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# Child Support Orders and the Incarceration of Noncustodial Parents

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# Acknowledgements

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- This report updates a previous report by Jennifer Noyes from 2006.

# Overview

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- 3 issues related to child support obligations and incarceration:
  - Overlap between child support and criminal justice
  - How child support systems in other states respond when the noncustodial parent is incarcerated
  - Recent estimates of effects of different policies

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# Overlap between Child Support and Criminal Justice

# Recent Estimates from Other Research

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

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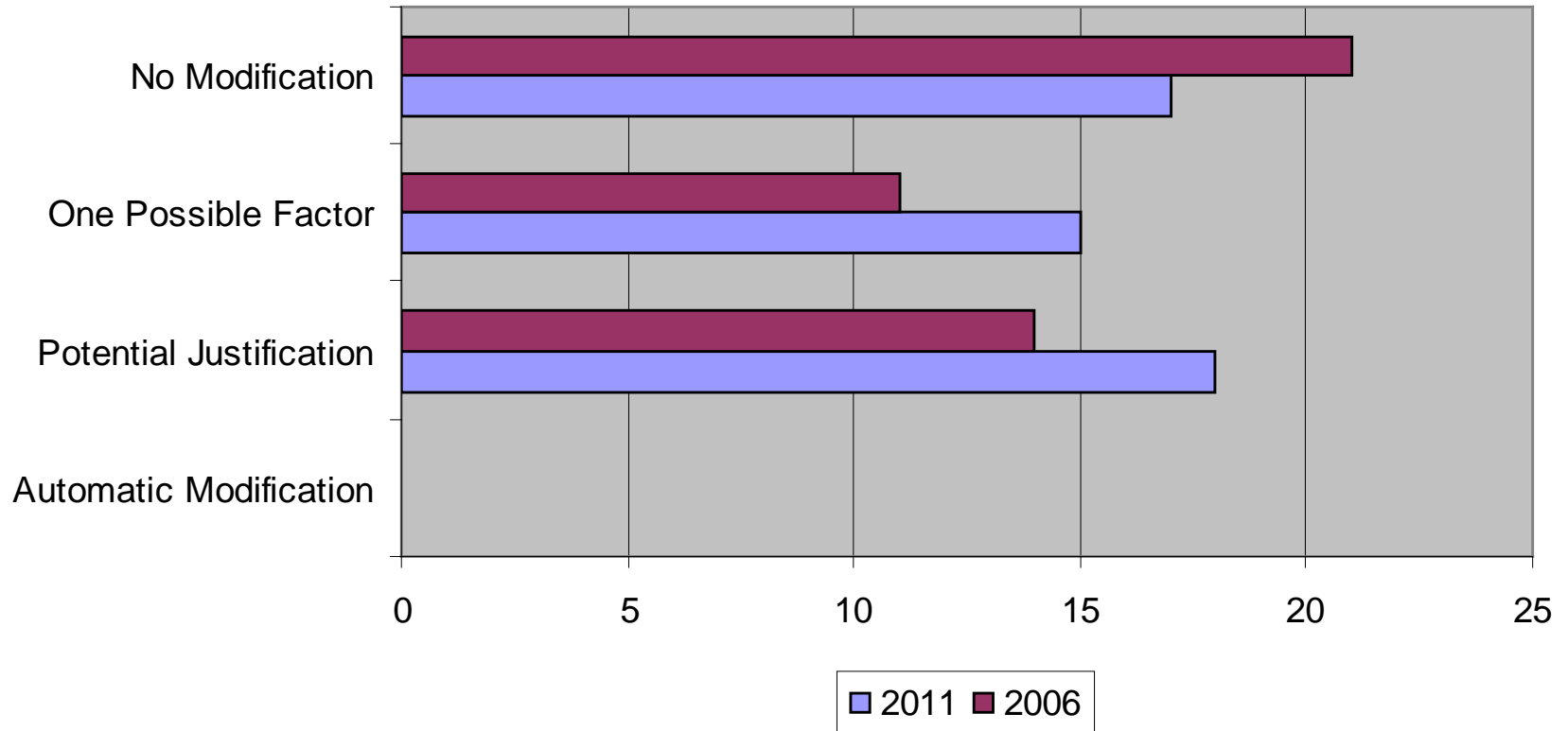
# How Child Support Systems Respond when the Noncustodial Parent is Incarcerated

# Four Potential Policy Schemes when NCP is Incarcerated

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

## Number of States with Different Policies for Modification upon Incarceration





# Reasons for Change

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- Growing awareness of problems of arrears
  - Reduces child support payments?
  - Reduces formal employment?
  - Increases recidivism?
  - Hurts CSE system performance
- But highly contentious. Most changes not result of new legislation, but legal challenges to previous policy

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# Recent Estimates of Effects of Different Policies

# Many Demonstrations

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- Examples:
  - allowing modification
  - child support worker visits prisons to educate and encourage modification
  - expedited processes for modification
  - procedures for forgiving debts
  - automatic modification innovation in CO
  - Related policy: grace period upon release
- Short-term
- Not rigorously evaluated
  - Notable exception: Milwaukee: Stay tuned!

# Summary

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- Substantial overlap between criminal justice and child support
- Guidelines issues focus on whether to modify orders during incarceration
  - Trend toward allowing modification
- Our assessment: little strong evidence on which to base a policy change