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Racial and Ethnic Disproportionality and Disparity in Child Support: A Scoping Review

2022–2024 Child Support Policy Research Agreement: Task 7

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INTRODUCTION

Child support is an important potential financial resource for children who live apart from one of their parents, especially for Black and Hispanic children, given their higher proportions among these children. In 2018, about half of all Black and a quarter of Hispanic children lived in such households, compared to about one in five White children and one in seven children of other races (Grall, 2020). However, substantial differences in child support can be seen across these groups. Table 1 shows that Black and Hispanic custodial-parent families are more likely to be without child support agreements or orders than non-Hispanic White children, and when they do have an order, it is about \$800–\$900/year less and they receive about \$1000/year less (Grall, 2020).

Table 1: Child support outcomes among custodial parent families: 2017

	Total Custodial -Parent Families	With Agreements		Supposed to Receive (Orders)		Received		Of Those with Orders	
		N	% of Total	N	% of Total	N	% of Total	Average Amount Due	Average Amount Received
White, Not Hispanic	6,195	3,498	56.5%	3,055	49.3%	2,202	35.5%	\$5,762	\$3,906
Black	3,293	1,319	40.1%	1,125	34.2%	731	22.2%	\$4,864	\$2,577
Hispanic	2,970	1,340	45.1%	1,080	36.4%	761	25.6%	\$4,952	\$2,727

Note: All N's are in 1000s. Drawn from Grall (2020), Appendix Table 3.

The lower amount of child support orders for those who belong to racial and ethnic minority groups may be partly explained by noncustodial parents (NCPs)' economic ability to pay, since ability to pay is an important component of how much is ordered.¹ Black men earn

¹We acknowledge that Black custodial parents were not necessarily partnered with Black noncustodial parents. We use whatever data are available to examine racial differences. Nine in ten couples who have been married at least one year have the same racial identification (Carlson, 2021).

substantially less than non-Hispanic White men. For example, the Social Security Administration (2022) reports that median earnings in 2019–2020 for those aged 20–59 years were \$35,300 for non-Hispanic Black men, \$35,400 for Hispanic men, and \$54,100 for non-Hispanic White men. Figures specifically for noncustodial parents are more difficult to estimate (Hakovirta et al., 2019); however, the estimates that are available also suggest substantially lower incomes for NCPs of color. For example, the Future of Families and Child Well-Being Study (FFCWS), which includes the parents of children born in about 2000 in selected larger cities, shows that among those with nonmarital births, almost twice as many Black fathers had low earnings (less than \$15,000/year) as White fathers (Edin, Tach & Mincy, 2009).

If the lower earnings of NCPs of color resulted in lower child support expectations (orders), this could have substantial implications for the receipt of child support by custodial parents and children but not necessarily for NCPs themselves. However, previous research shows that low-income NCPs are more likely to have child support orders that far exceed their ability to pay (Brito, 2012; Hodges et al., 2020). This can then lead to their being less likely to pay the full child support order, which in turn leads to accruing arrears (Sorensen, 1999). Paying less than the amount due also increases the risk of encountering punitive enforcement actions, even up to incarceration.

Low-income NCPs are therefore likely to have difficulties in the child support system, and because NCPs of color are more likely to have low incomes, they are more likely to experience these consequences. However, income differentials of noncustodial parents may not fully explain why Black and Hispanic children have lower child support receipts. Child support system processes may also contribute to their worse outcomes, but we know little about the different experiences and outcomes for racial and ethnic minority NCPs. In a recent important

review, McDaniel and colleagues (2017) developed a conceptual framework through which racial and ethnic disparities can be recognized among six of the Administration for Children and Families' human services programs, including the child support enforcement program. However, despite McDaniel et al.'s work providing a foundation for identifying racial and ethnic disparities in child support, the child support program was not given much attention in their research. In part, this was due to the large scope—covering six program areas—and in part, it reflects that at the time of their study there was substantially less research on disparities in child support compared to other domains such as the child welfare system. Therefore, more research is needed to assist with understanding whether and how noncustodial fathers of color experience child support services and treatment differently from other noncustodial fathers (McDaniel et al., 2017), which is the aim of this paper.

DEFINITIONS AND PURPOSE

Difference, disproportionality, and disparity are important to distinguish in an analysis of governmental programs. The broadest term, “difference,” is straightforward, and refers to variation in outcomes for various groups. Differences in outcomes can result from different preferences of those in different groups, and if that is truly the reason for different outcomes, this would be of less interest to policymakers.

Disproportionality refers to a state where a certain group is overrepresented or underrepresented in a particular setting that is different from that group's proportion in the general population (Dettlaff, 2021). For example, disproportionality exists when African American children represent a higher proportion in foster care than in the general population (in this case, overrepresentation). But the reasons for disproportionality are critically important. If disproportionality occurs because different groups have different needs, this is substantially

different than if it comes from differences in treatment. Discriminatory treatment, practices, and regulations when people have the same needs, preferences, and access to a service but are treated differently can be called disparities (Baumgartner et al., 2021; Smedly et al., 2003). Going beyond a documentation of differences or even disproportionalities to an understanding of whether disparities exist is important for an increased awareness of how various groups experience support and access to services (McDaniel et al., 2017).

Disparities are not necessarily obvious, and processes may need scrutiny. For example, family courts play an important role in the child support system in establishing and adjusting child support orders. If the proportion of Black fathers who do not appear in court is higher than the proportion of Blacks among nonresident fathers, this would indicate a disproportionality, but on its own does not necessarily indicate a disparity. A closer examination reveals that family courts typically organize their flow of work by summoning all people associated with all the case dockets assigned for that day and having them wait until their case is called. Since the court appearance is not an appointment at a set time, people are expected to take a day off work on the court day. This is more feasible for those who have flexible work schedules or paid personal time off, and less feasible for those who do not have these benefits. Thus, different rates of appearance in court by a racialized group can be considered as a disparity (not merely disproportionate), because the racialized group did not have the same access to service given that racial and ethnic minorities are more likely to have precarious jobs than White workers (Oddo et al., 2021).

To differentiate disproportionality from disparity, three components are required: (1) the proportion of individuals of a certain group in the general population; (2) the underlying needs of individuals in the same group (e.g., needs for program participation, treatment, services, etc.);

and (3) the proportion of individuals in the same group in the target population (e.g., program participants) (Derezotes et al., 2005). However, the information for the underlying needs is often difficult to obtain due to limited data available and its innate subjectivity. For instance, in the child welfare setting, the risk of child abuse and neglect of a certain group cannot be measured accurately unless it includes all incidents that go unreported (Derezotes et al., 2005).

Nonetheless, prolonged disproportionate representation of a certain racialized group may indicate that disparity exists (Roberts, 2002). In other words, disparities in each stage of service delivery can lead to disproportionalities (Dettlaff, 2021).

Black parents are disproportionately NCPs, and so they are overrepresented in the child support system (McDaniel et al., 2017). In addition, since they are also disproportionately low-income, they are overrepresented among those who are behind on child support payments, accrue child support arrears (i.e., cumulative amount unpaid plus interest on this amount), and are at risk of experiencing enforcement repercussions (McDaniel et al., 2017). Accordingly, child support programs may have disparate effects for these parents compared to other, more advantaged, parents. In this study, we focus on “inappropriate differences” in NCPs’ experiences in the child support system that can be considered as disparities (McDaniel et al., 2017). This paper contributes to the literature by systematically reviewing recent child support research and documenting differentials by race and ethnicity across a range of child support system components (e.g., setting and modifying orders, enforcement tools, court proceedings, etc.) and the consequences arising from failure to meet a child support payment obligation (e.g., drivers’ license suspension, incarceration, etc.). Finally, this paper contributes to the child support literature by incorporating more recent research than was available to McDaniel and colleagues (2017).

This study aims to answer the following research questions:

- (1) To what extent has previous research on child support specifically examined racial and ethnic disproportionalities and disparities?
- (2) What does previous research suggest about whether there are racial and ethnic disproportionalities and disparities in the child support system?

In answering these research questions, we pay particular attention to significant changes in child support policy made in December 2016 that may have affected the operation and practices of the Child Support Enforcement program. The 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Program's final rule contains a number of provisions; among the most important for our purposes is that it limits states' treatment of incarceration as "voluntary unemployment" (which will increase the likelihood that incarcerated noncustodial parents will be able to have their child support orders modified), limits use of imputed income and default orders when NCP income is unknown or reported income is considered inappropriate for order setting, requires that states consider basic subsistence needs of NCPs with limited ability to pay, and requires screening for information on a noncustodial parent's ability to pay before using civil contempt (U.S. DHHS, 2016). The rule was a significant step in improving the program's operation, limiting some of the agency practices seen as particularly onerous for low-income NCPs, and providing more flexibility to states. The final rule may have substantial impact for racial and ethnic minority NCPs, since they are disproportionately overrepresented among incarcerated populations and those facing economic instability. In addition, this rule may have stimulated more interest in racial and ethnic disparities, which may motivate research on this topic. Therefore, we incorporate this change in our analysis.

METHODS

We conducted a scoping review to examine the extent and range of literature on child support focused on racial and ethnic disproportionality and disparity. A scoping review is an appropriate method for our study because it generally allows for broader research questions and can be used when there is less empirical research (Levac et al., 2010); this topic area lends itself to a scoping review. Unlike a systematic review that aims to address well-defined questions from quality-assessed studies, a scoping review takes a broader look, considering the range of research available on a more broadly defined topic area (Arksey & O'Malley, 2005). We employed standard frameworks for the methodology and report of scoping reviews (Arksey and O'Malley, 2005; Tricco et al., 2018).

Eligibility Criteria

We included peer-reviewed journal articles, reports, or government documents, both qualitative and quantitative, published in the decade between 2013 and 2022. We selected this period because it 1) captures recent changes (e.g., the 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Program's final rule (U.S. DHHS, 2016)) and 2) generates sufficient articles to review. We excluded studies that were not written in English, studies where the child support context is outside of the United States, studies that were primarily descriptive rather than analytic (e.g., news articles), and studies not focused on noncustodial parents and child support.

Information Sources

The search strategies were developed with a guidance of a Social Science/Social Work librarian. We developed a search strategy for each database but generally searched the following terms in either title or abstract: child support, absent parent/father/mother, custodial

parent/father/mother, noncustodial parent/father/mother, and single parent/father/mother. The full search strategy can be found in the Appendix. The following electronic databases were used: Ebsco, Primo, ProQuest, and Web of Science.² The final search generated 7,872 records.³ These were all collected into EndNote from each database, then exported to Covidence, a software for evidence synthesis studies. Duplicates were removed using the function in Covidence, which resulted in 5,167 unduplicated articles to be screened.

Selection of Sources of Evidence

We performed screening on Covidence. First, the first author screened the titles and abstracts of all 5,167 studies; during this stage, screening primarily ruled out news or magazine articles that were included because the databases we used did not always allow distinguishing these articles from scholarly articles. Other than screening out these periodicals, the first author conducted the titles and abstract screenings both independently and collectively with other authors to ensure that relevant studies were screened in. A total of 505 articles were selected for full-text screening. During the full-text screening stage, each study was independently reviewed by two reviewers. The two reviewers regularly met where any discrepancies were resolved by in-depth discussion and consensus, and remaining concerns were resolved by a third reviewer. The reviewers screened the articles based on the initial inclusion and exclusion criteria, and as

²Ebsco includes multiple databases including SocINDEX with Full Text, Academic Search Premier, EconLit, Family & Society Studies Worldwide, Index to Legal Periodicals & Books Full Text (H.W. Wilson), Index to Legal Periodicals Retrospective: 1908–1981 (H.W. Wilson), Race Relations Abstracts, Social Work Abstracts, Urban Studies Abstracts, Women's Studies International. When refining the results from Ebsco, we limited the search to academic journals. In ProQuest, we selected reports and scholarly journals for source types, and articles, reports, and statistics/data reports for document types. Primo did not allow a search of terms in abstracts, so instead, we only searched the terms in title in Primo.

³The high number of final records may come from the breadth of search engines we searched, especially in Ebsco. We included as diverse databases as possible to capture all relevant studies. However, we simultaneously saw many irrelevant results such as studies related to literature on absent parents that were not about child support. Also, since we were interested in obtaining reports that are not peer-reviewed in our search results, there were news or magazine articles that were eventually screened out.

necessary, the criteria were iteratively updated through consensus among authors. As noted above, studies were excluded if they were:

- Studies that focused solely on other countries' child support system (comparative studies that include United States were included);
- Studies that examined topics of separated parents but not related to child support policies (e.g., purely focused on parenting);
- Studies that are purely descriptive (e.g., reporting the policy but not containing analysis);
- Studies that focused on the child support system but not on noncustodial parents' outcomes (e.g., outcomes related to custodial parents or children) or;
- Studies where child support is included but not a key component (e.g., used as a control variable).

As a result, a total of 152 articles were selected for inclusion in the review.

Data Charting Process

The first author developed a data extraction form to chart results. The form was modified in consultation with child support experts at the state government and validated through screening processes. Each study was charted independently by two reviewers into the form, and the forms entered by each reviewer were compared to address any discrepancies.

Data Items Gathered and Compared

The data entered into the agreed form contain eight elements: (1) author; (2) year; (3) data/sample; (4) research method; (5) point along the service delivery path; (6) the extent to which the study suggests racial and ethnic disproportionality or disparity; (7) racialized groups analyzed, if any, and (8) findings.⁴ We used these data items to differentiate whether a study: (a)

⁴We initially planned to include "underlying needs" as a component in the results. However, we dropped this because it is not readily available as mentioned above, and studies we examined rarely mentioned it. When applicable, we instead include this in the findings in Table 1.

did not include information on race and ethnicity; (b) included information but in a limited way (e.g., mentioned but not as a focus of the study, only as a control variable); or (c) centered the systemic differences across racialized groups on the study. In addition, we provide a comparison between studies that examine outcomes before and after the 2016 federal change.

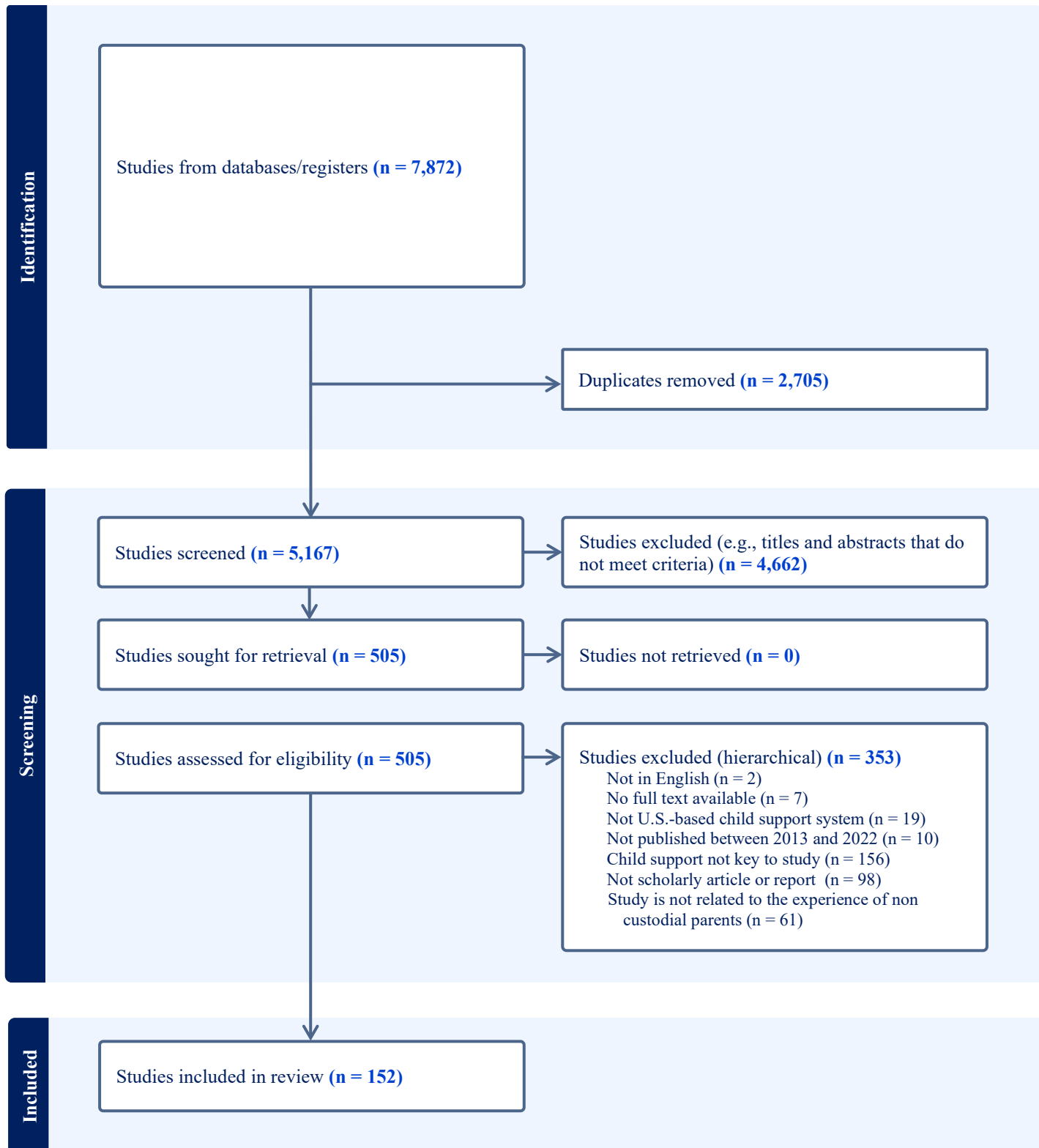
RESULTS

Data analysis included 152 articles (Figure 1). Most articles were journal articles (88%), followed by reports (8%), and government reports (4%). In terms of methodology, 43% used policy analysis, 36% quantitative, 17% qualitative, and 4% mixed methods. Geographically, these articles cover many regions in the United States. The use of race and ethnicity terms varies across articles; we apply the same terms used in the study in order to not misrepresent findings related to specific racial and ethnic groups.

Research Question 1: To what extent has previous research on child support specifically examined racial and ethnic disproportionalities and disparities?

Among the 152 articles selected for initial analysis, 38 articles (25%) discussed racial and ethnic disproportionality and disparities. These 38 articles are summarized in Table 2. The 152 articles included 52 from 2013–2016 and 100 from 2017–2022. We found a time trend showing that a higher percentage of articles published after 2016 focused on this topic than those published earlier (approximately 31% vs. 13%). This may imply that the federal decision in 2016 spurred scholarly interests in the equitable operation of child support programs, along with previous research conducted prior to 2016 that emphasized the urgency and significance of this topic.

Figure 1. PRISMA flowchart for study selection



Looking more closely at the 38 articles that examined racial and ethnic disproportionality or disparity, 60% specifically centered on this topic, while 40% addressed it (without centering on it). Among studies that centered on racial and ethnic disproportionality or disparity, about half focused primarily on disparity (48%), 13% on disproportionality, and 39% on both.

Considering all 38 sources, the extent to which race and ethnicity were examined differs somewhat based on the methodology used, which we have divided into quantitative methods (37% of the studies), qualitative methods (24%), mixed methods (5%), and review methods (34%, e.g., policy analysis). Among studies that used quantitative methods, 64% controlled for race and ethnicity, however, only half of those that controlled for race and ethnicity discussed the meanings of the results related to race and ethnicity. Among studies that used qualitative methods or policy analysis, a quarter mentioned race and ethnicity. In terms of topic, studies mostly focused on enforcement (47%); followed by the overall operation of child support program (29%); child support orders, including setting and adjusting the orders (24%); arrears (21%); payment (21%); and court proceedings (8%).

One difference between the studies that centered on disproportionality and disparity and the previous studies on outcomes related to custodial parents or children (studies that are not included here) are that most of the previous studies related to custodial parents and children focused on child support payments (e.g., Choi & Pyun, 2014; Lewis & Kornrich, 2020). However, studies that centered racial and ethnic disproportionality or disparity focused more on child support guidelines and enforcement actions. In addition, although there are still relatively few, some recent studies looked at how noncustodial parents perceive child support services (e.g., Cancian, Meyer, & Wood, 2022; Meyer and Kim, 2021).

Table 2: Studies on racial and ethnic disproportionality/disparity in the child support system

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Aminu	2019	Texas child support policies	Policy analysis	Enforcement	Disparities	African American and Hispanic vs. White and Asian counterpart	Racial disparities in education and incarceration and the operation of a child support program that does not reflect noncustodial parents' situation collectively impact African American fathers making them more likely to experience a cycle of incarceration due to nonpayment of child support and poverty than White and Asian counterparts.
Battle	2018	Written and oral presidential statements from 1970 to 2011	Qualitative; Two-stage discourse analysis & legislation analysis	Overall operation of CS system	Mentioned	Black	Child support policy has its ground in racial and gender stereotypes that view Black fathers as "undeserving," "deadbeat," and "irresponsible."
Battle	2019	Courtroom observations, in-depth interviews, and cultural artifacts	Qualitative; Ethnography	Overall operation of CS system	Mentioned	Black	Black fathers' failure to provide financial support to their children was amplified, and this particular demographic's disproportionate involvement in child support system renders stigmatizing and shaming interactions in the system.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Battle	2022	Observations in five courts and child support related sites (300 child support hearings and 75+ hours in observations of other related sites); Interviews with child support system workgroup members (7 magistrate judges, 6 DCSE attorneys and paralegals, and 2 caseworkers, 8 other child support system personnel, and 6 defense attorneys)	Qualitative; Ethnography	Overall operation of CS system	Disparity	Black and Brown vs. White	The carceral logic of parenthood undergirds the child support system in which race and class are central even when these are not explicitly referenced. For example, “men with 7 or 8 kids,” “deadbeat,” and those “always having a job on Monday” are often associated with racial and ethnic minorities such as Black and Brown parents. By connecting parental responsibility with incarceration, the child support system supports racialized poverty, which has consequences beyond itself.
Berger et al.	2021	A survey of nearly 3,800 noncustodial fathers in seven states	Quantitative	Payment	Disparity	Non-Hispanic Black, non-Hispanic White, Hispanic	Disparities in criminal justice involvement have a larger negative impact on non-Hispanic Black fathers’ earnings than non-Hispanic White fathers’, which is in turn negatively related to child support payments. Transportation barriers and physical health are more negatively linked to child support payment for Hispanic fathers than for non-Hispanic Black fathers.
Berrick	2022		Policy analysis	Order	Mentioned		Detrimental effects of involving both child support and child welfare systems are particularly pronounced for Black families.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Boggess	2017		Policy analysis	Overall operation of CS system, Order, Enforcement	Disproportionality	African American, White	African American men are overrepresented in poverty, unemployment, and incarceration, all of which influence the impact of child support enforcement on their families.
Brinig	2017	Electronic files from St. Joseph County Probate Court/All the paternity establishment cases filed in one Indiana County during the months of January, April, September, and December of 2008	Mixed methods	Enforcement	Disproportionality/ Disparity	Black, Hispanic, and White	Black individuals had the highest rate of child support enforcement actions. Enforcement actions were possibly used more often either because of racial discrimination or disproportionality in nonpayment rates due to Black fathers' lower income and less stable employment.
Brinig & Garrison	2018	688 paternity actions brought in St. Joseph County, Indiana during 2008 and 2010	Quantitative; regression analysis	Orders; Enforcement	Disproportionality/ Disparity	African American, non-Hispanic White, Hispanic	African American fathers are more likely to be involved in the child support system and have income-imputed orders than other racialized fathers.
Brito	2019	A court-based ethnography and in-depth interviews with lawyers, litigants, and judges	Qualitative; Ethnography	Order, Arrears	Mentioned		Black families are predominantly affected by exorbitant child support debt owed by noncustodial fathers who also disproportionately experience imprisonment.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Brito	2020	Ethnographic in-court observations of Family court proceedings where the state is pursuing child support from low- and no-income noncustodial fathers; Group/individual and in-depth interviews with state legal actors, NCPs, and CPs in six counties in two Midwestern states	Qualitative; Ethnography	Court proceeding	Disparity	People of color	Differential treatment depending on litigants' race in family court proceedings was found to be performed by state legal actors. For instance, when the litigants are people of color, the commissioner negatively overreacted or played into stereotypes of Black men, which links to actual punitive consequences such as higher child support orders. Racial issues in the courtroom or in the discussion among the state legal actors are ignored and avoided.
Brito et al.	2022		Case study	Court proceeding	Disparity	Black vs. White	The civil courts play an active role in subordinating racially and economically marginalized litigants in tandem with the state whose interest is to extract assets from these individual defendants, which in turn contributes to the accumulation of White wealth. In cases of child support, exorbitant child support orders set by the courts push Black men into racialized labor markets and commodify them as sources of labor to make payments rather than humanize them as parents.
Cammett	2022		Policy analysis	Enforcement	Disproportionality/ Disparity	Black, Hispanic, and White	Child support policies use the racialized carceral logic of mass criminalization that has disproportionate impact for Black families who are overrepresented in both child support and criminal systems.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Cammett	2014		Policy analysis	Enforcement	Disparity	Black	The negative racial metaphors that have been used for welfare programs (e.g., welfare queen) continue to be used for child support enforcement programs targeting “absent” fathers of the image of poor Black men that are socially constructed. These metaphors are imbued with historical notions of race, gender, and class and created a view that these fathers are undeserving poor rather than individuals who need help.
Cancian, et al.	2022	10,161 National Child Support Noncustodial Parent Employment Demonstration (CSPED) participants in eight states	Quantitative	Orders, Payment, Compliance, Satisfaction with services	Controlled for; not mentioned	Hispanic, Non-Hispanic White, Non-Hispanic Black, Non-Hispanic other/multiracial	Findings on racial and ethnic disproportionality or disparities were not reported.
Cancian, et al.	2013	State administrative records for paternities established in Wisconsin between October 1997 and December 2003	Quantitative	Arrears, Payment	Controlled for; mentioned	Black vs. White/others/missing	Fathers who are identified as racialized group other than Black are more likely to pay child support.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Cozzolino	2018	FFCW	Quantitative; discrete-time event history framework	Order; Arrears; Enforcement	Disparity	White, Black, Hispanic, and other (race that is not White, Black or Hispanic)	Although racial and ethnic variation in the public assistance or relationship quality mechanisms that link to (1) having formal child support order, (2) having child support debt, and (3) jailing for nonpayment of child support was not found in the main models, it may be due to the sample refinement that already absorbs differential selection by race and ethnicity. However, further interaction models suggest different mechanisms that are associated with outcomes by race and ethnicity. For Black individuals, increase in relationship quality functions as protective factors against entrance into the formal child support system and debt accumulation. For White individuals, having a new relationship is associated with increased chance of incarceration due to nonpayment, although this association may be spurious due to small cell size. No association was found for Hispanic individuals.
Fagan & Palkovitz	2018	1,350 families with residential mothers and nonresidential fathers from Early Childhood Longitudinal Survey-Birth Cohort (ECLS-B)	Quantitative	Payment	Controlled for; not mentioned	African American, non-Hispanic White	No finding was reported on child support payment by race and ethnicity.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Haney	2018	Court observation and 125 in-depth interviews with formerly incarcerated fathers	Qualitative; Ethnography	Enforcement	Mentioned	African American	Although this article did not explicitly examine racial and ethnic disproportionality/disparity, it pointed out that African American men have particular challenges in the feedback loops between economic hardship and imprisonment, which in turn impact their identity as fathers.
Harper et al.	2021	14 data bases from 1990 to 2019; 31 studies selected	Scoping review	Arrears, Enforcement	Disproportionality/ Disparity	Black, Latinx, and White	African Americans are disproportionately overrepresented in prison population, and among those with incarceration history are particularly burdened by multiple types of debt including child support. The disproportionate burden of this debt reproduces racial disparity in wealth gap between racial and ethnic minority and white people.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Hatcher	2013		Policy analysis	Overall operation of CS system, Enforcement	Disproportionality/ Disparity	African American	African American men will disproportionately be noncustodial fathers by their mid-30s. Indigent African American fathers have been labeled as “deadbeat dads” in the welfare system. Child support policies in line with essentialism that disregards historical construction of individual circumstances have disproportionate impact on young African American fathers, especially when they fail to pay child support. The circular interactions between the child support and criminal justice systems negatively impact poor fathers, especially racial and ethnic minorities, by pushing them into substandard labor market, reducing their ability to keep up with child support payments, going back to incarceration, and continuing this cycle.
Hodges	2020	Survey and administrative data from the Noncustodial Parent Child Support Employment Demonstration/5,009 noncustodial parents who are eligible for UI at enrollment	Quantitative; individual-level fixed effect models	Payment; Compliance	Controlled for; mentioned	Non-Hispanic White, Non-Hispanic Black, Multiple races/Other race	This article did not specifically examine differentials between racialized groups in the association between UI receipt and child support payment, but did mention that non-Hispanic White fathers had higher payments and compliance rate than Hispanic fathers whose payment amounts and compliance rates were not statistically different from non-Hispanic Black fathers.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Hodges et al.	2020	WI admin data	Quantitative; Fixed-effects models	Order, Payment, Regularity	Controlled for; mentioned	Non-Hispanic White, Non-Hispanic Black, Other race/ethnicity	This article did not specifically examine the association between order burdens and child support payment by racialized groups, but did mention that Non-Hispanic Black fathers are more likely than non-Hispanic White fathers to pay more child support over time, but not regularly.
Holifield	2019		Policy analysis	Enforcement; Order adjustment	Disproportionality/ Disparity	African American, White	The cycle of incarceration due to nonpayment of child support is particularly harmful for indigent African American parents who are overrepresented in nonmarital childbearing and incarceration. Historically pervasive disparity in the incarceration rates between African American and White men, along with in high rates of poverty, altogether make African American fathers more vulnerable than White fathers in the child support system.
Horowitz et al.	2022	Administrative data and 30 in-depth semi-structured interviews with individuals subject to state surveillance from both child support arrears and criminal monetary sanctions	Mixed methods; Quantitative (descriptive) and qualitative	Arrears	Disproportionality/ Disparity	American Indian, Asian, Black, Hispanic, Other, Pacific Islander, and White	Marginalized racial groups are overrepresented in child support debts as well as criminal legal financial obligations. Specifically, Black and American Indian men carry more debt burden (i.e., higher monthly debt balance) than other racial groups.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Lollar	2018		Policy analysis	Enforcement	Disproportionality	African American, White	Child support obligations are strongly based on norms around gender, class, and race, as are criminal justice practices, which disproportionately disadvantage African American men. Thus, the failure to pay child support is criminalized in the child support system, which is far more pronounced for African American men compared to White men.
McLeod & Gottlieb	2018	FFCW baseline, years, 1, 3, 5, and 9 survey waves	Quantitative	Arrears, Enforcement	Controlled for; mentioned	White, Black, Latino, Other	Fathers who are identified as “other” race are more likely than White fathers to owe child support debt.
Meyer & Kim	2021	CSPED data/noncustodial parents in the regular-services group of CSPED	Quantitative	Service and treatment, Payment	Disparity	Hispanic, Non-Hispanic White, Non-Hispanic Black	Although non-Hispanic Black noncustodial parents are less likely than non-Hispanic White noncustodial parents to report satisfaction with child support services, the satisfaction matters more for non-Hispanic Black noncustodial parents than other racialized groups in making child support payments. Among those who are not satisfied, non-Hispanic White noncustodial parents pay more than their non-Hispanic Black counterparts. Non-Hispanic Black noncustodial parents owe the highest level of child support orders compared to non-Hispanic White noncustodial parents, partly due to the higher proportion of non-Hispanic Black parents who have children with multiple partners. However, payment patterns and amounts are similar across all racialized groups, suggesting the highest arrears for non-Hispanic Black parents.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Meyer, Cancian, & Waring	2020	WI administrative data	Quantitative; descriptive statistics	Enforcement	Controlled for; mentioned	Non-Hispanic White, Non-Hispanic Black, Other	Non-Hispanic White fathers are more likely to be payers whereas non-Hispanic Black fathers are more likely to be nonpayers. Non-Hispanic White fathers are more likely than racial and ethnic minority fathers to begin paying child support.
Middlemass & Josephson	2021		Policy analysis	Overall operation of CS system, Enforcement	Disproportionality/ Disparity	African American (Black), Latinx, and White	Structural inequalities embedded in the child support system (e.g., higher child support obligations relative to income, the way child support debt is pursued, etc.) along with disparate incarceration rates for racial and ethnic minorities are particularly harmful for low-income African American and Latinx families.
Pate	2016	In-person interviews with 20 randomly selected fathers of Black and White children receiving TANF and interview with the mother of one of the father's children in Dane County, WI	Qualitative	Enforcement, Order	Disparity	African American and non-Hispanic White	Racial inequality in sanctions for nonpayment of child support along with existing racial disparities in employment, education, and access to resources through social networks works against Black fathers' ability to pay child support. Black fathers had child support orders as much as three times higher than White fathers. When incarcerated for nonpayment of child support, a White father was released upon purge payment, while a Black father was not released despite a purge payment.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Patterson	2017	Observations in family court hearings in South Carolina in 2010, 2013, and 2016	Qualitative	Court proceeding	Disparity	Black, White	In 2010 and 2013, more Black obligors appeared before the court than White obligors, although the reasons are unclear; it may be due to the automatic operation of Family Court Rule 24, under which obligors who owe arrears more than five days are held in contempt. Data from 2010 indicated that a larger proportion of White than Black obligors were held in contempt, and among them, a larger proportion of White than Black obligors received longer sentences. In addition, both groups of obligors received approximately equal proportions of delayed sentences. However, more recent data from 2013 and 2016 suggest divergent direction from 2010 findings that a larger proportion of Black obligors than White obligors were held in contempt hearings and were less likely to received delayed or suspended sentences, although the data provide no evidence on any underlying rationale for this change nor on unequal treatment between obligors based on their race.
Robbins et al.	2022	FFCW	Quantitative	Arrears	Controlled for; mentioned	non-Hispanic White, non-Hispanic Black, Hispanic, other race/ethnic group	Negative impact of child support debt may be more pronounced for racial and ethnic minority fathers as they are more likely to be involved in the child support enforcement system, which seems to be race neutral but can perpetuate racial inequities.

Author	Year	Data/sample	Methods	Point along the service delivery path	The extent to which the study suggests racial and ethnic disproportionality/ disparities	If any, racialized groups analyzed	Findings
Spjeldnes et al.	2015	The intake survey from male inmates admitted in 2016 to the Allegheny County Jail (n=16,382)	Quantitative	Enforcement	Disproportionality	Black, White	When convicted of child support nonpayment, Black men have higher rates of recidivism than White men.
Threlfall & Kohl	2015	Focus group and individual interviews with 36 African American fathers, telephone interviews with 19 fatherhood service providers	Qualitative	Overall operation of CS system	Mentioned	African American	African American fathers reported feelings of disrespect based on their race and gender in the child support system.
Turetsky & Waller	2020		Policy analysis	Arrears, Enforcement	Disparity	Black (African American), Hispanic	The practices of child support enforcement program such as imputing income to set child support orders without determining the actual ability to pay of noncustodial parents and suspensions of driver's license are disadvantageous to low-income parents, especially African American men.
Waller et al.	2018	FFCW	Quantitative	Payment	Controlled for; mentioned	African American, White	While fathers in families in which both parents are African American provided the highest levels of in-kind and informal support, fathers in which both parents are White paid the most formal child support.
Zatz	2016		Policy analysis	Enforcement	Disproportionality/ Disparity	Black, Latinx, and White	Racial and ethnic minorities who are involved in the child support system are more likely to be subjects to a new form of "peonage" where they are targeted to enforce work and pay or to be incarcerated.

Research Question 2: What does previous research suggest about whether there are racial and ethnic disproportionalities and disparities in the child support system?

We organize findings in this section by first reviewing broader studies and the whole child support system, then reviewing more specific findings for each process within child support.

Overall Operation of Child Support System

A disproportionate number of children of color are potentially affected by the child support system. While 26.5% of children in U.S. families do not live with both biological parents, the corresponding percentage for Black children is 48.8% and, for Hispanic children, 28.7% (Grall, 2020). The overrepresentation, however, does not mean there are disparities in treatment. To explore whether there are disparities, some researchers have looked to the historical background of the child support system. They find that the system began on an unfair playing field for racial and ethnic minorities. In the late 1800s, it was viewed as a moral duty for fathers to financially support their children after divorce; over time it began to be a legal duty as well as a moral one (Middlemass & Josephson, 2021). For White families, especially those who were divorced and have had the means to pay child support, the child support program has worked fairly well because who and how to pay child support are determined at a divorce proceeding and the automatic wage withholding of the amount due can ease the transfer (Boggess et al., 2014; Cancian & Meyer, 2018). However, the program has not worked as well for Black families, especially for parents who had not been married (Cancian & Meyer, 2018; Middlemass & Josephson, 2021). Historical and structural racism and economic inequality have shaped the structure of many Black families, which then has implications for child support (Middlemass & Josephson, 2021). During the colonial era and through the U.S. Civil War ending

in 1865, enslaved Black men and women did not generally have a legal right to marry and parent their children, and thus they have been historically more likely than White couples to have children in informal relationships rather than in marriage. This relationship persists: 70.1% of the births to Black women in 2021 were to unmarried women, compared to 27.5% of the births to non-Hispanic White counterparts (Osterman et al., 2023). The disproportionate rates of nonmarital birth among Black couples add challenges for a child support system grounded in the White, middle-class norms of family and designed for those who divorce (Battle, 2023).

With the increased share of children born to unmarried mothers, “dependency” became a policy interest because unmarried mothers were more likely to have low incomes and were seen as the cause of the rise of welfare caseloads (Battle, 2018). Moreover, the racialized image of welfare that shifted from White widowed mothers (i.e., deserving) to Black single mothers (i.e., undeserving) who were stereotyped by politicians as “welfare queens” meant that government welfare programs gradually lost public support (Battle, 2018). From the middle of the 20th century, some in the government attributed poverty and welfare “dependency” among these low-income single-mother families to noncustodial fathers not providing financial support to their children and started labeling them as “deadbeat” fathers (Battle, 2018). All these influenced child support policies, which increasingly required welfare participants to pursue child support and brought new and more punitive enforcement actions into the toolkit of child support agencies.

Black individuals are overrepresented among those most in need of welfare benefits (unmarried householders with children with incomes below poverty); those who are Black are 32% of the group most in need, compared to 15.6% of the population of householders with

children.⁵ This disproportionality, combined with strong ties between welfare benefits and child support, mean that child support paid for Black children is more likely retained by the government to reimburse welfare expenditures, compared to dominant racialized groups.

As such, race and class play central roles in the child support system. A recent ethnographic study reveals that ostensibly race-neutral language used by child support staff (e.g., magistrate judges, attorneys, and child support caseworkers) such as “men with 7 or 8 kids” and “deadbeat” do signal racialized stereotypes (Battle, 2022). Indeed, Black noncustodial fathers commonly report feelings of disrespect based on their race in the child support system (Threlfall & Kohl, 2015). In addition, despite an unexpectedly high level of satisfaction with child support services reported by low-income NCPs in one study, non-Hispanic Black NCPs were less likely to be satisfied with child support services than their non-Hispanic White counterparts (Meyer & Kim, 2021).

Despite disproportionalities in who is affected by child support and negative reactions to the overall child support system by racial and ethnic minorities, previous studies provide little evidence suggesting the system operates differently across racialized groups. Little evidence may imply either that previous research paid little attention on this topic or that the child support system operates equally. However, given the unequal foundations of the child support system as described above, the absence of differential treatment does not necessarily mean the absence of racial and ethnic disparities. Rather, the seemingly uniform treatment across racialized groups is grounded in an essentialism that ignores historical construction of individual circumstances and ongoing systemic racism (Hatcher, 2013). The child support system operates with a color-blind

⁵Authors’ calculations, based on U.S. Census Bureau (2023, Sept. 12). *Poverty in the United States: 2022*. Report No. P60-280, Table HSTPOV4. <https://www.census.gov/library/publications/2023/demo/p60-280.html>

approach which disregards the disproportionate representation in poverty, unemployment, and incarceration based on race and ethnicity, resulting in inequitable outcomes for those interacting with these interconnected systems (Boggess, 2017).

No research is centered on understanding whether the 2016 policy changes influenced how the child support system operates. More broadly, previous research provides little evidence that how the child support system operates and treats NCPs has changed over time. Specifically, racial and ethnic minority NCPs' negative experiences with and perceptions of the child support system remained unchanged, regardless of the 2016 federal change that, if well administered, may have benefitted them the most (Battle, 2019; 2022; Meyer & Kim, 2021; Threlfall & Kohl, 2015). This persistent tendency may come from the nature of the system, fractured along racial and class lines, or it may be too soon to see results of the 2016 changes, as some of them were only to be implemented in subsequent years.

Paternity Establishment or Acknowledgement

The disproportionate percentage of Black children born to unmarried parents means that more of these children are affected by policies related to paternity establishment. (For children born to unmarried parents, paternity establishment or acknowledgement must occur before a child support order can be set, whereas paternity is presumed for the child of married parents.) We found no research in this period specifically examining racial or ethnic disparities or differences in paternity-establishment processes.

Orders

Each state has a child support guideline containing a numerical formula used in calculating the amount of child support ordered. The amount given by the formula is presumptive, that is, to be used unless there are specific reasons to order a different amount. The

NCP's earnings (or, more broadly, income) is a critical component in each state's guidelines. Given the existing racial and ethnic disparities in employment rates and earnings (particularly for Black NCPs who have faced prolonged disproportionate representation in poverty and unemployment (Boggess, 2017; Holifield, 2019), we might expect lower orders for NCPs of color. While data for NCPs are not available, Table 1 (based on Grall, 2020) shows that custodial parents who are Black or Hispanic are less likely to be due child support and, when they are due support, are due less than non-Hispanic Whites, on average. Among those due support, orders for Black custodial parents are 84% of those for non-Hispanic White custodial parents, and Hispanic custodial parents are owed 86% of the amount owed to non-Hispanic Whites (Grall, 2020). These differences in amounts owed are not as great as the differences in earnings listed above, in which men of color earn 65% of White males, on average (Social Security Administration, 2022). This implies a disparity since NCPs of color are being ordered to pay more of their earnings compared to non-Hispanic White NCPs.

The literature suggests a reason for this disparity may be differential use of income imputation to set orders. When there is no information on the NCP's earnings, earnings are often imputed based on assumptions. One assumption commonly used was that fathers without earnings information could work full-time at a minimum wage for a full year. This assumption may not always reflect the NCP's actual ability to earn (Patterson, 2008). One important finding is that Black fathers are more likely than fathers from other racialized groups to have orders based on imputed income (Brinig & Garrison, 2018). As a result, researchers have concluded that many Black NCPs' child support orders are much higher than what they can actually pay (Brito, 2019). In addition, Black families are more likely to have their children placed out of

their home; such child welfare system involvement may then lead to both parents being ordered to pay child support, further increasing the level of orders (Berrick, 2022).

The 2016 federal change limiting the use of income imputation and default orders and the requirement to consider the basic subsistence needs of NCPs are expected to bring positive changes in how child support order is set for low-income NCPs whose income is often missing or considered not reliable. Studies using data collected before 2016 do suggest a higher risk of having burdensome order for Black fathers that resulted from income imputation or default orders (e.g., Brinig & Garrison, 2018; Pate, 2016). However, no studies thus far have explicitly examined either whether the 2016 federal change has altered the practice of setting child support orders or whether it has affected the order burdensomeness for racial and ethnic minority NCPs.

Payment

Given the earning and employment differences by race and ethnicity and higher order burdens facing Black NCPs, child support payments are higher for those who are racialized other than Black. National data show average receipts for Black custodial parents and for Hispanic custodial parents are both less than 70% of the non-Hispanic White custodial parents (Grall, 2020). Non-Hispanic White fathers not only make higher payments, but also their payments are more regular and closer to what they owe in amount (Hodges, 2020; Hodges et al., 2020). Although it is not of interest for the child support enforcement program, Black fathers tend to provide the highest levels of in-kind and informal support to their children, while White fathers tend to pay the most formal child support (Waller et al., 2018).

Previous research also focused on systemic factors explaining disparate child support payment patterns. An important barrier affecting racial and ethnic disparities in both earnings and payment of child support is criminal legal system involvement. Barriers to earnings due to

criminal legal system involvement have a larger negative impact on non-Hispanic Black fathers' than non-Hispanic White fathers'; this, in turn, limits the ability to make child support payments for many non-Hispanic Black fathers, but less so for non-Hispanic White fathers (Berger et al., 2021). This finding is consistent with previous research showing larger adverse impacts of criminal legal system involvement on minoritized groups due to racial discrimination in the labor market where Black applicants with clean records fared no better than White applicants with criminal records (Pager, 2003; Pager et al., 2009). Berger and colleagues (2021) also found that non-Hispanic White fathers who reported a criminal record as barriers to employment and earnings were more likely to make child support payments than those who did not, a relationship not found for Hispanic and non-Hispanic Black fathers. In addition, transportation and physical health barriers showed stronger negative associations to making any child support payment and the amount paid, respectively, for Hispanic fathers than for non-Hispanic Black fathers (Berger et al., 2021). Satisfaction with the child support program may reflect how parents were treated in the face of systemic barriers. Meyer and Kim (2021) found that non-Hispanic Black NCPs who were satisfied with child support services paid more child support than those who were not satisfied, whereas this relationship was not found for other racialized groups.

All studies included in our analysis focusing on racial and ethnic disparities in child support payment were conducted after 2016. Thus, we are not able to provide a comparison of whether the 2016 policy changes impacted payment disparities.

Arrears

Previous studies consistently suggest the presence of racial and ethnic disproportionalities in child support debt, one of the most commonly reported debts (Harper et al., 2021). NCPs from marginalized racial groups, especially Black NCPs, are overrepresented among child support

debtors (Brito, 2019; Cozzolino, 2018; Harper et al., 2021; Horowitz et al., 2022; McLeod & Gottlieb, 2018; Pate, 2016). African American men are nearly four times more likely than White men to report having legal financial obligations (LFOs) within less than a year after a release from prison (Link, 2019). Considering that marginalized racial and ethnic groups are also more likely to owe other LFOs, the overlap between LFOs and child support arrears exacerbates these economic burdens (Cozzolino, 2018; Harper et al., 2021). Racial and ethnic disproportionality was also identified among Black and American Indian fathers who are more likely to have higher monthly debt balances than other racialized groups (Horowitz et al., 2022).

Burdensome child support arrears can degrade the physical, mental, and economic well-being of NCPs; this is particularly pronounced for marginalized racial groups (Robbins et al., 2022). Moreover, child support debts are associated with reduced earnings and further reductions in child support payments (Cancian et al., 2013). Although the research shows adverse impacts of child support debts on NCPs' well-being, especially for Black NCPs, offsetting factors for some NCPs do exist. A recent study found that having better-quality relationships with custodial parents functions as a protective factor in (i.e., reduces) child support debt accumulation for Black fathers, compared to fathers in other racialized groups (Cozzolino, 2018).

All studies included in our analysis focusing on racial and ethnic disparities in child support arrears were conducted after 2016. Thus, we are not able to provide a comparison of whether the 2016 policy changes impacted arrears disparities.

Enforcement

Child support enforcement measures were developed under the assumption that NCPs had the ability to pay support but were unwilling. Some research has also concluded that enforcement measures were developed based on negative racial stereotypes around absent fathers

(i.e., the image of poor Black fathers) that penalized low-income NCPs as “undeserving poor” (Cammett, 2014). Other previous studies found strong connections between poverty and enforcement actions (Aminu, 2019; Brinig, 2017; Haney, 2018; Holifield, 2019; Zatz, 2016); these are particularly pronounced for Black NCPs due to existing racial disproportionality in the contexts of education, employment, and incarceration rates. African Americans comprise less than 13% of the U.S. general population yet make up over one-third of the U.S. prison population (Western & Wildeman, 2009). Their overrepresentation in prison is likely to lead to various aspects of financial hardship through barriers they face after release (e.g., housing and food insecurity and unemployment) (Harper et al., 2021) as well as the “predatory” nature of criminal legal system that “extracts” financial resources (e.g., fees, fines, prison charges, and bail premiums) from oppressed communities (Page & Soss, 2021).

Black NCPs also face enforcement actions more often than NCPs from other racialized groups (Brinig, 2017). Disproportionality in enforcement actions may be because of prolonged overrepresentation of Black NCPs in low-wage and unstable employment, creating conditions where paying child support becomes burdensome, or it may be a disparity created by racial discrimination by significant actors in the child support system who have a great deal of discretion (e.g., court commissioner or child support agency staff). Whether due to these or other factors, low-income NCPs, especially Black and other racial and ethnic minority NCPs, are at high risk of being penalized by the child support system. Enforcement actions are not only more likely to be implemented against racial and ethnic minority NCPs, but their impacts are more harmful for these NCPs. For example, punitive measures such as setting child support orders based on imputed income and suspending driver’s license are more disadvantageous to Black

men by pushing them into precarious jobs and threatening their ability to look for a job (Cancian, Heinrich, & Chung, 2013; Turetsky & Waller, 2020; Zatz & Stoll, 2020).

Furthermore, the child support system works in tandem with the criminal legal system by incarcerating NCPs for the failure to pay child support; both systems are strongly undergirded in gender, class, and race biases (Holifield, 2019; Lollar, 2018). There is no national-level data on how many, and how often, NCPs have been incarcerated due to nonpayment of child support, but estimates range from 15% of those in South Carolina jails to 40% in a study sample of formerly incarcerated fathers in Florida, although these estimates can vary by state and by time (Haney, 2018; Meyer, Cancian, & Waring, 2020; Patterson, 2008). Since NCPs facing economic hardship are less likely to pay child support, and to be at risk of incarceration due to nonpayment, racial and ethnic minority NCPs face particularly precarious outcomes. Indeed, one estimate using data from the FFCWS (Future of Families and Child Wellbeing Study)—a nationally representative study of families with biological children in cities with populations over 200,000—suggests that 15% of all Black fathers in the United States have experienced incarceration for child support (Zatz et al., 2016). Entanglement in these systems is generally not a one-time occurrence but rather creates pernicious cycles of poverty and incarceration, especially for low-income Black NCPs who are overrepresented in both systems (Cammett, 2022; Haney, 2018; Harper et al., 2021; Hatcher, 2013). On average, Black NCPs' circumstances mean that they are not only unable to pay child support but also often continue accruing child support debts if incarcerated; these debts are often so substantial that they will never be paid off (Brito, 2019). Due to the combined burdens of child support debt accruing during incarceration, on top of lagging behind on current support that triggered the enforcement action, Black men are more commonly trapped in this loop than White men (Spjeldnes et al., 2015). This cycle disadvantages NCPs of color by

creating further barriers to employment after release and negatively affecting their identity as a parent (Haney, 2018; Hatcher, 2013; Zatz, 2016).

One of the 2016 federal change's potential effects is to limit the imprisonment of low-income nonpaying NCPs because those assessed to not have an ability to pay should be screened out of contempt processes. Another effect of the 2016 changes could be to reduce the accrual of child support arrears during incarceration by encouraging suspension or modification of child support orders for incarcerated NCPs. We did not find any research examining whether the new federal rule has had either of these effects.

Court Proceedings

Court proceedings are one of the processes in the child support system where critical decisions around child support cases are made such as paternity establishment, child support orders, and contempt hearings for nonpayment of child support. Although private parties can enter the civil legal system voluntarily, many racial and ethnic minorities who are also socioeconomically marginalized are often brought to the system involuntarily (Brito et al., 2022).

The literature provides mixed evidence on whether disproportionalities in court proceedings exist due to race- or ethnicity-based differential treatment. Through court observation methods, Patterson (2017) found a larger number of Black obligors than White obligors appearing before the court in 2010. South Carolina Family Court Rule 24 does not take into consideration the racial and ethnic background of obligors, and court rules requires that all obligors are automatically summoned when they accrue child support arrears at least for 5 days. Among those held in contempt hearings, White obligors were treated less favorably than Black obligors; the former were given 90 days longer sentences than the latter. In addition, no racial differences were found regarding whether their sentences were delayed. These findings are in

stark contrast to what other studies found (Brito, 2020; Brito et al., 2022). Negative stereotypes of racial and ethnic minority NCPs, especially Black noncustodial fathers, are widespread in family court, and legal actors in authority therefore overreact negatively (Brito, 2020). Negative stereotypes of Black men as disobedient played into the court processes, so Black fathers tend to get less shared placement, higher child support orders, and are not allowed to ask questions about their child support cases (Brito, 2020; Brito et al., 2022). In doing so, family court systems commodify Black noncustodial fathers as financial providers who simply work and pay rather than humanize them as parents striving to support their children (Brito et al., 2022).

Patterson's (2017) findings from the 2013 and 2016 data are different from the 2010 findings. In 2013, the local child support agency in South Carolina adopted a pre-screening process where obligors with arrears are screened to determine their "ability to pay" before being called to appear before the court; this resulted in fewer court cases (Patterson, 2017). Even after this pre-screening process was in place, a disproportionately higher rate of Black obligors was held in contempt while fewer postponed or suspended sentences were given to White obligors compared to Black obligors (Patterson, 2017). Although the overrepresentation of Black obligors and disparate outcomes in sentencing may come from agency staff's biases in the pre-screening process, the commissioner's discrimination in court proceedings, or other factors, there remains a lack of evidence supporting a change toward "even-handed" treatment of Black and White obligors between 2010 and 2013 and 2016 (Patterson, 2017, p.99).

While the studies reviewed in this section are all published after 2016, the analyses considered periods both before and after the 2016 policy change and the authors generally did not differentiate whether their findings were based on the period prior to the policy change, after,

or both. Thus, it is difficult to assess whether the 2016 changes have had an influence in this area.

LIMITATIONS, IMPLICATIONS, AND CONCLUSION

In this study, we conducted a scoping review to map the extent and range of studies centering on different NCPs' experiences with child support services by race and ethnicity and what is known about these studies. We found that relatively few studies, 38 of the 152 studies reviewed, focused on either racial or ethnic disproportionality or disparity. Even within these 38 studies, 40 percent were not centered on these questions of disproportionality or disparity, only addressing these topics in the context of other research questions.

Previous research and reported data show that there are several disproportionalities in U.S. American child support systems. For example, children of color are more likely to be in the child support system; custodial parents of color are less likely to have child support orders and, when custodial parents of color do have orders, they are for lower amounts. At the same time, there are racial and ethnic differences such that amounts owed by noncustodial parents of color are a higher percentage of their income, exacerbating economic hardship for both parents and children. Perhaps because child support orders for NCPs of color are more burdensome, and less in amount, custodial parents of color receive less child support than their non-Hispanic White counterparts. But these disproportionalities do not necessarily mean that there are disparities, or differences in treatment; such assessments require careful research.

Consistent with research conducted prior to the ten years (i.e., 2013 to 2022) considered in this review (McDaniel et al., 2017), most studies reviewed here largely described negative services and treatment, particularly for Black NCPs compared to White NCPs. Studies focused on the historical background and structural factors outside the child support system that impact it

(e.g., marriage law, welfare policies, economic inequality) as well as systemic factors within the child support system (e.g., discriminatory treatment, stereotypes) to explain racial and ethnic disproportionality and disparity in the child support system.

Our findings are best understood in light of several limitations. First, although our search terms were broad enough to capture as many relevant studies as possible, it is possible some studies were missed. Another limitation of this scoping review is that we focus only on NCPs' experiences although there are other important stakeholders in a child support case, such as children and custodial parents. Similar to many other reviews, studies included in this scoping review lack analyses on more diverse racial and ethnic groups other than White, Black, and Hispanic individuals. Furthermore, this scoping review considered a wide range of studies, from local to national in scope, spanning many disciplines, and conducted with varying degrees of rigor. This range may contribute to what are sometimes disparate findings across studies. The studies included here also vary in the extent to which they attempt to tease out the role of race and ethnicity from the role of low income and earnings that are correlated with race/ethnicity, and that also may influence the researchers' conclusions.

In our analysis, policy analysis and qualitative studies outnumbered quantitative studies, which may indicate both the difficulties conducting quantitative research on race and ethnicity and the data limitations that hinder this kind of research using quantitative methods. Our findings along with methodological development in the study of racial and ethnic disparities (Gomez, 2012; Obasogie, 2013) imply that examining racial and ethnic disparities in each process in the child support system is ripe for future research, especially using quantitative methods.

Limited research exists on the impact of the 2016 final rule on racial and ethnic disparities. While we were able to infer similarities and differences pre- and post-change in some

cases, there is a dearth of research explicitly considering whether and how the change has materially impacted racial and ethnic disparities. This may be in part because there is a time lag until the final rule generates observable changes and detecting change may be difficult because some aspects of the rule were not mandatory. Moreover, if (or when) the final rule has a noticeable effect, it may take years for research to be conducted and shared. Future research on the impact of the final rule is warranted.

Finally, our study provides implications for child support policy. Racial and ethnic minority NCPs' disproportionate representation and disparate patterns in negative child support outcomes suggests that seemingly objective and "race neutral" child support policy is ahistorical, decontextualized, and color-blind. Disparity can occur not only when treating people differently, but also when treating people equally while ignoring that they are in different circumstances. The recent name change of the Office of Child Support Services (OCSS) (formerly, the Office of Child Support Enforcement) reflects a promising policy context where NCPs are viewed as one of the family members who need the child support program's services, not just as a payor (U.S. DHHS, 2023). This new commitment of the OCSS could eventually promote racial and ethnic equity in their services so that every child across all racialized groups receives proportionate and equitable support from both parents.

APPENDIX

“child support” OR

(“custodial parent*” OR “custodial mother*” OR “custodial father*” OR “noncustodial parent*” OR “noncustodial mother*” OR “noncustodial father*” OR “non-custodial parent*” OR “non-custodial mother*” OR “non-custodial father*” OR “single parent*” OR “single mother*” OR “single father*” OR “absent parent*” OR “absent mother*” OR “absent father*”)

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