

Single-parent-family policy

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The United States has a variety of programs and policies that address the needs of low-income families with children. However, current policy specifically targeted to single-parent families primarily operates through the child support system. While this system generally works well for middle- and upper-income families when married parents divorce, it does not adequately address the needs of lower-income families, particularly when the parents were not married. Nonpayment, partial payment, and irregular payment of child support are common, leaving far too many children with inadequate financial resources; further, a primary focus on enforcing financial support from noncustodial parents may in fact discourage parental responsibility. In order to address these issues, we propose a new approach. At the core of our proposal are changes that would provide a guaranteed minimum monthly amount for each child. While noncustodial parents would be held accountable for adequate financial support of all their children, they would not be required to pay beyond their current means. We also suggest that policies enforcing noncustodial parents' financial responsibilities to their children will be most effective in a context that also supports parental responsibility more broadly. These changes would complement other proposed reforms for low-income families described in this issue, such as a universal child allowance.

Current child support system

Child support orders can be established as part of a divorce process or when an unmarried parent seeks child support or public benefits. Each state has guidelines for setting child support orders, nearly all of which are based on the principle that noncustodial parents should provide the same level of support that they would have provided had the parents lived together.¹ The employers of noncustodial parents with a child support order are required to withhold the amount of child support due, which is collected and distributed by a central processing agency. The state child support agency can also help locate the other parent, establish a child support order, monitor whether the order is being met, and take enforcement actions if it is not. Enforcement measures may include revoking a driver's license, intercepting a tax refund, or even civil or criminal charges for nonpayment. These services are available to any custodial parent who requests them, but custodial parents receiving public benefits

are required to cooperate with the agency as it pursues these activities.

When parents divorce, there is a legal process that generally includes not only detailing financial matters such as the child support order, but also specifying who will make important decisions on behalf of children (legal custody) and with whom children will live (physical custody). There may also be a detailed parenting plan that specifies when each parent has responsibility and how transitions between parents are to occur. Note that, unlike child support orders, no public agency either monitors or enforces such parenting plans.

The same child support policy that applies to divorcing parents applies to unmarried parents, though they must go through the additional step of having paternity voluntarily acknowledged or formally determined. Unlike divorcing parents, there is no standardized mechanism for unmarried parents to establish parenting time agreements. If paternity is formally established in a court proceeding, or if a child support order is set in a court proceeding (which is not required in all states), then there may be an opportunity to set the rights and responsibilities of each parent, but this is not done systematically.

Lower-income unmarried couples are more likely than those with higher incomes to be served by child support agencies, both because those having difficulty with child support issues (who are more likely to have low incomes) apply for services, and because custodial parents receiving some public benefits are required to cooperate with child support enforcement efforts. Low-income families are also much less likely to have the resources to arrange legal hearings related to parenting time.

How well does the current system support children and encourage parental responsibility?

We believe that the primary policy goals of the child support system should be twofold: first, to increase the financial resources that are available to children who live with a single parent; and, second, to hold parents responsible for the financial support of their children. As currently structured, the child support system largely meets the goals of supporting children and encouraging parental responsibility for divorced parents with moderate to high earnings. However, it does not adequately meet these goals for lower-income families, especially when the parents were not married. Too few children receive support, receive an adequate amount of money, or receive payments regularly. Only about half of all custodial parents have a child support order, with only 42 percent of never-married parents having an order.² Even if a child support order is in place, not all obligations are paid. In

2013, fewer than half of all custodial parents due child support received the total amount owed, and one-quarter received nothing.³ There is also evidence that even when child support is paid, it is not paid every time it is due; this irregularity can cause uncertainty and stress among custodial parents, and make it more difficult for them to plan for the future.⁴

Low-income custodial parents are disproportionately less likely to receive support, and they receive less when support is paid.⁵ Low-income custodial parents may also be even less likely than average to receive child support regularly. Some of the reasons that child support provides so little support to low-income custodial parents relate to noncustodial parents being unable or unwilling to pay substantial amounts. First, the noncustodial parents of many low-income children are unemployed or underemployed, and thus do not have sufficient financial resources to provide adequate or consistent support. While lack of financial resources is clearly a problem for all low-income families, not just those in the child support system, it is evident that a policy that relies on the support of noncustodial parents will be unsuccessful if those parents do not have the income needed to provide that support. Second, incarceration leaves many noncustodial parents unable to pay support while incarcerated, and with reduced earnings potential following release.⁶ Third, lower-income noncustodial parents are more likely than those with higher income to have had children with more than one partner, increasing the demand on already low resources.⁷

Beyond noncustodial parents not paying enough, social policy itself is one of the causes of no, low, or irregular child support receipt. Noncustodial parents may be incarcerated for falling behind in their payments. Custodial parents who receive Temporary Assistance for Needy Families (TANF) must renounce their rights to child support while they are receiving assistance, and many states retain all child support paid and use it to offset the cost of assistance. Child support also is counted as income when determining eligibility and benefit levels for some means-tested assistance programs such as the Supplemental Nutrition Assistance Program and housing vouchers. So, even when child support is paid, other benefits may be reduced, resulting in little or no increase to the financial resources available to children.

Further, child support policy currently does little to encourage parental responsibility, especially among never-married parents, some of whom did not have a stable romantic relationship prior to the child's birth. Since there is no formal structure within the child support system for unmarried parents to determine custody or visitation, let alone to develop co-parenting skills, many noncustodial parents feel that the system treats them solely as a financial resource, and does not help them to develop a relationship with their children.⁸ This may make noncustodial parents less willing to pay child support.

Current child support policy was designed for families with one custodial parent and one noncustodial parent who have

had children only with each other. The system was structured to enforce ideas about paternal responsibility based on views that were once broadly held, such as that parents should marry, and that fathers, more than mothers, should be the family breadwinners. These views are now belied by the realities of current life; over 40 percent of all children are born to unmarried parents, and while mothers still work and earn less than fathers, the gap has narrowed, and even reversed for some subgroups.⁹ In addition to changes in family composition, there have also been substantial changes in the structure of the U.S. safety net, which leave children in low-income single-parent families with insufficient resources. If the child support program is to meet the needs of low-income single-parent families, substantial policy changes are required.

A new approach to child support

In order to ensure that the child support system meets the goals of financially supporting children and encouraging parental responsibility for this support, we propose: (1) a minimum monthly support amount per child; (2) a maximum child support obligation for noncustodial parents; and (3) a guarantee of public funds to make up the difference between the minimum support amount and the amount that the noncustodial parent can reasonably pay. Our proposal aims to rekindle a discussion initiated more than 30 years ago by Irv Garfinkel and colleagues.¹⁰

Specifically, we propose a guaranteed minimum child support amount of \$150 per month be provided to each child. This guaranteed payment responds to the problem that many children currently receive nothing or receive irregular support. The child support order standard would be 12.5 percent of the noncustodial parent's income for each child, with current obligations capped at 33 percent of the noncustodial parent's income. The noncustodial parent would accrue debt to the government for failure to pay current support due. In addition, for noncustodial parents owing current support for more than two children (who would thus exceed the 33 percent income cap), child support would continue to be due (with minimal interest) after the children reach age 18 and current support ends, until the entire child support obligation had been paid. Moving to a per-child order emphasizes a child's rights and provides for simplicity instead of the current complexities that arise when parents have had children with multiple partners. Taken together, these changes would increase the financial resources available to vulnerable children and avoid current payments becoming an unmanageable burden for noncustodial parents of multiple children, while still holding them responsible for providing for all of their children. Other aspects of our proposal would also increase the effectiveness of the child support system. Child support income up to the minimum guarantee would not be counted in determining eligibility and benefit levels for means-tested programs, so that the \$150 per month per child would represent additional income rather than simply replacing government

transfers. Finally, we propose that the child support system offer an array of broader supports for parents rather than focusing solely on financial transfers. This could improve relationships between parents, and between noncustodial parents and their children, which in turn might lead to additional financial support.

These reforms to the child support system, combined with other reforms supporting low-income families more generally, would greatly expand the resources available to economically vulnerable children and families.■

¹M. Garrison, Marsha, “Child Support Policy: Guidelines and Goals,” *Family Law Quarterly* 33, No. 1 (1999): 157–189.

²T. Grall, “Custodial Mothers and Fathers and Their Child Support: 2013,” *Current Population Reports P60-255*, U.S. Bureau of the Census, Washington, DC, 2016.

³Grall, “Custodial Mothers and Fathers and Their Child Support.”

⁴Y. Ha, M. Cancian, and D. R. Meyer. 2011. “The Regularity of Child Support and Its Contribution to the Regularity of Income.” *Social Service Review* 85, No. 3 (2011): 401–419.

⁵Grall, “Custodial Mothers and Fathers and Their Child Support.”

⁶Y. Chung, “The Effects of Paternal Imprisonment on Children’s Economic Well-Being,” *Social Service Review* 86, No. 3 (2012): 455–486.

⁷M. Cancian and D. R. Meyer, “Who Owes What to Whom? Child Support Policy Given Multiple-Partner Fertility,” *Social Service Review* 85, No. 4 (2011): 587–617; M. Sinkewicz and I. Garfinkel, “Unwed Fathers’ Ability to Pay Child Support: New Estimates Accounting for Multiple-Partner Fertility,” *Demography* 46, No. 2 (2009): 247–263.

⁸M. R. Waller and R. Plotnick, “Effective Child Support Policy for Low-Income Families: Evidence from Street Level Research,” *Journal of Policy Analysis and Management* 20, No. 1 (2001): 89–110.

⁹M. Cancian, D. R. Meyer, and E. Han, “Child Support: Responsible Fatherhood and the Quid Pro Quo,” *Annals of the American Academy of Political and Social Science* 635, No. 1 (2011): 140–162.

¹⁰I. Garfinkel, *Assuring Child Support: An Extension of Social Security* (New York: Russell Sage Foundation, 1992).