already separated by the time of the Family Support Act of 1988. Families separating today are in a different social and legal environment, one that attaches much more importance to nonresident parents fulfilling their economic responsibilities to their children. Parents know, to begin with, that child support will be enforced through withholding and other state and federal interventions, and this may alter their expectations about the reallocation of child-rearing and child support responsibilities.

For example, stricter enforcement of support may increase fathers' expectations that they will spend more time with their children early in the period after the parents' relationship dissolves. Fathers may in consequence organize other aspects of their lives—where they live, what they do, their relationships with new partners—to spend more time with their children and to take account of their child support obligations.

Mothers may be more willing to make it easier for fathers to maintain a relationship with their children if fathers are paying support. But if mothers find that they can rely upon the child support system to collect payments effectively, they may see less need to trade time with the father in return for child support payments. Thus better enforcement may change the balance of power in parents' negotiations over visitation.

Understanding the relationship between child support and visiting therefore requires that we study family relationships when parents are still married or still involved in their nonmarital relationship, before those ties break down. Studying what happens as parents separate and establish new child-rearing practices will provide more insight into the effects of stronger child support enforcement. ■

<sup>1</sup>The research summarized in this article appears as Chapter 4 in *Child Support: The Next Frontier* (see box, p. 53). IRP is grateful to the publisher, the University of Michigan Press, for permission to make use of the chapter.

<sup>2</sup>By far the greatest number of nonresident parents are fathers; see L. Scoon-Rogers and G. Lester, *Child Support for Custodial Mothers and Fathers: 1991*, U.S. Bureau of the Census, Current Population Reports, P60-187, Washington, DC.

<sup>3</sup>Particularly in low-income families, in-kind gifts to children are an important form of support by nonresident fathers. See M. Waller and R. Plotnick, "A Failed Relationship?" in this *Focus*.

<sup>4</sup>See, for example, J. A. Seltzer, "Relationships between Fathers and Children Who Live Apart," *Journal of Marriage and the Family* 53, no. 1 (1991): 79–101; J. A. Seltzer, S. McLanahan, and T. Hanson, "Will Child Support Enforcement Increase Father-Child Contact and Parental Conflict after Separation?" in *Fathers under Fire: The Revolution in Child Support Enforcement*, ed. I. Garfinkel, S. McLanahan, D. Meyer, and J. A. Seltzer (New York: Russell Sage Foundation, 1998); S. McLanahan, J. A. Seltzer, T. Hanson, and E. Thomson, "Child Support Enforcement and Child Well-Being: Greater Security or Greater Conflict?" in *Child Support and Child Well-Being*, ed. I. Garfinkel, S. McLanahan, and P. Robins (Washington, DC: Urban Institute Press, 1994); J. Pearson and J. Anhalt, "Examining the Connection between Child Access and Child Support," *Family and Conciliation Courts Review* 32, no. 1(1994): 93–109.

<sup>5</sup>See, for example, M. Koch and C. Lowery, "Visitation and the Noncustodial Father," *Journal of Divorce* 8(1984): 47–65; J. Block, J. H. Block, and P. Gjerde, "Parental Functioning and the Home Environment in Families of Divorce: Prospective and Concurrent Analyses," *Journal of the American Academy of Child and Adolescent Psychiatry* 27 (1988): 207–13; A. Cherlin, F. Furstenberg Jr., P. Chase-Lansdale, and others, "Longitudinal Studies of Effects of Divorce on Children in Great Britain and the United States," *Science* 252 (1991): 1386–89.

<sup>6</sup>Resident mothers are easier to locate and interview than nonresident fathers. Nonresponse rates for fathers are usually high, and evidence suggests that they are less accurate reporters about child support than mothers are (see N. C. Schaeffer, J. A. Seltzer, and M. Klawitter, "Estimating Nonresponse and Response Bias: Resident and Nonresident Parents' Reports about Child Support," *Sociological Methods and Research* 20 [1991]: 30–59; N. Schaeffer, J. A. Seltzer, and J. Dykema, "Methodological and Theoretical Issues in Studying Nonresident Fathers: A Selective Review," National Center on Fathers and Families Working Paper, University of Pennsylvania, Philadelphia, 1998). However, a mother may not know about all of a father's contributions, if they are made, for example, to the child support agency on behalf of a child on public assistance, or if they are payments to a third party for health insurance.

<sup>7</sup>The analysis is restricted to families in which the children lived with their mother at both interviews.

<sup>8</sup>This differs from the finding of Jonathan R. Veum that changes in visitation are completely independent of changes in child support payments. See J. Veum, "The Relationship between Child Support and Visitation: Evidence from Longitudinal Data," *Social Science Research* 22 (1993): 229–44.

<sup>9</sup>For example, Seltzer, McLanahan, and Hanson, "Will Child Support Enforcement Increase Father-Child Contact?" and McLanahan and colleagues, "Child Support Enforcement and Child Well-Being."

# Setting child support orders: Historical approaches and ongoing struggles

Ingrid Rothe and Daniel R. Meyer

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The traditions of the eighteenth and nineteenth centuries dictated that children be cared for within their families. Parents, particularly fathers, were expected to provide for their marital children in part because they were entitled to benefit from the labor of those whom they supported. Attempts to resolve the problems associated with nonmarital children consisted, first, of compelling the parents-to-be or unmarried parents to wed. Even as penalties shifted in the eighteenth century from the physical (public display in stocks or public whippings) to the financial, in the form of compelled support payments, the purpose of the penalties was to increase the pressure on the parents to marry, and not, as today, to provide for the support of the children. No particular attention was given to the amount of financial support that a single parent might need to support a child, because that was not intended to be the outcome.<sup>1</sup>

Similarly, as the incidence of divorce increased in the nineteenth and early twentieth centuries, the claim for support by one former partner on the other was based on the notion of encouraging the stability of the marital unit. Those spouses who were the victims of abandonment or adultery might be entitled to compensation for their injury or loss. If support for the children was considered at all, it was considered as part of the alimony; separate calculations to determine the financial needs of the child were rarely performed. When marriages dissolved and the injured spouse lived apart from the children, it is unlikely that consideration of child support would overrule the judicial inclination to reward the injured spouse. Few, if any, payments would be due to the “injuring” spouse even if the children lived in that household.

Up through the 1930s, a residential mother who was unable to provide adequately for herself and the children could resort to locally determined and frequently informal support, typically called “poor support.” Poor support varied substantially from location to location, and took a variety of forms: orphanages, poor farms or poor houses, in-kind contributions, and occasionally cash. Women who were widows, rather than divorced or abandoned, were sometimes at an advantage; aid might be denied to women with children when the father was known to be alive and therefore capable of support. With the beginnings of mothers’ pensions in various states, and the passage of Title IV-A of the Social

Security Act in 1935, which established Aid to Dependent Children, the support of children was formally established to come from two main sources: the custodial (or residential) parent (usually the mother) and the government.

Little systematic thought was given to the notion that non-residential parents should also contribute to the economic well-being of the children. In the jurisdictions in which separate child support was established, the “courts operated on the premise that nonresident parents were entitled to spend their money as they saw fit, with the child receiving some of what was left.”<sup>2</sup> The net effect of this system continued to be focused on reinforcing marriage, not providing assistance to those with children in cases of marital instability.<sup>3</sup>

Although divorce rates rose steadily, the legal structure retained its focus on reinforcing marriage until the adoption of the Uniform Marriage and Divorce Act (UMDA) in the early 1970s. In contrast to earlier divorce laws, which continued to reflect the philosophy that marriage should be reinforced as the proper place to bear and support children by requiring the parties to identify “fault” and perhaps to penalize financially the “wrongdoer,” the UMDA sought a “clean break” between the parties. In the course of this change, the financial relationship between the parties also changed: although alimony or spousal support was much less frequently awarded, child support was recognized as the financial obligation that remained from marriage.

Passage of “no fault divorce” by the states coincided with an acceleration of the rates of divorce and separation. Nonmarital births also began to rise dramatically. The increasing number of such children and the likelihood that public funds would be used for their support led inevitably to examination of the amount the nonresidential parent ought to pay for the support of the child. In the great majority of state and local jurisdictions, child support orders were set on a highly discretionary, case-by-case basis that provided widely varying obligations even for similarly situated parents and had no consistent relationship to the non-resident parent’s income. In a sample of fathers with one child who earned between \$145 and \$155 per week, support ordered ranged from \$10 to \$69 per week, and sample child support orders have been found to range from zero to more than 100 percent of the nonresident parent’s income.<sup>4</sup>

Partly to address the perceived unfairness of the locally based case-by-case system, Congress, in the Child Support Enforcement Amendments of 1984 (see this *Focus*, p. 3) required the states to establish numeric guidelines to determine appropriate amounts of child support. These were, however, to be nonbinding and were merely to be made available to judicial and administrative officials responsible for setting child support.

Federal law contained little guidance to the states on how to proceed. Before 1984 only three states (Delaware, Minnesota, and Wisconsin) had implemented statewide guidelines, although a number of local jurisdictions (Maricopa County, Arizona, Johnson County, Kansas, and Allegheny County, Pennsylvania) had established their own guidelines.<sup>5</sup>

In 1988, in the Family Support Act, child support guidelines were made presumptive, rather than advisory; deviations from these presumptions required justification in writing or on the court record. In addition to their concern about the equity of orders, Congress also hoped to improve the efficiency of the order-setting system and to improve the adequacy of the orders, particularly in reference to the cost of raising children.<sup>6</sup> All states had enacted presumptive numeric child support guidelines by 1990, only six short years after the federal government first required states to develop them.

### **Alternative guideline models**

The Family Support Act permitted each state to determine what factors it would consider in constructing numeric guidelines and what form they would take. Consequently, there are significant differences among the states in their treatment of factors such as child care costs, shared physical placement of the child, the birth of subsequent children, and extraordinary health care expenditures. In terms of the basic form of the guidelines, however, there is relatively little variation.

Most states have adopted what we may call a “continuity-of-expenditures” model.<sup>7</sup> This seeks to ensure that parents expend upon the child the same proportion of income that they would have spent if they had lived together. The two most prominent forms of this model are the percentage-of-obligor-income model, first developed in Wisconsin, and the income-shares model, developed by an advisory panel under contract with the Office of Child Support Enforcement in the U.S. Department of Health and Human Services. Both of these models rely on estimates of child expenses that are derived from consumer expenditure surveys; the percentage of expenditures varies with the number of children.<sup>8</sup> The third model—the Melson formula—also incorporates a continuity-of-expenditures component, but only after the parents’ needs are covered. All three schemes assume that the resident parent expends his or her share directly on the child.

#### **The income-shares model**

The most popular form of the guideline, used in 33 states, is the income-shares model. To determine the obligation, the incomes of both parents are combined and matched to estimates of how much an intact family with the same income and number of children would spend on the children. (In most states, the percentages decline with income.) Each parent is responsible for part of the expenditures on the

child, proportional to his or her share of their combined income. The amount for which the nonresident parent is responsible is established as the child support order.

States make various modifications—whether gross or net income is used, and how low- and high-income obligors, extraordinary expenditures, and shared placement or “extra” visitation should be treated.

#### **The percentage-of-obligor-income model**

Currently, 13 states use forms of the percentage-of-obligor-income model. In this model, the state selects a percentage of the nonresident parent’s income (either gross or net), generally using as a guide the same studies on costs or cost-equivalencies of child-rearing expenditures used in the income-shares model. The selected percentages, which vary by the number of children, are then applied to the gross or net income of the nonresident parent to determine the child support obligation.

As with the income-shares model, states using the percentage-of-obligor-income model have developed various strategies for dealing with extraordinary expenditures, shared placement or increased visitation, and low- versus high-income obligors. Several states have adopted guidelines that increase the support percentages required of the obligor as his or her income rises.

The percentage-of-obligor-income model and the income-shares model are in fact quite similar to each other. Indeed, if one assumes that child costs are a constant share of income at all levels of income, the models are identical.<sup>9</sup> The child support amounts generated by each model are, as would be expected, quite similar.

#### **The Melson formula**

Three states use the Melson formula, originally developed by Judge Elwood F. Melson, Jr., for his own use in the Delaware Family Court. The Melson formula first subtracts a minimal self-support allowance from each parent’s income, to insure that each parent can maintain a subsistence standard of living. Second, it determines a similar subsistence standard for the child, and adds to it other necessary expenditures such as health or child care costs. Each parent is assigned a prorated share of the child’s subsistence standard, based on his or her share of total income. Third, if the parents have income remaining, an additional percentage of income is assigned to raise the child’s standard of living. The nonresident parent’s child support obligation consists of the amounts that are determined from the second and third steps together.

### **Are the guidelines meeting their goals?**

Clearly, child support has a role to play in addressing the economic circumstances of children who live apart from one or both of their biological parents. The effectiveness of child support in achieving any goals is, of course, a function

of several factors, including how states implement the guidelines, as well as their success in obtaining and enforcing orders.<sup>10</sup>

Implementation of the three guideline models may differ. Some research shows that complicated formulas may be applied less consistently than simple models; the Melson model is the most complicated, followed by the income-shares model, with the percentage-of-obligor-income model the simplest. On the other hand, the models that explicitly consider both parents' incomes may have broader political appeal than the percentage-of-obligor-income model and may therefore be more readily complied with. To date, there is little research that systematically examines the implementation of different types of guideline.<sup>11</sup>

Next we consider goals that might be implicitly or explicitly incorporated in child support guidelines, as well as some conceptual issues that arise in the course of understanding how the guidelines work.

### **Child support as an antipoverty measure**

The guidelines used by most states are not explicitly designed to alleviate child poverty, although child support collections do contribute to poverty reduction among those children for whom any collections are received.<sup>12</sup> Although this goal is unattainable unless the parents have sufficient resources, it seems reasonable to examine the extent to which the design of the guidelines themselves addresses childhood poverty.

Among the adopted guidelines, only the Melson formula has an explicit poverty prevention component, through the calculation of the basic child support obligation designed to meet the subsistence needs of the child. The Melson formula, however, grants to the parents rather than to the child the first claims against income for poverty prevention.

Some states have adopted the concept of a "self-support reserve" for the nonresident parent. (Fewer states also provide for such a reserve for the resident parent.) This reserved income is designed to assure that the nonresident parent commands enough resources to sustain continued earning capacity; thus it also places the subsistence needs of the parent above those of the child. Such a reserve may also directly conflict with the continuity-of-expenditure goal in the income-shares guideline: some evidence indicates that low-income parents tend to expend a higher proportion of their income on their children, or at least no lower than wealthier parents.<sup>13</sup> Although the percentage-of-obligor-income model could also be modified to incorporate amounts for self-support, in its current form in most states, it is the only formula that gives the child's interest in poverty avoidance the same weight as the parent's interest.<sup>14</sup>

### **Child support as a means of equalizing standards of living**

When the incomes of the parents are unequal, the child's economic well-being is closely linked to the decision about who will be the resident parent. If the child lives in the

household with the lower wages or income (a common occurrence in female-headed households), then continuity-of-expenditure models result in standards of living that are significantly higher in the nonresident household than in the child's household. A number of studies report that the postdivorce allocation of income across households tends to favor the nonresident parent, even after transfer of spousal and child support.<sup>15</sup> Does this imply that child support orders are simply too low, or is this perhaps an unintended consequence of the continuity-of-expenditure model?

Only one model, the Equal Living Standards (ELS) model, proposed equal outcomes as a goal.<sup>16</sup> Poverty cannot be prevented by child support alone unless both parents have incomes above the poverty line. But the decline in living standards caused by the creation of two households instead of one can be allocated equally between the households. An ELS model, by design, attempts to allocate the burden of declining standards of living resulting from the maintenance of two (or more) households equally among the child, the resident parent, and the nonresident parent. Although a number of states asserted their intentions to avoid placing the postseparation financial burden primarily on the residential household, no states adopted the ELS model. It remains controversial, in part, perhaps because it tends to result in higher child support awards at higher income levels than do other formulas.

### **Child support as a means to assuring a subsistence standard for children**

In two-parent families, the state takes little interest in the level of expenditures upon the child, unless these are so low that the child meets the state's standards for abuse or neglect. All of the guidelines discussed set a higher standard than subsistence for a child living apart from a biological parent *if* the parent's income is high enough to allow it.

## **Guideline reviews**

The Family Support Act of 1988 required states to review their guidelines at least once every four years to ensure that they result in "appropriate amounts of child support" (42 USC § 667). As part of the reviews, the states are to consider economic data on the cost of raising children and to examine case-level data to determine if their guidelines are being used.

Response to the requirement for review has been uneven. Most states have now completed two reviews. States generally did not revisit the underlying models as part of their review. Two states recommended changes, but only one state adopted the change.<sup>17</sup> There is no record of case-by-case reviews in several states; other states took small convenience samples and still other states tried to take a comprehensive look at guideline use.<sup>18</sup>

It seems clear that new strategies are needed if states are going to examine accurately the level of guideline use. The limited research in this area suggests that there are substan-

## Child support orders and state guidelines for low-income families

Because each state's child support system is very different, researchers examining the size of state orders and how they changed over time created a scenario describing a family and its circumstances and asked state officials to estimate child support awards for this family at different income levels.

The scenario is relatively simple. It does not involve serial families, split physical custody, postsecondary educational expenses, or other extraordinary factors that tend to be treated very differently by states. The family consists of divorced parents and two children. The father lives alone, the two children, aged 7 and 13, live with their mother. The father pays union dues of \$30 a month and health insurance for two children at \$25 per month. He spends less than 10 percent of his time with his children. The mother has monthly child care expenses of \$150. The combined monthly incomes of the parents ranged from \$1,200 (a family at the 25th income percentile) to \$10,500 (a high-income family).

The survey was first conducted in 1988 and repeated in 1991, 1993, 1995, and 1997. In 1997, a fifth family income level was added—that of a very low income family with a combined monthly income of \$830, in which the mother's share, \$300, was set at the lowest state need standard for public assistance for a three-person family. Support awards for this family and the family with a monthly income of \$1,200 are considered below.

In 1997, the child support order for the very low income family averaged \$126 a month (the median award was \$111). There was substantial variation in how states treated these families: the monthly support obligation ranged from nothing in Connecticut to \$275 in South Dakota—59 percent of the noncustodial father's gross income of \$530.

For the low-income family, we have estimated support amounts at intervals from 1988 to 1997. Average and median support orders were remarkably consistent (both hovering around \$200) until about 1995. Between 1995 and 1997, the mean amount fell by 7.2 percent and the median by 10.9 percent. Interstate variations in this obligation had also increased; it ranged from nothing, again in Connecticut, to \$327 in Indiana (45.4 percent of the nonresident parent's income).

This variation suggests that states increasingly disagree about how much child support low-income fathers should be asked to provide to their children. Indeed, the debate regarding the noncustodial parent's fair share of contributions to the children is lively at all income levels, but especially at the extremes. For low-income noncustodial parents, the guidelines must weigh the ability to meet the estimated cost of the parent's own basic needs against the typical expenditures for the children. When the combined income of both parents is below the poverty line, these decisions are particularly difficult, and states appear to respond in very different ways.

**Child support orders for welfare-eligible children.** In many states, child support for very low income women and children is insufficient to replace cash assistance from the state welfare program. The average cash payment for a family of three from Aid to Families with Dependent Children in 1996 was \$410. The average support award for the very low income family would replace only about 30 percent of this amount.

For very low income families, it appears that, as of 1997, states tended to use child support and cash assistance as substitutes. The majority of states with high cash assistance payments had low child support orders; the majority of states with low cash assistance payments had high child support orders. With the time limits that have been imposed on welfare support, this trade-off can no longer continue. It is not yet clear whether states will modify their child support guidelines to respond when low-income women with children reach their public assistance time limits.

**The research from which this information is taken is reported in Maureen Pirog, Marilyn E. Klotz, and Katharine V. Byers, "Interstate Comparisons of Child Support Orders Using State Guidelines," *Family Relations* 47, no. 3 (1998): 289–95.**

tial differences across states and within states on whether orders are consistent with the guidelines. Yet such case-level reviews can be very helpful, indicating areas where decision makers feel the guidelines are inappropriate or the guidelines themselves are not working as intended. (See box, this page.)

The required review of the guidelines goes beyond mere usage, however. As states consider improvements to their guidelines, they will have to grapple with several issues and questions, including the following:

### **What should be the standard with respect to nonresident parents who have low incomes?**

This is a difficult policy question that arises in nearly every state's guideline review. Setting orders for low-income par-

ents that are "too high" may lead them to seek to evade payments by resorting to the underground economy. Failure to pay burdensome orders may increase the likelihood of incarceration, further diminishing the prospects for increasing economic transfers to the child and raising questions about fairness. Stringent enforcement efforts may also alienate the nonresident parent from the child. Yet orders that are "too low" may deprive children of support.

Currently, the Melson formula exempts the nonresident parent from paying child support if his or her own income is not sufficient to meet a self-support reserve. The percentage-of-obligor-income model could be adapted to allow an alternative treatment of obligors with very low incomes, but to do so would run counter to the frequently heard argument that all parents, regardless of income, should contribute

something toward the support of their children.<sup>19</sup> Some states adjust the income-shares model so that the percentage paid by low-income nonresident parents is lower than that of middle-income parents.

### **Child support and changing family composition**

An estimated 75 percent of divorced persons remarry, and many of them go on to have children.<sup>20</sup> Cases involving serial family development are the norm, not the exception. States have adopted a variety of “fixes” to the continuity-of-expenditure model to deal with merged families, new children, and new wage-earning adults. However, it is possible that a model based on continuity of expenditure by the biological parents up to the child’s eighteenth birthday is not fundamentally attuned to the needs of the changing American family.<sup>21</sup>

Are there circumstances under which stepparents would ever incur an obligation? If so, how is their income to be allocated? Should the stepparent’s responsibility to provide for the resident parent of his or her stepchildren affect the child support owed to the resident parent? Should the legal responsibility for support of children shift from the biological parents, who were traditionally also the parents with whom the child lived, to the adults with whom the child now lives, regardless of their biological relationship?

The ELS standard, although it does not envisage such a radical change in the legal responsibility, does propose that the income of second or additional spouses be used in calculating the standard of living of both or all households, to assure that the children share the parents’ standard of living. Other standards fairly strictly embody the existing legal notion that financial responsibility for the child adheres only to the biological or adoptive parents with legal responsibility. A few states acknowledge that the income of a new spouse or partner may sometimes be relevant in calculating child support.

### **Child support and the connection of nonresident parents to their children**

Although courts have long maintained that child support and visitation are independent obligations, one avenue of connection is through the guidelines. Most states incorporate some form of reduced financial obligation in exchange for increased visitation or placement, on the grounds that some of the costs move with the child.

Some researchers have found, however, that the traditional visitation assumptions built into existing guidelines are not accurate; for almost half of children whose parents do not live together, the nonresident parent never or almost never sees the child, and among those who do, there are few overnight stays.<sup>22</sup> States may wish to consider whether they should eliminate the visitation assumption (as California has done) or provide a means for amending child support when visitation does not occur.

### **Accounting for large expenditures such as extraordinary medical costs and child care**

States have adopted a variety of strategies to deal with the health needs of the child. Both the marginal costs of expanding medical insurance to cover the child and ordinary health costs are frequently included in the calculation of “regular” child support, through a variety of schemes to allocate the costs between parents. Particularly for parents with lower incomes, the rising costs of health insurance and ordinary health expenditures may mean that payments to health insurers and ordinary health providers become the largest component of child support, reducing the cash available for other necessary expenditures. This problem is exacerbated if the child also requires extraordinary medical expenditures.

Many states limit the amount of child care that will be included in the calculation of child support to that which is needed for the resident parent to remain employed, excluding child care costs associated with other parental activities such as job training or job search. Some states allocate the child care costs between the parents in proportion to their income. Others, acknowledging that child care permits resident parents to increase their income, allocate most of the costs to the resident parent.

### **Need for additional research**

Following upon this review, we suggest two areas in which research could be helpful to policymakers.

First, if the guiding principle is to be the continuity-of-expenditure model, then it is critical to have a good estimate of the amount that would have been spent on the child had the family remained intact.

It is difficult to separate expenditures on children from expenditures for adults. Over 90 percent of family expenditures are made either on shared goods which benefit all householders or on privately consumed goods that are not easily attributable to any one individual.<sup>23</sup> To address this concern, most of the current estimates for expenditures on children use indirect economic modeling. But even if one accepts this framework, there are questions about the accuracy and currency of expenditure data, particularly for some types of families, and about whether the method appropriately identifies expenditures for *children*. Perhaps as a result, there is a wide range of published estimates.<sup>24</sup>

There are also important ancillary questions. For example, should economic data on the expenditures on children in two-parent households be adjusted in some way before being applied to one-parent families? Even more broadly, could the current economic approach be usefully supplemented with alternative approaches? Researchers in the United Kingdom, for example, have explored using qualitative methods to directly estimate expenditures on children;

perhaps this type of methodology could be adapted in the United States.<sup>25</sup>

Second, we are aware of very little research that systematically compares the results of different types of guidelines in different states. Such research could ask: Are different types associated with higher levels of implementation? Do different types result in higher orders or in higher payments? Are some types easier to update as circumstances or incomes change? Do different models create unacceptable work disincentives for one or the other parent? Do some types of models seem fairer to nonresident parents, to resident parents, or to children?

Finally, we emphasize that although policy needs to promote fair and adequate child support orders, the ultimate goal is child well-being. An evaluation of the effects of child support on child well-being needs to include not only how much money is ordered and actually paid, but also how that money affects children, and how the relationship between the nonresident parent and the child is affected by child support. ■

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<sup>1</sup>For an insightful discussion of the early antecedents of modern child support, see J. Carbone, "Child Support Comes of Age: An Introduction to the Law of Child Support," in *Child Support: The Next Frontier*, ed. J. Oldham and M. Melli (Ann Arbor: University of Michigan Press, forthcoming, 2000).

<sup>2</sup>I. Garfinkel and M. Melli, "The Use of Normative Standards in Family Law Decisions: Developing Mathematical Standards for Child Support," *Family Law Quarterly* 24, no. 2 (1990): 157–78.

<sup>3</sup>Carbone, "Child Support Comes of Age," p. 6.

<sup>4</sup>See J. Lieberman, *Child Support in America: Practical Advice for Negotiating—and Collecting—a Fair Settlement* (New Haven: Yale University Press, 1986), p. 12; A. Nichols-Casebolt, I. Garfinkel, and P. Wong, "Reforming Wisconsin's Child Support System," in *State Policy Choices: The Wisconsin Experience*, ed. S. Danziger and J. Witte (Madison, WI: University of Wisconsin Press, 1988), pp. 176–77.

<sup>5</sup>J. Venohr and R. Williams, "The Implementation and Periodic Review of State Child Support Guidelines," *Family Law Quarterly* 33, no. 1 (1999): 8.

<sup>6</sup>R. Williams, "An Overview of Child Support Guidelines in the United States," *Child Support Guidelines: The Next Generation*, U.S. Department of Health and Human Services, Washington, DC, 1994, p. 1.

<sup>7</sup>We are indebted to Marsha Garrison for the descriptive term, "continuity of expenditures." See, for example, Garrison, "Child Support Policy: Guidelines and Goals," *Family Law Quarterly* 33, no. 1 (Spring 1999): 157–89.

<sup>8</sup>States have relied primarily on two estimates of child-rearing expenditures: T. Espenshade, *Investing in Children: New Estimates of Parental Expenditures* (Washington, DC: Urban Institute, 1984) and D. Betson, *Alternative Estimates of the Cost of Children from the 1980–86 Consumer Expenditure Survey*, IRP Special Report 51, University of Wisconsin–Madison, 1990.

<sup>9</sup>Garfinkel and Melli, "The Use of Normative Standards."

<sup>10</sup>The latter two issues are addressed in other articles in this *Focus*. See, for example, articles by Bartfeld and Meyer and by Bartfeld and Sandefur.

<sup>11</sup>See, for example, M. Pirog-Good and P. Brown, "Accuracy and Ambiguity in the Application of State Child Support Guidelines," *Family Relations* 45, no. 1 (1996): 3–10.

<sup>12</sup>D. Meyer and M.-C. Hu, "To What Extent Is the Percentage-of-Income Guideline Used to Set Child Support Orders in Wisconsin?" Final Report to the Wisconsin Department of Health and Social Services, October 1996; and the article by Sorenson and Zibman in this *Focus*.

<sup>13</sup>I. Garfinkel, *Assuring Child Support: An Extension of Social Security* (New York: Russell Sage Foundation, 1992), p. 134; Espenshade, *Investing in Children*.

<sup>14</sup>M. Garrison, "The Goals and Limits of Child Support Policy," in *Child Support: The Next Frontier*, ed. J. Oldham and M. Melli (Ann Arbor: University of Michigan Press, forthcoming, 2000).

<sup>15</sup>S. Bianchi, L. Subaiya, and J. Kahn, "The Gender Gap in the Economic Well-Being of Nonresident Fathers and Custodial Mothers," *Demography* 36, no. 2 (May, 1999): 195–203; J. Bartfeld, "Child Support and the Post-Divorce Economic Well-Being of Mothers, Fathers and Children," *Demography* 37 (May 2000), forthcoming.

<sup>16</sup>J. Cassetty, G. Sprinkle, R. White and W. Douglass, "The ELS (Equal Living Standards) Model for Child Support Awards," *Essentials of Child Support Guidelines Development: Economic Issues and Policy Considerations*, Proceedings of the Women's Legal Defense Fund's National Conference on the Development of Child Support Guidelines, Queenstown, Maryland, September 1986.

<sup>17</sup>CSR, Incorporated with American Bar Association, *Evaluation of Child Support Guidelines*, March 29, 1996 esp. Vol. 2, p. ES-2.

<sup>18</sup>In Wisconsin an early, more comprehensive case-level review used data collected from courthouses by the Institute for Research on Poverty. The latest of these inquiries, using data from the early 1990s, found that about three-quarters of cases that should have used the basic guidelines had orders that were consistent with the guidelines. Wisconsin's more recent attempts have tried to use the state's child support management information system, KIDS, which has proved unsatisfactory for the purpose. See Meyer and Hu, "To What Extent is the Percentage-of-Income Guideline Used?"; L. Rothe, M.-C. Hu, and L. Wimer, "Use of Wisconsin's Child Support Guidelines in Paternity and Serial Obligor Cases," Report to the Wisconsin Department of Workforce Development, 1999. The CSR study (note 17) also identified case documentation problems in many other states significant enough to undermine the accuracy of individual case reviews.

<sup>19</sup>Garfinkel, *Assuring Child Support*, p. 134. This principle is incorporated into the newly proposed child support system in the United Kingdom (see the article by Bradshaw and Skinner, in this *Focus*).

<sup>20</sup>T. Espenshade, "Marriage Trends in America: Estimates, Implications, and Underlying Causes," *Population and Development Review* 11 (1985): 193–245.

<sup>21</sup>Changes in American family structure, as they affect children, are explored in the article by Bumpass and Lu in this *Focus*.

<sup>22</sup>F. Furstenberg, Jr., and A. Cherlin, *Divided Families: What Happens to Children When Parents Part* (Cambridge, MA: Harvard University Press, 1991), pp. 35–36. See also the article by Seltzer in this *Focus*.

<sup>23</sup>Betson, *Alternative Estimates of the Cost of Children*.

<sup>24</sup>See, for example, B. Barnow, "Economic Studies of Expenditures on Children and Their Relationship to Child Support Guidelines," in *Child Support Guidelines: The Next Generation*, ed. M. Haynes, U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, April 1994.

<sup>25</sup>S. Middleton, K. Ashworth, and I. Braithwaite, *Small Fortunes: Spending on Children, Childhood Poverty and Parental Sacrifice* (York: Joseph Rowntree Foundation, 1998[?]).

# Child support disregard and pass-through policies

Judith Cassetty, Maria Cancian, and Daniel R. Meyer

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Throughout the 25-year history of the federal Title IV-D Child Support Enforcement (CSE) Program, federal and state officials have faced a challenging task in gaining the cooperation of public assistance applicants and recipients in determining paternity and collecting support due.<sup>1</sup> Congress and officials charged with responsibility for administering the CSE Program have approached this issue with a wide variety of strategies. Beginning in the late 1980s, states took advantage of federal waivers to make many changes in state policy and practices with reference to applicants and recipients of Aid to Families with Dependent Children (AFDC), their children, and the nonresident fathers of these children. These approaches included both “carrots” and “sticks.” Some practices sought to provide inducements for cooperation, others to impose sanctions, usually by denying AFDC benefits for varying periods of time if the resident parent could not show “good cause” for failure to cooperate.

## Disregard policies: Incentives to cooperate with the child support enforcement system

Among the most common type of inducement explored under federal waivers has been the child support “disregard,” whereby agencies do not take into account all or a portion of a child support payment in determining eligibility for welfare or setting the level of a grant. (Any amount of monthly child support above the disregard, up to the level of welfare support, is divided between the state and the federal government, in proportion to each government’s share of the cost of supporting the family through the AFDC program.) Disregards have enjoyed nearly continuous representation in federal policy and state practice since 1974. Throughout, their use has been supported by three core rationales, which have been endorsed at various times by both Congress and state legislatures:

- Welfare recipients (increasingly unmarried women) would be more inclined to cooperate with publicly supported efforts to identify and pursue the fathers of their children if there were some economic incentive to do so.

- The fathers of children in public assistance households, thought to have similarly low incomes, would be more inclined to pay child support if there were actually an economic advantage to their children in so doing.
- It is, quite simply, the “right” thing to do. That is, all children and their caretakers *should* benefit from fathers’ contributions, irrespective of their welfare status, and fathers have a right to see that the economic well-being of their children is actually enhanced as a consequence of their support payments.

Compelled largely by the intrinsic intuitive logic of these arguments, early federal Title IV-D legislation required all states to disregard \$50 of every month’s child support collection in determining the amount of that month’s AFDC grant.<sup>2</sup> This feature of the CSE Program continued for about 20 years, until the welfare reform legislation of 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Thus, for resident-parent families receiving child support and AFDC, the net amount of cash available to the family was \$50 greater than it would otherwise have been. And a nonresident parent who made a child support payment in any given month knew that the cash available to his child’s family unit would be increased by up to \$50.<sup>3</sup> Although the \$50 “cap” may have limited the power of the disregard, it still provided a positive incentive to each parent to cooperate in establishing paternity and collecting child support.

The federal \$50 disregard regulations were, however, challenged in court, for other reasons. Legal Aid, Inc., representing a class of AFDC families in which there were children with different fathers in a single AFDC household, sued the federal government in at least three states to abandon the practice of allowing the disregard to apply to the AFDC grant only *once per household*, as opposed to *once per paying father*. The claim that it denied equal treatment to the “second” father/child pair did not succeed in overturning the federal law.<sup>4</sup>

Despite the legal challenges and its potentially limited incentive effect, the disregard policy *did* provide for a continuous “incentive stream” over time. During these early years of the IV-D Program, courts often ordered that child support be paid in weekly amounts, especially in the case of low-income fathers, and amounts were frequently as low as \$10 or \$20 per week. Payments usually went directly to recipients or through local courts’ manual systems. The accounting challenge of tracking and disregarding these payments proved quite burdensome to the administrators of these young state

IV-D programs. With later federal mandates and generous funding to develop and implement electronic case management and accounting systems, accommodating a child support disregard eventually became less onerous.

With PRWORA, the federal Office of Child Support Enforcement abandoned this disregard requirement and allowed states to establish their own disregard policies and practices, under some fiscal conditions which limit both federal and state costs. Approximately two-thirds of the states eliminated their disregards altogether. Some retained the \$50 amount and a few increased the disregard, mostly under experimental designs. (See Figure 1.)

### Pass-through policies: Incentives to self-sufficiency

In addition to providing economic incentives to the parents of children who received AFDC, federal policy changes over the decades also reflected the recognition that it was important for mothers to understand that they were the beneficiaries of successful child support enforcement services. The 1984 Amendments to the federal Child Support Enforcement Act, by far the most extensive since the inception of the CSE program ten years earlier, contained a requirement that states notify AFDC recipients at least yearly of the amount of child support collected on behalf of children in their households. These amendments also included sweeping mandates for providing “equal” levels and types of enforcement services

to non-AFDC households, state adoption and application of specific guidelines for payment levels, and an extension of Medicaid benefits for four months after the collection of child support resulted in termination of AFDC. Viewed together, these policies were designed to encourage a view that regular and predictable amounts of child support payments, when combined with the resident parent’s own earnings, could enable AFDC recipients to escape dependence upon public assistance. Some part of that goal would be accomplished by convincing families that the state would continue its enforcement and collection efforts on their behalf after they no longer needed AFDC.

With passage of the 1984 Amendments, most states began to issue two checks to AFDC recipients: one for the amount of assistance, ignoring any child support offset, the other for the child support collected during the accounting month, up to the \$50 limit. This practice of “passing through” all or part of a child support collection as a separate check had been adopted by some states prior to the 1984 Amendments. Sometimes the pass-through amount was equivalent to a “flat” amount that was disregarded and sometimes it was equivalent to the entire amount of child support collected for the month.<sup>5</sup>

A few states disregarded all child support paid when the AFDC grant maximums fell below the state’s official Needs Standard. In these states, the total of AFDC and child support, including the federally mandated \$50 disregard, could vary substantially from month to month.



**Figure 1. Disregard and fill-the-gap practices among the states, 1990-present.** States that are blank abolished the \$50 disregard after PRWORA. 1. States that retained \$50 disregard after PRWORA. 2. States with contemporary disregard experiments. 3. States that have \$50 disregard plus fill-the-gap practices. 4. States that have fill-the-gap practices only. 5. States that had fill-the-gap practices until the early 1990s.

These states are often referred to as “fill-the-gap” states, because their practices amounted to disregarding (and usually passing through) whatever amount of child support “filled the gap” between the maximum AFDC grant and the Needs Standard. Five states have continued these practices up to the present.

Thus, in federal and state policy, two related practices came to be associated with the notion of using child support payments to pursue larger administrative objectives: the concept of the disregard was used to foster cooperation with paternity and child support enforcement efforts, in order to reduce the public costs of AFDC; and the concept of the pass-through was viewed as helpful in fostering a cognitive link in AFDC recipients’ minds between their cooperation and the promise of eventual self-sufficiency. In addition, in the minds of some state officials, disregards were also a useful tool for promoting economic justice.

But although a variety of such policies have been designed and applied over the past 25 years, there has been limited empirical testing of the beliefs which have undergirded them. Now, in a new political environment in which states can set their own policies, understanding the effects of these policies has become more critical. Some policymakers are convinced that disregards *do* create incentives to cooperate and that pass-throughs lead to greater efforts at self-support. They are, however, uncertain about the magnitude of such effects and the size of the disregard and pass-through amounts that are necessary to elicit the incentive effects. Still others are unconvinced that the incentives associated with disregards, if they exist at all, are of sufficient economic value to offset the cost of providing them. Some state legislatures lost no time changing their policies to eliminate the \$50 disregard in 1996, when the federal mandate was repealed.

To date, there is no empirical evidence about these beliefs, one way or another. Evaluations of alternative disregard and pass-through policies implemented under federal waivers have not focused on their behavioral effects. The central empirical questions relate, first, to the extent to which the child support disregard, as it has been variously practiced, has contributed to parental cooperation with state efforts to determine legal paternity and enforce the payment of child support. A secondary question, perhaps, is the extent to which pass-through practices have bolstered welfare recipients’ grasp of the *connection* between their cooperation and the promise of independence from public assistance and, in turn, whether this cognitive connection has led to behaviors that have fostered such independence.

Several research initiatives underway at IRP are examining these empirical questions. Among them are two longitudinal analyses of the effects of child support disregards on parents’ cooperation with paternity and child

support enforcement efforts.<sup>6</sup> Another project is examining the extent to which welfare recipients and the fathers of their children understand the financial consequences of child support payments for their families’ welfare benefits and eligibility status. These projects promise to have implications for future policy decisions by states which are now grappling with the long-term financing of their Child Support Enforcement programs. ■

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<sup>1</sup>This article is adapted from J. Cassetty, M. Cancian, and D. Meyer, “Child Support Pass-Through and Disregard Policies: Variation over Time and States,” a preliminary report to the Wisconsin Department of Workforce Development, December 31, 1999. The views expressed are those of the authors.

<sup>2</sup>It seems clear that some form of disregard was intended as a permanent feature of the interface between welfare and child support enforcement from the beginning of the IV-D Program and was uninterrupted throughout its entire history, up to PRWORA. Federal provisions prior to FFY 1977 contained a form of disregard referred to as the “\$20 bounty” that was in effect for only 15 months. Federal law replacing the \$20 bounty with the \$50 disregard took effect in FFY 1977 (42 USCA § 657). Legislation in 1984 made the disregard a “permanent” feature of the AFDC benefit.

<sup>3</sup>For convenience, we refer to the resident parent as the mother, since this is most commonly the case, especially in public assistance households.

<sup>4</sup>Legal Aid organizations prosecuted these cases in federal courts in Maine (Swendeman v. Ives, [D.Me, 1990] 750 Fed. Supp.17), Georgia, and Pennsylvania. At the request of the Legal Aid organizations in Pennsylvania and Georgia, Dr. Cassetty offered expert testimony in the federal courts in these states.

<sup>5</sup>This latter practice was especially prevalent in states where county-run CSE programs predated the establishment of the IV-D Program. Customarily, the amount of the child support payment was simply manually recorded for the court record and the original check or money order was passed on to the resident parent, along with an accounting to the state IV-A office.

<sup>6</sup>These national studies rely on IV-D and IV-A state administrative data and CPS data.

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# The welfarization of family law: The case of child support

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There exist in the United States two distinct bodies of family law—one for families receiving public assistance and another for families in the rest of society.<sup>1</sup> In these two regimes, vastly different legal rules govern family matters. Under what I term the “family law of welfare,” poor families are subject to privacy-invading, cost-conscious welfare rules designed to regulate family life.<sup>2</sup> These rules do not apply to families not receiving welfare; their relationships are governed by family law principles of general application.

For many years, a relatively solid wall separated general family law from the family law of welfare. But with the wave of welfare reform that began in the late 1980s, the family law of welfare has begun to penetrate and shape general family law in its image. The “welfarized” family law that results embodies the dominant orthodoxy of welfare reform—that public spending gives the government greater license to intrude into intimate areas of family life.

In this article I examine the dual nature of family law and explore the influence of welfare law on an area of general family law in which it has become particularly salient—child support law.

## Duality in family law

Although family law and welfare law are often thought of as distinct entities, they are both in the business of regulating families. The core domain of family law encompasses all manner of governmental regulations of the family unit and its members: the treatment of unmarried couples and their children, the entry into marriage and the termination of it, reproductive decision making, adoption, child custody and support, domestic violence, and child welfare. Traditionally, family law has been primarily state-based statutory and decisional law, but it has evolved to include federal statutory and constitutional law.

Welfare law consists of the multifaceted statutes, regulations, and administrative agency decisions that address cash assistance programs such as Aid to Families with Dependent Children (AFDC) and its successor, Tempo-

rary Assistance for Needy Families (TANF), and their state counterparts. Welfare law does not consist simply of rules governing eligibility criteria, benefit levels, and the operation of the state welfare bureaucracy. Like the rules of family law, it seeks to regulate family behavior.

In the United States, the belief that families should provide for themselves is especially deep-rooted, and public aid to the poor has always been regarded with ambivalence. In welfare policy and discourse, a distinction is often made between the deserving poor, the victims of circumstances beyond their control, and the undeserving poor, who could work but do not. Resistance to aiding the undeserving poor has created a central paradox in welfare policymaking: how to help the blameless poor, especially children, while not undermining the work ethic of those whose poverty is “their own fault”—often the parents of those children.

Furthermore, the negative traits perceived in adults in welfare-dependent families—characterized as dependence, out-of-wedlock childbearing, and lack of work—are often assumed to become a normal and largely acceptable way of life to the children also, creating a “cycle of dependency.” To break this cycle, welfare policy turns its attention to family matters. Public assistance is made contingent upon legal regulation of the marital, childbearing, and parental behavior of recipients.

The emphasis in welfare law on regulating family behavior is explicit in the first three findings of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

- (1) Marriage is the foundation of a successful society.
- (2) Marriage is an essential institution of a successful society which promotes the interests of children.
- (3) Promotion of responsible fatherhood and motherhood is integral to successful child rearing and the well-being of children.<sup>3</sup>

Among its stated goals, the act includes preventing nonmarital births and promoting the formation and maintenance of two-parent families. It encourages states to implement measures to compel women seeking welfare to conform to prescribed marital, childbearing, and parenting norms. Among these measures are family caps, individual responsibility agreements, strict rules regarding work, and the requirement that women cooperate with the government in securing financial support from the absent fathers of their children.

The interest in prescribing family behavior embodied in the Personal Responsibility Act is by no means new.

Indeed, the welfare regulation of family life reached a peak in the 1960s. At that time, as Jacobus tenBroek described for California, there also existed two distinct bodies of law, with a “wall of separation” between them.<sup>4</sup> Completely different rules governed family matters, including the creation and termination of marital, support, and property relations of husband and wife, and the support obligation of parents to minor children. In civil family law, for example, only the natural parents (and primarily the father) were responsible for supporting a child. In the family law of welfare, the group responsible for supporting the child was enlarged to include “unrelated adult males living in the relation of spouse to the mother,” even though these men were not otherwise legally liable for support. The income of the unrelated male was taken into account in calculating welfare benefits, whether or not he actually provided any economic support to the child. Differences between the two regimes were maintained in content, purpose, legislation, administration, and enforcement of the rules. The conditions of welfare, which included midnight raids and home searches, were often punitive, moralistic, and politically motivated, with the explicit goal of limiting access to welfare benefits and thus keeping costs down.

After 1965, this welfare system was largely dismantled, as the welfare rights movement and civil rights lawyers challenged its invasions of the due process rights of recipients. By the late 1960s, these rights had received judicial recognition, welfare had become an entitlement program, and a uniform means test had been implemented. From 1972 to 1988, the AFDC program focused on “verifying eligibility and writing checks,” and government no longer sought to influence recipients’ behavior.<sup>5</sup>

But the AFDC rolls—and expenditures—continued to rise, particularly as the recession of 1990–92 took hold.<sup>6</sup> Congress and the states reacted by tightening eligibility, reducing benefits, implementing work programs, and trying to increase support from absent fathers. From the early 1980s on, moreover, single, never-married mothers constituted the largest share of the welfare caseload.<sup>7</sup> These women became a particular object of political and popular concern, and once again attention turned to the family life of recipients, in particular out-of-wedlock births, single parenthood, and generational dependency.

In the welfare reforms implemented by the states and the federal government beginning in the late 1980s, the paramount emphasis is on parental provision of economic support. Because employment is the only “responsible” option for poor single mothers, the Personal Responsibility Act and its state counterparts are designed to move them off welfare and into the paid labor force. Parents and other caretakers must engage in work activities, as defined by the state; states may terminate benefits to a family if it fails to comply. In many states, mothers seeking welfare are also required to sign individual responsibility plans that set forth family-life obligations.

The Personal Responsibility Plan used in Georgia, for example, requires recipients to attend parent-teacher conferences, participate in parenting skills classes, ensure that minor children attend school, and attend family planning counseling, or face penalties.

By contrast, there is no governmental policy or set of regulations governing working parenthood for the general population. In the raging debate about whether or not mothers should work outside the home, the state has remained neutral. Nonwelfare families are free to decide for themselves how to handle the often difficult balance between work and parenting. The state does not mandate parenting classes, nor dictate the grades that one’s children are expected to maintain, as some individual responsibility plans do for welfare recipients. Welfare status alone permits the state to interpose behavioral expectations upon parents.

Thus the dual system of family law that largely disappeared in the 1960s has reemerged. Poor single mothers are once again subject to differential treatment, most notably in the areas of childbearing and child rearing.

### **The welfarization of child support law**

As the two systems of family law have been rebuilt over the last decade, so the wall between them has begun to crumble. Welfare policy is exerting a powerful influence not only on the family law of welfare but also on general family law.

Welfarization has been particularly direct and intense in the area of child support law.<sup>8</sup>

There are no easy answers to the poverty of female-headed families, but one contributing factor is certainly the failure of nonresident fathers to support their children financially. A principal theme in the recent welfare reform debate has been the need to strengthen child support collections to enable low-income mothers to move off—and stay off—public assistance.

Current reformers are not the first to see a link between welfare receipt and child support. In the 1960s, concerned that the economic need of many welfare families resulted from the voluntary absence, rather than the death, of the noncustodial parent, Congress began to view these fathers as a potential resource that could, if tapped, lower AFDC expenditures. Hence the landmark Child Support Act of 1974, which added Title IV-D to the Social Security Act (see table, p. 3). Since that time, Congress has consistently sought reimbursement for welfare expenditures from nonresident fathers who fail to pay support.

Because of its intent, the original federal child support program was limited to families receiving AFDC. But the issue of child support enforcement extends beyond wel-

fare families to encompass nearly all single-parent families regardless of economic status. Thus in 1984 Congress expanded the program to include all families eligible for child support, whether or not they were on welfare. The federal child support system became an umbrella program that currently includes about 60 percent of all child support cases in the United States. Piecemeal amendments in the 1980s and 1990s increased requirements at virtually every stage of enforcement—the establishment of paternity, the entry of support orders, and the enforcement of existing orders.

Improvements in enforcement remained modest, and collections insufficient to accomplish the goals of the legislation. In 1988, Congress created the U.S. Commission on Child Support to study the system. The Commission's report, issued in 1992, called for far-reaching changes in state systems and in the interstate establishment and enforcement of support orders. The report was influential in the development of the child support provisions in the Personal Responsibility Act.<sup>9</sup> Although nearly every other area of the act was hotly debated, these provisions garnered widespread bipartisan support.

The Personal Responsibility Act radically transformed child support enforcement for welfare and nonwelfare families alike. The act promoted centralization, automation, uniformity, and the use of administrative procedures (in lieu of the courts) in child support enforcement. Key elements of the new law included: (1) expanded and simplified paternity-establishment procedures; (2) enhanced access to information and mass data collection; and (3) administrative enforcement remedies. With these measures, the family law applicable to welfare-reliant families moved away from the judicially centered, laborious process of case-by-case analysis toward a new system that relies on computerization and mass case processing, designed to ensure that child support payments are "automatic and inescapable."<sup>10</sup>

### **Paternity establishment**

The expanded services mandated by the act are applicable to all extramarital children, whether or not individual family circumstances counsel against paternity establishment. Voluntary acknowledgment services and procedures are expanded both in the hospital and at other sites. The process is streamlined by compelling states to abandon adjudicative procedures and rely solely on administrative processes. Before parents sign an acknowledgment of paternity, the state must give them notice of the legal significance of the document. Thereafter, states must treat a signed acknowledgment by the father as a legal finding of paternity in 60 days, unless challenged. In contested cases, the adjudication process is also simplified and the right to jury trial eliminated.

The law also placed increased pressure on states to improve the rate of paternity establishment, requiring an-

nual, incremental improvements in the percentage of nonmarital children for whom paternity is established until the state reaches the federally mandated goal of 90 percent in the IV-D caseload *or statewide*. The 90 percent figure will be very difficult for most states to attain. To meet the standard and avoid a federal penalty, some states will surely determine that it would be more advantageous to direct paternity establishment efforts at the entire state population rather than limit them solely to the welfare recipients that form part of the IV-D caseload.<sup>11</sup>

Except for mothers on welfare, states previously had very little interest in establishing the paternity of nonmarital children, which was left to the discretion of the parents. The intensified effort to establish paternity for *all* children born to unmarried women was motivated, not by the belief that children deserve to know who their fathers are, or that child support might lead to a more secure bond between children and their nonresident parents, but by the states' fiscal concerns.<sup>12</sup> States want to establish paternity for families that have not yet slipped onto the welfare rolls but are, statistically, at risk of doing so. If those families go on welfare at some later date, early paternity establishment will identify the father and enable the state to pursue support without delay.

Because this dominant purpose guides the legislation, it forecloses any investigation into whether states really ought to seek to establish the paternity of all children born to unmarried women. Families might be helped; they might be hurt. The point is not whether broadscale paternity establishment is either good or bad. It is, rather, that the legislation has emerged from welfare law rather than from the state's reasoned judgment that such legislation is appropriate family policy. It is a dramatic example of the welfarization of family law.

### **Privacy interests in a regime of mass data collection**

The Personal Responsibility Act also expanded access to and exchange of information by child support enforcement agencies. The framers of the act believed that the performance of the state IV-D agencies would improve if they had greater access to information concerning absent parents and their incomes and assets, without the need for an order from a judicial or administrative tribunal. In the public sector, state and local agencies were required to provide child support agencies with access to tax and revenue records, records relating to unemployment and workers' compensation, public assistance records, vital statistics records, corrections and motor vehicle records, and licensing, business ownership, and property records. In the private sector, child support agencies are entitled to employment information and to public utility, cable television, and certain bank records.

The act also mandated the creation of interconnected, computerized state and national databases: central registries of child support cases, centralized child support

collection and disbursement units, paternity databases, and new hire directories. The new hire directory is the centerpiece of these mass data collection practices. Under the law, all employers are required to report newly hired employees to a state agency within 20 days of hire. The state new hire data are sent to a National Directory of New Hires that will allow agencies more easily to track employed parents, particularly those that cross state lines to avoid their child support obligations.

What, then, is the threat to personal privacy? Accumulating numerous, unrelated records about an individual in a single source such as these databases creates a detailed individual profile, yet the act incorporated very few safeguards against the misuse of such data and, indeed, permits broad information sharing, such as the requirement that the state case registries exchange information with “other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate” to carry out child support collection efforts. Thus legitimate privacy concerns are subordinated to the overriding goal of reducing welfare costs. This practice is made all the easier because the privacy interests at stake belong to men stigmatized as “deadbeat dads.”

### **The demonization of absent fathers**

The premise underlying the creation of the IV-D system was that absent, nonsupporting fathers were the principal agents of increased welfare costs, and the state ought to collect child support from them to recoup its outlay. To drive home the culpability of these fathers, they were characterized as “deadbeats.” Politicians of all stripes have since taken up a moral crusade against nonsupporting fathers, condemning their immorality and selfishness.<sup>13</sup>

This stigmatizing, negative image has had an impact on child support legislation. Widespread support for cracking down on deadbeat dads has resulted in child support reforms that are decidedly more punitive in nature. The public perception that all nonsupporting fathers are “deadbeats” who could pay child support but choose not to is rarely challenged by the competing reality that some of these men are “turnips,” fathers who cannot afford to pay child support because they are young, unskilled, and only intermittently employed.<sup>14</sup> Public debate has focused on fathers’ culpability rather than wrestle with the diverse views of custodial mothers toward child support (see the article by Waller and Plotnick, in this *Focus*).<sup>15</sup> Little attention is paid to less popular arguments, such as those advanced in favor of recognizing public responsibility for impoverished children.<sup>16</sup>

### **Duality and welfarization in child support law**

The patterns of duality in family law that were largely abandoned after 1965 have thus been resumed, with fervor, and a set of rules is applied to families on welfare

that is distinct from the standard law that governs the rest of society. Even though the federal child support enforcement program extends its services to welfare and nonwelfare families alike, it treats TANF and non-TANF families differently.

First and foremost, under the 1975 amendments to the Social Security Act, welfare families are *required* to seek support through the state IV-D child support offices. As a condition of receiving cash benefits, families must assign their right to collect support to the state, and the state bureaucracy in turn pursues child support from nonresident parents.

For families not on welfare, the child support system is entirely voluntary. They can decide whether or not to pursue child support, in light of their own unique circumstances and preferences. Many custodial mothers, indeed, do not seek a formal award, for reasons ranging from an existing good relationship between the parents to fear of violence or countersuits for custody. The particular ground for the decision is less significant than is the fact that the mother who is not on welfare is able to decide this question without the state’s intrusion.

Welfare parents, in contrast, are not permitted to balance the possible monetary benefit of cash child support payments against the potential harm from initiating child support proceedings against the nonresident father. They cannot avoid the IV-D system through a voluntary agreement, ahead of time, that the nonresident parent will pay no support, or will provide cash and services in lieu of a formal order. The state’s fiscal interest in obtaining cash reimbursement for welfare benefits paid the family is paramount.

Second, the two child support systems differ in how they treat welfare and nonwelfare families that use IV-D services. Mothers receiving welfare assistance are subject to cooperation requirements. They must cooperate in good faith with the state’s efforts to establish the paternity (if necessary) of nonmarital children and to collect support unless they can establish “good cause” for not cooperating.<sup>17</sup> The mother must provide not only the name and other identifying information about the absent father but also information concerning his whereabouts and employment. Parents must appear at interviews, hearings, and legal proceedings relating to child support and submit to genetic tests when paternity is at issue. A mother who fails to cooperate will be sanctioned. Mothers not receiving TANF are spared compulsory state intrusion into private matters and are not sanctioned for failure to cooperate.

Finally, the distribution of child support is determined by a family’s welfare status. If the family is not receiving government benefits, any support collected on behalf of a child through the efforts of the state IV-D office is transferred to the custodial parent. Consistent with the ratio-

nale underlying child support obligations, payments made by the absent father provide the child with an economic benefit. For TANF families, however, two-thirds of the states now retain all the support paid as reimbursement for welfare benefits.<sup>18</sup> The funds benefit only the state, not the child.

At the same time, a new phenomenon—welfarization—has also come into being, extending the principles of welfare law beyond the families on the welfare caseload. This suggests that welfare policy will play a significant role in issues of family law when welfare reformers take the regulatory lead, especially if welfare law conflicts with general family law.

Although they are distinct phenomena, duality and welfarization are compatible and continuous. Duality exists because greater governmental intrusion is tolerated, and starts in the most disfavored population. The image of the family at risk because of poverty or single parenthood is used to justify extensive regulation of individuals within families. Although that image is sharpest among the welfare-reliant, it includes increasing numbers of the rest of the population, as government regulations formerly reserved for welfare families reach further into the lives of all families. Duality thus coincides with and contributes to welfarization. ■

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<sup>1</sup>This article is drawn from a much longer article, appearing as “The Welfarization of Family Law” in the *Kansas Law Review* 48 (Winter 2000). IRP is grateful to the *Review* for permission to make use of the article in *Focus*.

<sup>2</sup>In this article, I use the term “welfare” in its commonly accepted meaning of cash assistance, as embodied in such programs as Aid to Families with Dependent Children (AFDC) and Temporary Assistance for Needy Families (TANF), and excluding many other federal and state social welfare programs that provide aid in cash, goods, or services to families and individuals.

<sup>3</sup>See *Congressional Record*, House of Representatives, July 30, 1996, p. H8331.

<sup>4</sup>J. tenBroek, “California’s Dual System of Family Law: Its Origin, Development, and Present Status,” *Stanford Law Review* 17 (1965): 614.

<sup>5</sup>M. Bane and D. Ellwood, *Welfare Realities: From Rhetoric to Reform* (Cambridge, MA: Harvard University Press, 1994), pp. 15–16.

<sup>6</sup>In 1970, 6.6 percent, in 1980, 11.5 percent, and in 1990 12.3 percent of U.S. families with children were receiving AFDC. Benefit expenditures rose from \$4,082 million in 1970 to \$18,539 million in 1990 (but if expenditures are calculated in constant 1996 dollars, the increase from 1970 to 1990 was from about \$16,800 million to \$22,400 million). See U.S. House of Representatives, Committee on Ways and Means, *Green Book*, 1998, p. 402.

<sup>7</sup>In 1969, 43.3 percent of the AFDC caseload were eligible through the divorce or separation of the parents, 27.9 percent were children of never-married mothers. In 1989, 34 percent were eligible through divorce or separation, 52.7 percent were children of never-married mothers. *Green Book*, 1991, p. 622.

<sup>8</sup>In the article cited in note 1, I also consider at length the welfarization of child welfare law.

<sup>9</sup>The Commission’s report, *Supporting Our Children: A Blueprint for Reform 1992*, was reprinted in *Family Law Quarterly* 27 (1993): 31–84.

<sup>10</sup>P. Legler, “The Coming Revolution in Child Support Policy: Implications of the 1996 Welfare Act,” *Family Law Quarterly* 30, no. 3 (1996): 519–63, and “The Impact of Welfare Reform on the Child Support System,” in *Child Support: The Next Frontier*, ed. J. Oldham and M. Melli (Ann Arbor: University of Michigan Press, forthcoming, 2000).

<sup>11</sup>Indeed, the primary program implemented by states—in-hospital voluntary paternity establishment programs—are administered without regard to welfare status. These programs, which encourage new fathers to acknowledge paternity at the time of the child’s birth, have been very successful. The federal Office of Child Support Enforcement reported that of the 1.5 million paternities that were established in 1998, over 600,000 resulted from in-hospital voluntary paternity acknowledgments. This is a sevenfold increase over the 1994 figure of 84,000. Department of Health and Human Services, Administration for Children and Families, Temporary Assistance to Needy Families (TANF) Program, *Second Annual Report to Congress*, August 1999, p.57 and Table 6:2. The report is located on the Department’s World Wide Web site at < <http://www.acf.dhhs.gov/programs/opre/tanifreports/tan1995.pdf> >.

<sup>12</sup>The Personal Responsibility Act makes only a token effort at increasing noncustodial parents’ involvement in their children’s lives. It includes grants designed to help states establish programs that make visitation and access easier, but the funding allotted to the programs is about \$10 million for 50 states.

<sup>13</sup>For instance, the 1998 legislation for which the short title was “The Deadbeat Parents Punishment Act” (see table, p. 3).

<sup>14</sup>R. Mincy and E. Sorensen, “Deadbeats and Turnips in Child Support Reform,” *Journal of Policy Analysis and Management* 17, no. 1 (1998): 44–51.

<sup>15</sup>Not all custodial parents eligible for child support want an award. Census data report that about one-third of custodial mothers without child support awards had chosen not to pursue them. See L. Scoon-Rogers and G. Lester, *Child Support for Custodial Mothers and Fathers: 1991*, Current Population Reports, P60-187, p. 2, Census Bureau, Washington, DC, August 1995. The report is located on the Census Bureau’s World Wide Web site at < <http://www.census.gov/prod/2/pop/p60/p60-187.pdf> >.

<sup>16</sup>Child Support Assurance (CSA) programs are one example of a publicly funded program designed to improve the economic well-being of low-income children. See this *Focus*, p. 77.

<sup>17</sup>The Personal Responsibility Act permits “good cause” and other exceptions to the cooperation requirement in situations where an exception would be “in the best interests of the child.” Current federal regulations define good cause as a case involving, among other things, physical or emotional harm to the child or caretaker. In the past, few good cause requests were made (0.3 percent of all AFDC cases) and even fewer granted (0.2 percent). These figures are particularly called into question by the reported high rate (15–30 percent) of domestic violence among welfare families. See J. Josephson, “Public Policy as If Women Mattered: Improving the Child Support System for Women on AFDC,” *Women and Politics* 17 (1997): 9; J. Meier, “Domestic Violence, Character, and Social Change in the Welfare Reform Debate,” *Law and Policy* 19 (1997): 105, 206.

<sup>18</sup>The Personal Responsibility Act repealed the requirement that states pass at least \$50 of child support collected through to the custodial parent. Wisconsin alone (under W-2) passes all support collected through to the parents. Several other states substantially subsidize payments up to the state level of need, and the remaining states have retained the \$50 pass-through.

# Child support policy regimes in the United States, United Kingdom, and other countries: Similar issues, different approaches

Anne Corden and Daniel R. Meyer

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In the United States and Europe (indeed, in nearly every industrialized country), increasing numbers of children are living apart from their fathers. Divorce rates differ markedly across Europe but have everywhere risen dramatically since 1970; in general they have at least doubled, and they have more than tripled in Belgium, Greece, France, Luxembourg, the Netherlands, and Portugal. The share of births outside marriage also differs, but it too has more than tripled in many countries.<sup>1</sup> Among European countries the proportion of lone-parent families living in poverty varies; in all countries, those who do not have paid work are economically most vulnerable.<sup>2</sup> Governments that choose to provide public assistance to all economically vulnerable lone-parent families face increasing costs at a time when curtailing social expenditures is a general goal. As these governments look for ways to limit expenditures, one option is to reexamine child support (child maintenance) policies, and to consider whether fathers could be asked to provide more support and the state correspondingly less.

In 1997, the Joseph Rowntree Foundation commissioned research on child support policy in selected European countries. The research, conducted by Anne Corden and colleagues, was designed to provide perspective for the debate over child support policy in the United Kingdom, which has been widely considered a failure (see the article by Bradshaw and Skinner in this *Focus*).<sup>3</sup> In this article, we review the findings from that research, extending the discussion across the Atlantic by adding three U.S. states: Wisconsin, whose formula, one of the simplest, provides the median order for low-income non-resident parents, and two “outliers”—Indiana, with very high orders for such parents, and Kansas, with relatively low orders.<sup>4</sup>

As in most comparative work, there were challenging methodological issues. It is difficult enough to compare levels of liability across U.S. states, because each has a different guideline and a different probability of use. But it is even more complicated to compare the level of

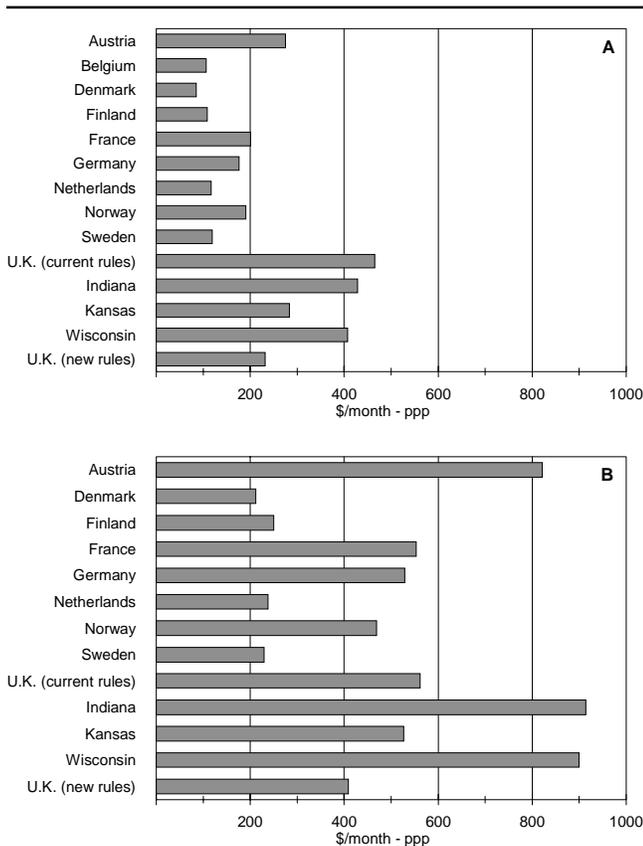
liability in actual money terms across *countries*: some issues are magnified in cross-country comparisons, and, in addition, statistics on decisions made locally are not always collated nationally. Some countries pay more attention to amounts guaranteed by and repaid to the state than to overall transfers of private monies. U.K. national statistics are presented as “average per liable parent,” U.S. national administrative records as “average per case”—which is most akin to “average per resident parent”—and some European countries report “average per child.” Cases without orders are also differently treated within the available statistics. Finally, international comparisons require a time period for exchange rates and an assessment of purchasing power parity.

In the Corden study, data about the child support regime in each country were provided by a network of national informants, in response to a standard questionnaire. At the same time, Corden explored a method of using vignettes to overcome the difficulties of cross-national comparison. Each national informant explained how their system would deal with the same three vignettes—three sets of parents and children, at particular income levels (we discuss two of them in this article). In effect, informants “completed the story,” explaining procedures and likely outcomes in each situation, making discretionary decisions where necessary, according to their understanding of the way in which their own system worked.

There are a number of limitations to this approach: the families described in the vignettes fitted real-life situations better in some countries than others. But the method provides helpful insight into the process of determining child support, and can be used to compare outcomes of child support assessments. The method is somewhat similar to that used by Maureen Pirog and her associates to compare cross-state variation in the United States.<sup>5</sup>

## Vignette A

The formal support liability of an unmarried, nonresident father, with 1997 average earnings, for a 2-year-old daughter who lives with her mother is shown in Figure 1 (Vignette A). This couple have never lived together, but have a friendly relationship. The father has no other children and lives with his own parents. The mother and child live in a small apartment, and the mother has not had paid work since the birth of her child. This scenario is of key policy interest in the United Kingdom, where 70 percent of lone parents had no paid employment in 1992,



**Figure 1. Child support orders compared, 1997.** Vignette A: Unmarried parents with one daughter, 2 years old; nonresident father with average earnings. Vignette B: Divorcing parents with two children, 5 and 9 years old; nonresident father with 1.5 x average earnings; resident parent with half average part-time earnings, needing 12 hours of child care a week. (Information for Belgium not available for Vignette B.)

**Note:** For the German parent, we show the amount due; a lower amount would actually have to be paid if the child allowance is paid to the resident parent (explained in A. Corden, *Making Child Maintenance Regimes Work*, London: Family Policy Studies Centre, 1999).

and around one-third of nonresident fathers lived with friends or family, predominantly their own parents.<sup>6</sup>

The first ten bars of Figure 1A show the results from the original ten European countries. In Figure 1A the United Kingdom stands out as making a relatively high demand for child support—more than twice as much as most other European countries. In Indiana and Wisconsin, the figure is nearly as high as that of the United Kingdom. The figure for Kansas is fairly comparable to that for Austria, the highest of the continental European countries.

Under the proposed new scheme in the United Kingdom (see the article by Bradshaw and Skinner in this *Focus*), this father would be liable to pay 15 percent of his net income, which would be considerably less than the amount required under the current formula, shown in the bottom bar. Some parents will have to adjust to big differences in entitlements and liabilities as the new scheme is introduced, and it is proposed to phase in the new

assessments (in annual steps of £5 per week, about U.S. \$8, in the above case).

### Vignette B

Figure 1, Vignette B examines the circumstances of a nonresident father with higher income, seeking a divorce from a resident mother who has average part-time earnings and needs 12 hours of child care a week. In this case the liability of the U.K. father for support for two children of 5 and 9 years was no longer higher than several of his European counterparts. He was asked to pay about the same support as his French, German, Norwegian, and Kansas peers, and less than those in Austria, Indiana, and Wisconsin.

Any estimate of the real impact of support payments must take into account the treatment of the money transferred in the taxes and social security benefits of both parents (and the child, in some countries). Child support due is fully tax deductible in Denmark and France, and for many parents in Norway; 80 percent is tax deductible in Belgium. In all these countries, some of the support received counts as taxable income of the resident parent. In the United States, in contrast, child support paid is not deductible from taxes nor is the amount received treated as taxable income of the resident parent.

In all the European countries, child support received counts as income in the assessment of resident parent and child for social assistance. In the United Kingdom, this may be a serious disincentive to parents to cooperate with the child support requirements, because none of the support paid on behalf of children whose parents claim income support is of direct immediate financial benefit to them. The new proposals will allow some child support received to be disregarded for purposes of income support, and disregarded in full for purposes of in-work tax credits. In the United States, policy regarding the treatment of child support in the calculation of welfare benefits has changed more than once. In the early 1980s, none was disregarded; from 1984 through 1996 up to \$50/month was disregarded; and current policy allows states to set their own limits. Whereas most states now count all child support received, Wisconsin has taken a dramatically different road (see the articles by Cassettey and colleagues and by Meyer, Cancian, and colleagues in this *Focus*).

We were surprised that there is less than \$100 per month (purchasing power parity, ppp) difference between the child support liabilities in five of the locations in this study (France, Germany, Norway, the United Kingdom, and Kansas). If Norway is not considered, the amounts are within \$35 per month. Yet the systems that reached such similar results are actually very different. For example, the French decision was made on an individual, discretionary basis in a family court; the U.K. decision was made by administrative staff in a centralized Child Support Agency (an agency of the Department of Social

**Table 1**  
**Child Support Regimes: An Overview**

Country	Responsibility for Divorce Proceedings	Determination of Child Support in Divorce or Separation			Different Arrangements for Nonmarital Children	Responsibility for Enforcing Payments	Has “Advanced” Maintenance Scheme
		By Parents	By Courts	By Agencies			
Austria	Courts	Yes, ratified by court	Yes	No	No	Courts and Youth Welfare Office	Yes
Belgium	Courts	Yes, ratified by court	Yes	No	No	Courts	Yes
Denmark	Statsamter <sup>a</sup>	Yes, ratified by statsamter	(Residual role)	Yes, statsamter	No	Statsamter	Yes
Finland	Courts	Yes, confirmed by social welfare board	(Residual role)	Yes, municipal social welfare boards	No	No overall responsibility, but social welfare boards collect what they “advance”	Yes
France	Courts	Yes, ratified by courts	Yes	No	No	Courts (social security administration will assist)	Yes
Germany	Courts	Yes, ratified by courts	Yes	No	Automatic state guardianship; involvement of Jugendämter <sup>a</sup>	Jugendämter and courts	Yes
Netherlands	Courts	Yes, ratified by courts	Yes	No	No	LBIO (National Bureau for Recovery of Child Maintenance)	No
Norway	Fylkesmann <sup>a</sup>	Yes	(Residual role)	Yes, local offices of National Insurance Administration	No	Maintenance Contribution Collecting Agency	Yes
Sweden	Courts	Yes	(Residual role)	Local social security offices assess liability to repay state	No	Courts and social security administration (Swedish Enforcement Service)	Yes
U.K.	Courts	Yes, ratified by courts	(Residual role)	Yes, Child Support Agency	Less access to court procedures	Courts, and Child Support Agency	No
U.S.	Courts	Only if fits formula or court approves deviation from formula	Yes	Generally no	No	State child support agencies and courts	No

**Source:** A. Corden, *Making Child Maintenance Regimes Work* (London: Family Policy Studies Centre, 1999), Table 2.3, p. 16.

<sup>a</sup>The statsamter (Denmark) and fylkesmann (Norway) are local offices of national government and civil law. The Jugendämter (Germany) are local youth authorities.

Security), using a complex and widely criticized child support formula; and the Kansas decision was made by a judge using a legislative formula.

As the United States continues to reshape its child support policy, and the United Kingdom begins to move along similar paths, systems in place elsewhere offer alternative models, providing pointers to what works as well as cautionary examples. The continental European systems are superficially quite different, but the principles underlying these systems have many points in common, and all differ in a couple of important ways from the U.K. and U.S. models. The basic structure of each system is summarized in Table 1. In the rest of this article, we discuss their main features, comparing and contrasting them with the U.S. and U.K. approaches.

## **Implementing parental obligations for child support**

### **Different principles**

In all countries, parents who are or were married to each other are legally obliged to support their children. In the case of unmarried parents, once paternity is established, the father must also provide financial support. Different principles underlie how this is done.

Two main strands of development have come together to create European and U.S. child support policy regimes. One arises from systems of public payments for “fatherless” children, historically addressing the poverty and destitution of women caring for their children on their own. The other comes from developments in family and divorce law; it reflects the need equitably to resolve the distribution of resources when parental relationships end.

Recent powerful influences that have shaped the way in which these two strands intertwine include the principle of equal rights for *all* children, regardless of the marital status of their parents; new forms of divorce and separation where the emphasis is on achieving agreement and consent; changes in family forms and parenting roles; women’s greater access to earned income of their own; and the implications for the public purse of shortfall in payments. The increasing numbers of parents and children involved have also brought into sharper focus issues of administrative efficiency, consistency of treatment, and procedural expense.

One unusual feature of the United States is that child support is the responsibility of the individual states, because it is in the realm of family law. Nonetheless, the federal government has played a role, funding a portion

of the child support system for states if they implement various laws and procedures.

### **Different recipients**

In the United States and United Kingdom the assumption that the recipient of child support should be the resident parent is seldom queried. In other countries, for example Belgium, Germany, and the four Nordic countries, the legal beneficiary is the child. This difference may have significant consequences, for example, by influencing parental compliance with payments, or affecting work incentives through perceived interactions with social assistance and taxation.

Child support is withdrawn at an early age in the United Kingdom; liabilities most commonly end when a child reaches the age of 16. In the United States and most European countries, child support normally remains due until the eighteenth birthday or the end of the child’s need for financial support, which in Austria, Finland, Germany, and the Netherlands includes university education.

### **Different institutions responsible for determining obligations**

Placed at the intersection of law and social policy, child support regimes vary in where they locate jurisdiction and responsibility, in structure, and in their administrative arrangements (see Table 1).<sup>7</sup> In about half of the systems, the courts have a primary role in determining support obligations, reflecting their historical role in divorce and separation; in the United States and United Kingdom, they have also played a role because a nonmarital birth was considered a crime.<sup>8</sup> In the remaining countries, their role is residual, and decision making has moved to the realm of social security or welfare administration.

In most European countries, third-party determinations often build upon or ratify preliminary voluntary agreements between parents. This trend has been encouraged because it is believed to result in more realistic arrangements which parents are more likely to honor and reduces administrative expense. The United Kingdom is unusual in Europe in providing little scope or motivation to lower-income parents to try to work together to agree upon financial liability.

In the United States, negotiations between divorcing middle- and upper-income parents take place “in the shadow of the law” and thus are strongly influenced by legal principles.<sup>9</sup> As in the United Kingdom, however, lower-income parents are not encouraged to negotiate financial arrangements; indeed, the right to receive child support is signed over to the state as a condition of

eligibility for benefits under the cash assistance program, Temporary Aid for Needy Families (TANF). Thus the *state* is the party that initiates the financial arrangements.

### **Different institutions for collecting support**

Some responsibility for enforcement usually lies with the agency involved in the initial formal determination or ratification of liability. But all the new agencies which have emerged in European countries during the 1990s to manage determination or enforcement are located within or associated with benefit regimes. This association reflects current concerns, especially in the United Kingdom and the Netherlands, that defaults in payments have implications for public expenditure on social assistance. In Norway and Sweden, the association also reflects the government's guarantee that a fixed amount of the child support liability will be paid in full from public funds, whether or not the liable parent pays what is due (we discuss this later).

In the United States, enforcement is generally in the hands of the state child support office, which monitors payments and can initiate various enforcement actions, sometimes on its own authority, and sometimes through petitioning the court.

### **Determining the amount of child support**

#### **The process**

In general, there are two different approaches to weighing the resources of the parents against the needs and rights of children. One begins with a philosophy that nonresident parents should provide for the costs of any children. This is sometimes described as what children "need," and in practice often leads to minimum standards of support which must be met for all children, with a scale of higher amounts to be paid by parents with higher incomes. This philosophy acknowledges that what children "need" is defined relative to their position in society. It is the basic approach in Germany and the Netherlands, and also, historically, in the United States.

Another conceptual approach begins with a philosophy that parents who live apart should share their incomes with their children just as they would have done had the family been together. Typically, this means the liability will be based on a specific percentage of parental income, as in Norway and Sweden. Although each U.S. state has developed its own formula, this type of income-sharing is now the guiding philosophy in all states (see the article by Rothe and Meyer in this *Focus*).

These basic approaches have been differently developed in European countries, however, even in fundamental issues such as the extent to which the resident parent's resources are taken into consideration. Policies vary depending on how each country interprets responsibilities

and needs, how much importance it attaches to achieving comparable living standards across families and across time, and, sometimes, political imperatives, such as the need to maintain work incentives.<sup>10</sup> U.S. states also have different rules—for example, about the extent to which second families affect the amount of support ordered.<sup>11</sup>

In very few countries is the balance between parental resources and children's requirements still determined entirely on an individual, discretionary basis.<sup>12</sup> The inconsistencies and inequalities that such procedures generate were influential in the shift from discretionary decision making to rules-based schemes in the United States, under the Family Support Act of 1988, and in the United Kingdom, under the Child Support Act of 1991. Among the northern European countries, the general trend has been toward the development of rules, or at least, guidelines, which are believed to result in greater transparency of the process, encouraging understanding and parental compliance, consistency and equality in treatment, and ease of administration.

Such advantages may be lost, however, as the rules or guidelines become more complex, or more discretionary components are built in. Among the European countries (and compared to all U.S. states), the current U.K. child support formula is undoubtedly the most complex, and has proved unworkable. The 1999 White Paper proposes to replace the current minimum-needs-based formula by a simple percentage-of-income calculation.<sup>13</sup>

In the United States, the guidelines selected by the states vary considerably for particular types of cases, and not a great deal is known about how they are actually used by decision makers—whether as a general indicator of appropriate ranges or as a precise measure of liability. A recent study of 11 states found that 72 percent of orders were consistent with the guidelines, but it also found substantial cross-state variation.<sup>14</sup>

### **Payments and receipts**

In the United Kingdom and most of the other European countries studied, the usual way of paying child support is through private arrangements between parents: cash or bank transfers. Official collecting schemes come into operation only when relationships between parents are too difficult for private arrangements, when there are defaults in payment, or when public authorities try to recoup expenditures on assured-support schemes or social assistance.

In the United States, collection policy has changed over time. In most states, private arrangements were the primary method of payment. By the 1980s, states were able to garnish wages when a nonresident parent became delinquent ("withholding in response to delinquency"; see table, p. 3). Because this approach was seen as being

inefficient and slow, “immediate withholding” (withholding the payments from the earnings of the nonresident parent from the day support is owed) was pioneered in Wisconsin and eventually was required in all states.<sup>15</sup> Because, again, the various private and public payment systems under this policy were considered cumbersome and difficult to monitor, the 1996 welfare reform legislation required states to have centralized collection, distribution, and record-keeping facilities.

There are problems of nonpayment of child support in all countries, but it is hard to make direct comparisons, because of the policy and data issues mentioned earlier and because in European countries, unlike the United States, there has been little systematic research on compliance. The Scandinavian countries appear to achieve the highest levels of compliance with payments of child support; France, Germany, and Finland have considerable problems. Some U.S. states perform substantially better than others: for example, in Wisconsin, often recognized as one of the best-performing states in the 1980s and early 1990s, only 16 percent of divorced nonresident parents and 33 percent of unmarried fathers paid nothing in the first year.<sup>16</sup> In general, the U.S. research has shown that compliance is related to the ability of the nonresident parent to pay and to the kind of enforcement regime (immediate income withholding increases compliance, for example). Other factors are becoming less important as the enforcement regime becomes more automated and more stringent.<sup>17</sup>

There exist severe penalties for persistent nonpayment of child support, including imprisonment, in most European countries and the United States. The U.K. White Paper proposes a financial penalty for late payment—up to 25 percent of the money due. Austria, the Netherlands, and Sweden also have financial penalties for arrears. In the United States penalties for nonpayment have become increasingly stringent; arrearages cannot be forgiven even in bankruptcy proceedings and all states now can revoke professional and driver’s licenses. Despite the trend toward more severe penalties, there is little evidence, from either Europe or the United States, about the effectiveness of enforcement actions other than immediate withholding of support due.<sup>18</sup>

In contrast to the U.S. focus on penalties, the policy emphasis in most countries is to try to establish payment patterns and prevent arrears from building up. If negotiations between authorities and liable parents fail to restore payments, the preferred option, in all European countries, is to deduct the payments from earnings at source (withholding in response to delinquency). The tax system can be used in countries where tax refunds are normally payable at the end of the accounting period. In France there are wide powers to recover support due from bank accounts, savings, pensions, and benefits.

## “Advance” or assured-support schemes

There is an interesting range in Europe of schemes which guarantee at least some portion of child support due (setting aside social assistance schemes, which make up shortfalls in resources). Such schemes are most highly developed in Norway and Sweden, where all resident parents may apply for a standard advance, leaving responsibility for collection to public authorities. In other countries, parents may apply for advance only after default in formal arrangements. The advanced support is usually a standard amount, which varies, for example, with the child’s age in Germany, and with the type of family in Finland.

Advance schemes can be costly, especially if noncompliance with payments due is widespread. Other problems include low take-up rates among resident parents, reported from France.<sup>19</sup> The Nordic countries, France, Austria, and Germany are strongly committed to these schemes, which are seen as important instruments in maintaining children’s living standards and preventing poverty.

In both the United Kingdom and the United States the focus has been on parental responsibility and work incentives. The current U.K. government has no proposals to provide advance child support from public funds. The U.K. proposed reforms attempt to increase the incomes of lone parents by increasing their work incentives, by requiring minimum payments from nearly all nonresident parents, and by enabling more lone parents to benefit directly from any maintenance paid, rather than by guaranteeing a certain level of child support. Similarly, proposals for guaranteed child support have generally been coolly received in the United States. With the new opportunity, under welfare reform, for states to design their own cash assistance policies for low-income families, there may be a new interest in guaranteed child support plans.<sup>20</sup>

## Conclusions, policy issues, and future research needs

Cross-national reviews are necessarily complex, and there are well-known problems in drawing lessons from other countries, particularly countries of considerable difference in size and with very different histories and institutional arrangements. Nevertheless, we believe this review provides interesting perspectives for policy in both the United Kingdom and the United States.

The review suggests that the United Kingdom has drawn closer to the U.S. scheme in some of the new proposals, tying in with “welfare to work” initiatives and strength-

ening enforcement mechanisms. There is a stated commitment to reducing poverty and improving children's living standards, but policies are directed toward emphasizing and enforcing parental responsibilities, rather than driven by the focus on children's rights that has been so strong in some European countries.

There are several policy areas for the United States and United Kingdom to consider. The United Kingdom is unusual in cutting off child support at 16 years; this seems to be inconsistent with the general tendency in both Europe and the United States for parents to extend financial responsibility for their children further into adulthood. To date, we know little about the extent to which child support continues beyond age 18. Perhaps policymakers need to consider the rationale for stopping support at age 18, and researchers could pay attention to the way the child support system works for those 18 and over who are in college.

The United Kingdom is also unusual in Europe in its commitment to even-handed treatment of children in first and second families in its child support formula. This is a highly contentious issue in the United States, but for all the political attention, there is little real information on the effects of different policies. Cross-national research would clearly be very enlightening.

In both the United Kingdom and the United States, there is little real commitment to encouraging and enabling lower-income parents to work together to reach their own agreements. The trend in continental European countries has been toward enabling structures and procedures which encourage parental cooperation in working out realistic support arrangements. This may derive from different approaches to divorce and separation, and the different power bases of the parents concerned; it may also be associated, in the United States, with a long-standing reluctance to provide higher levels of income support to lone-parent families. In continuing to emphasize arms-length determination of support awards through administrative formulas and guidelines, backed up by automatic administrative enforcement, both countries may be missing opportunities and advantages arising from parental attempts to negotiate, cooperate, agree, and make responsible decisions about their children. Child support is, after all, about relationships and commitments as well as money transfers. Moreover, it is possible that child support orders set by parental negotiation, even though lower, may be more likely to be paid, so that there could also be financial benefits.

Two of the three U.S. states in this article had orders for the average-income parent that were substantially higher than the European countries. We do not have direct evidence, but we suspect that the United States would be even more of an outlier if lower-income parents were included. The appropriate amount of a child support order when the nonresident parent has low income is the

subject of considerable debate in the United States, and different states have set different policies. We do not yet know the effects of these policies; cross-state research seems warranted, and the international evidence suggests that we may be expecting more than many low-income parents can provide.

Finally, the European experience with advance maintenance and guaranteed child support schemes seems worthy of careful study. In a new U.S. policy regime in which there are time limits on the receipt of income support for low-income single mothers, we believe states need to explore alternative ways to provide economic benefits to vulnerable families, and guaranteeing a certain level of child support is worth careful consideration. ■

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<sup>1</sup>J. Ditch, H. Barnes, J. Bradshaw, and M. Kilkey, *A Synthesis of National Family Policies 1996* (University of York: European Commission, 1998).

<sup>2</sup>J. Lewis, *Lone Mothers in European Welfare Regimes* (London: Jessica Kingsley Publishers, 1997).

<sup>3</sup>The study compared the United Kingdom to Austria, Belgium, Denmark, Finland, France, Germany, the Netherlands, Norway, and Sweden. See A. Corden, *Making Child Maintenance Regimes Work* (London: Family Policy Studies Centre, 1999).

<sup>4</sup>M. Pirog, M. Klotz, and K. Byers, "Interstate Comparisons of Child Support Orders Using State Guidelines," *Family Relations* 27 (1998): 289-95, briefly reported in this *Focus*, p. 61.

<sup>5</sup>The method is described fully in Corden, A. *Making Child Maintenance Regimes Work*; see also Pirog, Klotz, and Byers, "Interstate Comparisons."

<sup>6</sup>Corden, *Making Child Maintenance Regimes Work*; J. Bradshaw, C. Stimson, C. Skinner, and J. Williams, *Absent Fathers?* (London: Routledge, 1999).

<sup>7</sup>M. Maclean, "The Making of the Child Support Act of 1991: Policy Making at the Intersection of Law and Social Policy," *Journal of Law and Society* 21, no. 4 (1994): 505-19.

<sup>8</sup>M. Melli, "A Brief History of the Legal Structure for Paternity Establishment in the United States," pp. 31-42 in Institute for Research on Poverty Special Report 56A, University of Wisconsin-Madison, 1992.

<sup>9</sup>R. Mnookin and L. Kornhauser, "Bargaining in the Shadow of the Law: The Case of Divorce," *Yale Law Journal* 88 (1979): 950-97.

<sup>10</sup>This is discussed by H. Barnes, P. Day, and N. Cronin, *Trial and Error: A Review of UK Child Support Policy* (London: Family Policy Studies Centre, 1998).

<sup>11</sup>D. Meyer, M. Cancian, and M. Melli, "Low-Income Fathers and Child Support Orders," Final Report to the Wisconsin Department of Workforce Development, June 1997; M. Haynes, ed., *Child Support Guidelines: The Next Generation* (Washington, DC: U.S. Department of Health and Human Services 1994).

<sup>12</sup>It happens, for example, when liabilities are decided by a judge in a family or divorce court in Belgium or France.

<sup>13</sup>United Kingdom, Department of Social Security (DSS), *A New Contract for Welfare: Children's Rights and Parents' Responsibilities*, Cm 4349, White Paper, London: The Stationery Office, 1999.

<sup>14</sup>See *Evaluation of Child Support Guidelines: Final Report*, prepared for the Office of Child Support Enforcement, Washington, DC, 1996; D. Meyer, and M.-C. Hu, "A Comparison of the Use of Child Support

Guidelines in Wisconsin and Other States,” Final Report to the Wisconsin Department of Workforce Development, September 1998.

<sup>15</sup>I. Garfinkel and M. Klawitter, “The Effect of Routine Income Withholding on Child Support Collections,” *Journal of Policy Analysis and Management* 9 (1990): 155–77.

<sup>16</sup>D. Meyer, “Compliance with Child Support Orders in Paternity and Divorce Cases,” in *The Postdivorce Family: Children, Parenting, and Society*, ed. R. Thompson and P. Amato (Thousand Oaks, CA: Sage Publications, Inc., 1999). Other articles in this *Focus* discuss U.S. levels of compliance; see, e.g., the article by Sorensen and Zibman.

<sup>17</sup>The relationship between child support and contact between non-resident parent and child, a subject of considerable debate, is addressed in this *Focus* in articles by Bradshaw and Skinner and by Seltzer.

<sup>18</sup>For exceptions, see A. Beller and J. Graham, *Small Change: The Economics of Child Support* (New Haven, CT: Yale University Press, 1993); D. Meyer and P. Hernandez, “Enforcement Tools and Long-Term Compliance with Child Support Orders in Wisconsin,” Report to the Wisconsin Department of Workforce Development, December 1999.

<sup>19</sup>E. Renaudat and M. Villac, “L’allocation de soutien familial: l’intervention de l’Etat dans la gestion de l’après-divorce,” in *Affaires de familles, affaires d’Etat*, ed. F. Schulteis and F. DeSingly (Nancy: Editions de l’Est, 1991).

<sup>20</sup>Helen Barnes and her colleagues suggest that such schemes are more characteristic of states which favor “maximum public responsibility” for welfare. Barnes, Day, and Cronin, *Trial and Error*, p. 45. On U.K. policies, see the article by Bradshaw and Skinner in this *Focus*. For child support assurance policies in the United States, see “Developing a Child Support Assurance Program: New York and Minnesota,” *Focus* 17, no 3 (Spring 1996): 37–41; I. Garfinkel, E. Phillips, and T. Corbett, *A New Way to Fight Child Poverty: The Child Support Assurance Strategy* (New York: National Center for Children in Poverty, 1992); W. Hamilton, N. Burstein, A. Baker, A. Earle, S. Gluckman, and others, *The New York State Child Assistance Program: Five-Year Impacts, Costs and Benefits* (Cambridge, MA: Abt Associates, 1996); P. Roberts, “Beyond Welfare: the Case for Child Support Assurance,” Kellogg Devolution Initiative Paper, Washington, DC: Center for Law and Social Policy, 1999. < <http://www.clasp.org/pubs/childassurance/CSAPaper.htm> >

# Child support: The British fiasco

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In 1991 the British government, borrowing policy from the United States and Australia, passed the Child Support Act. The act was intended to sweep away the old arrangements for maintenance (i.e., child support), which had been based on a dual system through the courts and the “liable relative procedures” in social security law and administration. A Child Support Agency (CSA) was to be established with powers to assess and enforce child support payments, using a standard, and supposedly simple, formula.

Originally all “absent” (nonresident) parents were to be covered by the new scheme, whether or not their former partners were dependent on social security benefits and the parents had agreed on a settlement before the passage of the act. All child support received would be counted as income in calculating benefits paid to the majority of lone parents who were on Income Support (social assistance); only a limited amount of support would be disregarded in calculating family income, which determines the amount of work-related benefits (Family Credit, Disability Working Allowance, and Housing Benefit). Lone parents who refused to disclose the name and whereabouts of the fathers would be subject to a reduction in benefits. The act was passed with the support of all political parties and despite the urgent warnings about its potential problems from academics and lobbying groups in the family policy area.<sup>1</sup>

This remarkable political consensus had various roots: a kind of “moral panic” over the decline of the family that was encouraged by the rhetoric of Conservative prime ministers Margaret Thatcher and John Major; a fundamentally moral view that biological parents should be responsible for their children; a pragmatic concern about the increase in the numbers of lone parents and their dependence on benefits; and the knowledge, derived from research, that existing maintenance awards through the courts were low, irregularly paid, and often not reviewed over time.<sup>2</sup> And when the government White Paper that contained the reform proposals was published in 1990, benefit savings and increased incentives for lone parents to join the labor force were also added to the objectives of the child support reforms.<sup>3</sup>

## The failure of the Child Support Act

This is not the place to review the *débâcle* of child support since the CSA began operations in April 1993. It is widely agreed that the act contained some fundamental flaws: it was retrospective in nature—long-settled court and informal agreements were overturned by the new CSA assessments; the poorest children would gain nothing, because there was to be no disregard of maintenance received by those on Income Support; and the formula for computing maintenance awards was complicated and rigid.

The implementation of the act by the CSA was a fiasco. Huge delays and backlogs, inaccurate assessments, and incompetent or nonexistent enforcement resulted in confusion, distress, and a general loss of confidence in the agency by both lone and nonresident parents. The child support system is still failing to deliver on all its objectives. By February 1999, among cases that were fully assessed and in which payments were made via the CSA (about a third of all active cases), only 44 percent of nonresident fathers were paying the full amount, a quarter paid a partial amount, and a third were noncompliant.<sup>4</sup> There is no evidence on the compliance of parents who do not use the CSA collection service, but noncompliance and collusion are thought to be epidemic, and CSA annual accounts for 1997–98 estimated that arrears assessed amounted to about £600 million (about U.S. \$990 million).

Despite the aspiration to create a single system, the CSA has dropped nonbenefit cases and a dual system has been reestablished: the child support system for lone parents on means-tested benefits, and other arrangements through lawyers and the courts for other people. The proportion of lone parents receiving regular child support is very little different than it was under the old system; nor, if we take into account inflation since 1989, is the level of payments, which have fallen as a result of changes to the formula in 1995. The National Association for Child Support Action, a private advocacy group, argues that the savings to the public purse from the new system have been minuscule or nonexistent, if the cost of administering the CSA is considered.<sup>5</sup>

## The new Labour child support scheme

The Labour government elected in 1997 decided to abandon the existing act. A new bill is on its way through

Parliament and the new child support scheme will begin to take on new cases in April 2001. The main changes in the new bill are:

- A simpler formula which assesses the child support payable on the basis of the nonresident father's income only. Child support will be 15 percent of net income (after income tax and national insurance contributions only) for one child, 20 percent for two, 25 percent for three or more. If the father is supporting resident children, then there will be an allowance of the same proportion of income per child before the formula is applied to income.
- Fathers with incomes of less than £200 (U.S. \$320) per week will pay lower amounts on a sliding scale, and those with less than £100 per week or on Income Support will be expected to pay a minimum of £5 per week.
- There will be a child maintenance premium—an income disregard for mothers on Income Support of £10 per week in child support. Child support will also be completely disregarded in calculating the Working Families and Disabled Workers tax credits.
- The child support scheme will apply automatically to lone parents on Income Support. Private cases (those not on Income Support) will be able to opt into the scheme after a court order has been in place for at least a year.
- There will be tougher enforcement, with deductions from earnings, fines and even imprisonment for non-compliance, and seizure of driving licenses.

The scheme has been subject to a critical review by the Social Security Committee of the House of Commons and from opposition members in Parliament during debates on the bill.<sup>6</sup>

## Challenges to child support policy

The Child Support Act of 1991 was passed without any research ever having been undertaken on nonresident fathers in Britain and their behavior, beliefs, and feelings about their financial obligations. We have just completed such a study.<sup>7</sup> It consisted of a sample survey of about 600 nonresident fathers, identified by a screening questionnaire in an all-purpose survey, plus two follow-up qualitative studies, one of which was devoted to financial obligations. But only about 5 percent of men interviewed in the survey identified themselves as nonresident fathers; the actual proportion may be up to three times greater. Thus the sample is unlikely to be representative of all nonresident fathers, although we were able to adjust for nonresponse bias among those fathers identified in the screening survey. We would expect that, if anything, our sample is biased in favor of those with a greater capacity to pay.

Three findings of our research present a challenge to the Labour government's proposals and to child support policy in general.

### 1. There is a tendency to exaggerate the capacity to pay of nonresident fathers.

It was the intention of the Child Support Act of 1991 to increase the level of support paid and the proportion of nonresident fathers paying support. It failed to achieve either objective. Taking into account inflation, the average level of child support actually paid is little higher than was found by Jonathan Bradshaw and Jane Millar in 1991, and the proportion of nonresident fathers paying formal child support has not increased.<sup>8</sup> So it is again a primary objective of the new scheme to increase payment rates and amounts paid. But even if the new scheme results in increased compliance (or succeeds in enforcing it), there is rather limited paying potential among nonresident fathers.

The socioeconomic circumstances of nonresident fathers differed from those of resident fathers in the survey. They were less likely to have stayed at school after age 16, only two-thirds were employed (compared with over 80 percent of resident fathers), and they were more likely to be low paid. Only about half the unemployed were looking for work, and there was a high rate of sickness and disability. The actual unemployment rate was 17 percent, compared with 9 percent among resident fathers. Compared with fathers in general, nonresident fathers were much more likely to be dependent on Income Support and other benefits and to be living in poverty. This has implications for their capacity to pay child support.

Of the fathers we interviewed, 57 percent reported that they were currently paying support, and two-thirds of the rest claimed to be giving some informal support in the form of presents, clothing, pocket money, and even household or domestic goods.<sup>9</sup> The odds of a father paying child support were much lower if he was not employed, if he was young when he became a father, if there was no formal arrangement in place for paying child support, if the mother was receiving Income Support, and if the father had no contact with the mother (or child) and gave no informal support (see Table 1).

What scope is there for increasing the proportion of fathers who are paying maintenance? If there were to be an effective child support regime, what would be its target? What evidence is there that nonpayers are financially able to pay but nevertheless deliberately avoid their obligation? In an attempt to tackle these questions, we divided nonpayers in our sample into four groups.

Group 1: **No paying potential** (63 percent). These included the unemployed, nonactive (both disabled and out

of the labor market), those on Income Support or with equivalent net disposable income in the bottom quintile of the income distribution, and those who shared in the care of their children.

**Group 2: Possible paying potential** (13 percent). These included those not in Group 1 who had (new) family commitments involving children and equivalent net disposable income in the second and third quintiles, implying competition for whatever resources were available in the household.

**Group 3: Probable paying potential** (15 percent). These had income in the second and third quintiles of the income distribution, but no new family commitments; thus there was no competition for household resources.

**Group 4: Certain paying potential** (9 percent). These were not in the previous three groups and had income in the top two quintiles.

We see, therefore, rather little scope for increasing the proportion of nonresident fathers who pay maintenance. Note that this analysis covers *all* nonpayers, whereas the new child support scheme (and effectively the existing scheme) is aimed mainly at lone parents on Income Support. Such parents are much less likely to be receiving child support, and the nonresident parents of their children are also less likely than average to have any paying potential. In May 1999, 36 percent of nonresident parents for whom full child support assessments had been made were receiving Income Support or the equivalent, and 51 percent of nonresident parents who had received a full child support assessment had net incomes of less than £100 per week.<sup>10</sup>

This analysis of paying potential was based on the existing scheme, in particular the rule that nonresident fathers on Income Support with new families should not be expected to pay child support. In the new scheme it is proposed to charge all fathers minimum child support of £5 per week, regardless of their incomes and family commitments. The justification for this—that personal circumstances cannot negate responsibility for one's children—competes with the principle that Income Support is supposed to be a floor, a safety net.

The £5 requirement is also effectively a transfer from one poor family to another poor family. By sequestering £5 of the income assistance received by their former partners for child support, it just about compensates lone mothers on Income Support for the 1997 abolition of the lone parent premium they then received. There is a balance to be struck between parents and the taxpayer. The taxpayer takes primary responsibility for supporting the children of those parents who are not in the labor market and also has responsibility for supporting the children of lone parents on Income Support. This has been the collective arrangement considered reasonable since 1948. It

**Table 1**  
**Factors Associated with the Chances of Currently Paying Child Support**

<i>Variable</i>	<i>Bivariate Analysis</i>	<i>Best Fitting Analysis</i>
<b>Net Income Quintile</b>		
1	1.00	
2	1.38	
3	4.24***	
4	15.26***	
5	19.75***	
Don't know income	3.61***	
<b>Employment Status</b>		
Employed	1.00	1.00
Self-employed	0.67	0.77
Inactive	0.06***	0.05**
<b>Current Marital Status</b>		
Single	1.00	
Married	1.50*	
Cohabiting	1.58*	
<b>Current Family Circumstances</b>		
Lives with children	1.00	
No children	2.08***	
Lives alone	1.29	
<b>Age When First Became a Father</b>		
Under 20	1.00	1.00
20–24	3.29***	3.49**
25–30	4.78***	4.00**
31+	3.76***	3.84*
<b>Marital Status to Mother</b>		
Married now divorced	1.00	1.00
Married now separated	0.80	1.13
Cohabited never married	0.33***	0.45*
Never lived with mother	0.52*	2.08
<b>Time Lived with Mother</b>		
Less than 1 year	1.00	
1–4	1.27	
5–9	2.51***	
10+	2.44***	
<b>Time since Separation</b>		
Less than 2 years	1.00	
2–5	1.05	
5–9	1.19	
10+	0.85	
<b>Distance Lived from Child</b>		
0–9 Miles	1.00	
10–25	1.27	
26+	0.77	
<b>Age of Youngest Child</b>		
0–4 Years	1.00	
5–10	1.95**	
11–18	1.90**	
<b>Number of Nonresident Children</b>		
One	1.00	
Two	1.62**	
Three or More	1.77	
<b>Contact with Child</b>		
No	1.00	
Yes	3.29***	

(table continues)

**Table 1, continued**

Variable	Bivariate Analysis	Best Fitting Analysis
<b>Mother's Employment Status</b>		
Working	1.00	
Not working	0.27***	
Don't know	0.28***	
<b>Mother Lives with a New Partner</b>		
Yes	1.00	
No	1.10	
Don't know	0.33***	
<b>Mother Receives Income Support</b>		
Yes	1.00	1.00
No	3.16***	5.30***
Don't know	0.76	1.33
<b>Contact with Mother</b>		
Yes	1.00	1.00
No	0.29***	0.36**
<b>Relations with Mother</b>		
Amiable	1.00	
Amiable/distant	1.29	
Not amiable	0.72	
No relationship	0.26**	
<b>Gives Informal Support</b>		
No	1.00	1.00
Yes	4.27***	3.17**
<b>Maintenance Arrangement</b>		
Court/DSS/CSA at some time	1.00	1.00
No formal arrangement	0.33***	0.11***
<b>Assessed by the CSA</b>		
Yes	1.00	
No	0.75*	

\*\*\*p<.0001, \*\*p<.001, \*p<.01

is an understandable aspiration to get fathers to contribute what they can, but not when there is a risk that other children will suffer.

In the White Paper, moreover, there is no limit to the maximum maintenance that nonresident fathers will be expected to pay, on the ground that “children have a right to share in the income of their parents.” Our results suggest there will be serious opposition from better-off fathers if the scheme expects them to pay more than what they consider to be the cost of a child and more than is necessary to lift their children (but not the mothers, let alone the new partners) beyond the scope of Income Support. Why should the state determine how much fathers should pay for their nonresident children when it does not involve the taxpayer? This would be considered an assault on personal liberty if it happened in a two-parent family.

We undertook an analysis of the proposed child support scheme outlined in 1998, using data from the survey of nonresident fathers in Britain to illustrate its possible impact.<sup>11</sup> We found:

- Under the new scheme most nonresident parents will be expected to pay more than they are currently paying, even if they are already paying some child support.<sup>12</sup>
- The largest group who will be expected to pay more are the poorest—those dependent on benefits and especially those with resident children, who are not expected to pay any child support under the existing scheme.
- The new scheme fails to take into account resident children (either their presence or how many there are) if the fathers’ net earnings are below £100 or if they are dependent on benefits. Children in second families are therefore being treated inequitably across different groups of nonresident parents.

**2. Nonresident fathers do not share the principle that they have an absolute financial obligation to support their biological children.**

The Child Support Act of 1991 was based on the principle that biological fathers have an absolute and unreserved responsibility to provide financial support for their children. The most important general finding of our research was that not all the fathers accepted this principle. The maintenance obligation has never been unconditional. It has been negotiated, both implicitly and explicitly. Fathers arrived at a commitment to pay maintenance by weighing up the strength of the financial obligation in the context of their own personal, financial, and family circumstances and those of the mother and children. Making that commitment depended partly upon their ability to pay, the children’s material needs, and the mother’s (and her partner’s) ability to provide financially. Most important, it depended upon the ability of the father to negotiate explicit contact arrangements with the mother.

Fathers felt that the mother’s right to claim maintenance (albeit on behalf of children) had to be *legitimized* before they would pay. This legitimization process partly depended upon the father’s perception of the mother’s behavior over contact as being “fair.”<sup>13</sup> If the mother facilitated contact or at least recognized the father’s independent relationship with his children then her claim for maintenance was accepted as legitimate. Failure of the mother to do so induced an overwhelming sense of victimization and powerlessness. Fathers’ attitudes tended to be that there was no point in paying maintenance “for a child they were not seeing.” If maintenance was enforced, some fathers would use withdrawal of payment to send messages of disquiet and anger over the loss of contact.

In the absence of meaningful social relationships with their children, fathers were generally reluctant to accept the maintenance obligation. Yet it is difficult for any external authority to ensure contact, or at least not with-

out risk of damage to all involved.<sup>14</sup> Janet Finch, in her 1989 study, *Family Obligations and Social Change*, has well described the problem that the government faces:

[G]overnments are quite capable of promoting a view of family obligations which is out of step with what most people regard as proper and reasonable, and with the commitments people have arrived at themselves, through the delicate process of negotiation. . . . Governments in this situation may try to ensure that their own views prevail, but their chances of success are probably partial at the best.<sup>15</sup>

This area of policy calls for a degree of flexible, individualized justice. Rather than a child support regime based on a rigid and complicated formula administered by the Department of Social Security (DSS), it might have been preferable to increase the consistency of adjudication in the courts and establish mechanisms for better review and enforcement. The 1991 scheme lost the support of both fathers and mothers because it was seen as unfair (and incompetent).

Under the proposed new scheme, child support is once again to be imposed without regard to other matters. Great Britain is unusual in Europe in seeking to do this. Anne Corden found that the most usual arrangement in European countries was for issues of property, finance, contact, and child support to be dealt with together, through negotiation at the time of formal separation.<sup>16</sup>

The 1999 White Paper recognized the interrelationship between contact and higher maintenance levels, stating that “It is clearly important for effective child support arrangements that contact is settled to the satisfaction of both parents,” but it does not say how that is to be achieved. There is only some vague notion of an “active family policy,” and the hope that a more effective system for child support will enable parents “to put financial issues to one side when sorting out the more difficult questions of caring for their children.”<sup>17</sup> In regard to contact, little has changed for child support policy, and we still face the likelihood of a split system for child support. The DSS will deal almost exclusively with Income Support cases. Other cases will make private arrangements between themselves or with the support of solicitors and the courts.

Under a 1996 law, the Family Law Act, the Lord Chancellor’s Department began experimenting with information and mediation services following marital (but not cohabitation) breakdown, covering the arrangements for children, the distribution of property and other assets—in fact, everything except child support. But the Family Law Act has not yet been fully implemented and is indeed stalled. The information service and mediation experiments appear to have failed.

Because of the stalling of the Family Law Act, there was an opportunity for thrashing out a common strategy and

more coherent set of arrangements for negotiating contact, child support, and other matters consequent on the breakdown of relationships when children are involved. The difficulty is that we are not starting from scratch. The Child Support Agency exists, and so does the Family Law Act, after a torrid passage through Parliament that makes it unlikely that the legislation will be revisited. We may be left, after the reforms, with a set of incoherent arrangements, in which private agreements for child support are acceptable, but only when Income Support is not paid to the children.

### **3. The moral power of children’s entitlement to encourage compliance may be overestimated.**

Making a commitment to pay maintenance is not based upon a straightforward economic calculation. It also constitutes a moral obligation, as it reflects normative expectations for specific family practices. Fathers should pay maintenance (it is argued) because children are entitled to financial support from their parents. It is this moral argument of entitlement that has underpinned the legitimacy of the Child Support Acts. The 1991 act and the 1995 revisions were flawed, because no maintenance, or only a small amount, was handed over to the poorest children—those dependent upon means-tested benefits. The new scheme intends to correct this and to reestablish the legitimacy of children’s entitlement by disregarding child support for those receiving work-related benefits and by giving a maintenance premium to those on Income Support.

Certainly fathers in our research have tended not to dispute this principle of entitlement, at least in the abstract. But although premiums and disregards will benefit mothers and children, their incentive effect on fathers may be more limited. Children’s entitlement was intimately interwoven with mothers’ entitlement. Where relations with mothers were mistrustful—and this often went hand in hand with no contact—the fathers questioned the legitimacy of the obligation. In such circumstances, the moral power of children’s entitlement to encourage compliance is diminished. In effect, fathers see the mothers as trustees of the father’s “active” role as a parent and of the expression of care attached to child support. Where fathers have no faith in the mother as a trustee, they often prefer to give informal support in the form of gifts, clothing, or savings directly to the children. By these gifts, children’s entitlement to financial support, though not to formal cash maintenance, is preserved.

Nonpayment of maintenance in the context of mistrustful relationships with the mother shows how the moral power of children’s entitlement to financial support can also work to discourage payment. Where parental relationships are poor, fathers do not always believe that the assumed benefits of entitlement can be turned into reality by simply paying maintenance. The assumption in the 1999 White Paper, that the maintenance premium will

encourage compliance because the “fathers will know that they are contributing directly to the support of their children,” therefore completely misses the point.<sup>18</sup>

Our research shows that fathers do want to fulfill all their parental obligations—social, emotional, and financial—but it seems that one is unsatisfactory without the others. There is, in some sense, no need to “reinforce” parental obligations; they exist and are accepted already. But there is a need to facilitate them through an increased understanding of the emotional and moral turmoil that follows family separation, cohabitation breakdown, or a nonmarital birth.

## Conclusions

In the 1991 Child Support Act, the state took a robust moral stance in the interests of the taxpayer and imposed a law on people, who, it has been demonstrated, were not prepared to consent to it. In this new episode of child support policymaking, government ministers have, in general, been much more open than those that have gone before. The discourse of vilification has been muted, the language changed, many more people, notably including nonresident fathers’ groups, have been given an opportunity to have their say, and some attention has been paid to research evidence.

Little has changed, however, over the legislative course. Discussion of reform has been most heavily influenced by the experience of the DSS and the CSA with the 1991 act and its successors. Indeed, the new scheme seems largely to be directed toward simplifying and reducing the administrative overheads of the CSA. The proposals fall short of providing a truly integrated system. One of the few (and most welcome) changes was the result of the Department of Social Security persuading the Treasury to disregard child support in full in assessing the Working Families Tax Credit (WFTC).

The government has accepted the legitimacy of private negotiations for cases claiming WFTC (despite the involvement of the taxpayer). It has not accepted their legitimacy for lone mothers receiving Income Support. Here a formula will still be rigidly enforced, and very strict conditions for departures from the formula will be applied. The state is earmarking a proportion of fathers’ earned income (and benefit income in the case of Income Support claimants) for maintenance if the nonresident children are dependent upon Income Support. The obligation to pay maintenance is still effectively a tax, as this financial debt is to come before fathers’ other day-to-day expenses and other obligations to their nonresident children, including the provision of informal support (except for some exceptional expenses, such as mortgage payments for the child’s home).<sup>19</sup>

Under the proposed scheme for child support, the assessment is still formula-driven for all participants and enforced independently of negotiations between the parents about their arrangements for financial support, contact, and other related matters.<sup>20</sup> In the context of the private meanings of parenthood, it is wholly inappropriate that an external agency should define how the parental obligation to children is to be expressed—in cash terms—and prioritized. Fathers’ social, financial, and moral obligations to their children are intimately interwoven. They exist and operate in different social realities and are effectively negotiated within a framework of parenthood and not within a framework of social security agency regulations.

Fundamental confusions over the aims of child support policy remain. Does it seek some recompense for the state’s costs in supporting children or more money to increase children’s well-being? If it is the latter, then more care should be exercised in the assessment procedures and the provision of informal support should be recognized. Above all, we believe, it is necessary to develop a joint approach to the settlement of issues that arise from fractured relationships in which children are involved. Policymakers should set in place a series of experimental pilot schemes to explore a coordinated Family Court System for dealing with all matters relating to divorce and cohabitation breakdown. ■

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<sup>1</sup>H. Barnes, P. Day, and N. Cronin, *Trial and Error: A Review of UK Child Support Policy* (London: Family Policy Studies Centre, 1998).

<sup>2</sup>The first national survey of lone parents found that only 29 percent at any one time were receiving regular payments from a nonresident father, with a mean payment per child of £16 per week. See J. Bradshaw and J. Millar, *Lone Parent Families in the UK* (London: HMSO, 1991).

<sup>3</sup>H. M. Government, *Children Come First: The Government’s Proposals on the Maintenance of Children*, Cm 1264, London: HMSO, 1990. “White Papers” embody proposed government policies. “Green Papers” are issued by the government to open political discussion of particular policy proposals.

<sup>4</sup>Child Support Agency, *Quarterly Summary Statistics*, London: HMSO, 1999. [Ed. note: 1997 U.S. data from the National Survey of America’s Families show that 52 percent of children with nonresident fathers had a support order, 68 percent of those received some support, and only 23 percent received the full amount of the order. See the article in this *Focus* by Sorensen and Zibman.]

<sup>5</sup>This organization was previously called the Network Against the Child Support Act. Its World Wide Web site is <http://www.nacsa.org>.

<sup>6</sup>The Labour Government published a Green Paper setting out their ideas in 1998 (*Children First: A New Approach to Child Support*, Cm 3992, London: HMSO, 1998) and a White Paper setting out their proposals in 1999 (*A New Contract for Welfare: Children’s Rights and Parents’ Responsibilities*, Cm 4349, London: HMSO, 1999). There was also an inquiry by the House of Commons Social Security Committee, *The 1999 Child Support White Paper*, Tenth Report Session 1998/99, HC 798, London: HMSO, 1999.

<sup>7</sup>J. Bradshaw, C. Stimson, C. Skinner, and J. Williams, *Absent Fathers?* (London: Routledge, 1999), and “Nonresident Fathers in Brit-

ain,” in *Changing Britain: Families and Households in the 1990s*, ed. S. McRae (Oxford: Oxford University Press, 1999). The research was funded by the Economic and Social Research Council (with supplementary funding from the Department of Social Security) as part of the program of research on Population and Household Change in Britain. (See S. McRae, ed., *Changing Britain*, pp. 404–26.)

<sup>8</sup>Bradshaw and Millar, *Lone Parent Families*.

<sup>9</sup>This is higher than the proportion reported paying by samples of lone mothers, probably because of misreporting by fathers or mothers, and/or bias in our sample.

<sup>10</sup>Child Support Agency, *Quarterly Summary Statistics* (London: HMSO, 1999).

<sup>11</sup>J. Bradshaw, C. Skinner, and J. Williams, “Impact of the Proposed Child Support Scheme on Nonresident Parents,” unpublished paper, University of York, 1998.

<sup>12</sup>Note that what they were paying is not the same as what they should have been paying under the Child Support Act. In fact, by the time they were interviewed only 23 percent had been assessed by the CSA. And if the new scheme were introduced tomorrow, none of these fathers would immediately experience the actual changes in their child support.

<sup>13</sup>The qualitative work demonstrated that there are other reasons for the obligation to be regarded as legitimate, e.g., where the mother is viewed as being entitled because she is the primary caregiver, or

where the father feels a need to compensate for his past misdemeanors.

<sup>14</sup>J. Walker, *Staying in Touch*, Family Policy Studies Centre Bulletin, November 1996.

<sup>15</sup>J. Finch, *Family Obligations and Social Change* (Cambridge: Polity Press, 1989), p. 243.

<sup>16</sup>A. Corden, *Making Child Maintenance Regimes Work* (London: Family Policy Studies Centre, 1999).

<sup>17</sup>*A New Contract for Welfare*, quotations, pp. 45, 47.

<sup>18</sup>*A New Contract for Welfare*, p. 18.

<sup>19</sup>*A New Contract for Welfare*, pp. 57, 40.

<sup>20</sup>This is the conclusion of similar research undertaken in New Zealand. See S. Uttley, “Child Support: The Limits of Social Policy Based on Assumptions of Knavery,” *Social Policy and Administration* 33, no. 5 (1999): 552–56.

## ***Economic Conditions and Welfare Reform***

**Sheldon H. Danziger, Editor**

This new book addresses three critical questions arising from the federal and state welfare reforms of the past five years: 1. Why are welfare caseloads falling? 2. How are welfare recipients faring? 3. How are the states responding?

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*Economic Conditions and Welfare Reform* originated in a conference held in November 1998, under the sponsorship of the Joint Center for Poverty Research and the Office of the Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services. Contributors include Timothy J. Bartik, Rebecca M. Blank, Maria Cancian, Howard A. Chernick, Sheldon H. Danziger, Randall W. Eberts, David N. Figlio, Robert H. Haveman, Harry J. Holzer, Thomas Kaplan, Philip B. Levine, Therese J. McGuire, Daniel R. Meyer, Robert A. Moffitt, LaDonna A. Pavetti, Geoffrey L. Wallace, Barbara L. Wolfe, and James P. Ziliak.

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