



National Center on Fathers and Families

BRIEF

*NCOFF Briefs provide summaries of literature reviews, research reports, and working papers published by NCOFF and of emerging practice- and policy-focused issues in the field. This brief, *Barriers in Child Support*, is one of seven developed upon NCOFF's seven Core Learnings and a literature review written for NCOFF by Elaine Sorensen and Mark Turner of The Urban Institute. Designed to examine in-depth issues in the Core Learnings, the seven literature reviews were the centerpiece of discussion in the 1995-1997 Fathers and Families Roundtable Series, which brought together researchers, practitioners, and policymakers to examine issues in the Core Learnings and findings thought to be essential in working with fathers. Copies of literature reviews, Roundtable proceedings, and related reports are available from NCOFF in paper form, or via the internet (<http://www.ncoff.gse.upenn.edu>).*

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Barriers in Child Support Policy: **A Review of the Literature**

Key Findings

- The process of paternity establishment, while much improved in many locations, can still be very slow and excessively bureaucratized. It also tends to lead to a child support obligation that, in many cases, is not consistent with noncustodial fathers' ability to pay.
- The AFDC program taxes child support income at 100 percent after the first \$50 per month, which produces a serious disincentive for noncustodial fathers to pay child support through the formal child support system.
- Child support policies are not designed to accommodate noncustodial fathers who have a limited ability to pay child support. The child support enforcement system does not allow noncustodial fathers to provide in-kind or childcare assistance in order to meet their child support obligation when their income declines. In addition, awards rarely are modified during periods of unemployment which can lead to significant arrearages for noncustodial fathers. These arrearages are not forgiven by the courts.
- Child support and welfare policies are not designed to assist noncustodial fathers in their efforts to find work in order to pay child support. The AFDC program, for example, does not extend the JOBS program to noncustodial parents but rather provides employment services only to custodial parents receiving AFDC.
- Child support programs tend to be silent regarding noncustodial father involvement beyond financial obligations, ignoring such issues as visitation and custody. This limitation inhibits fathers' involvement with their children.

Recommendations for Research

- Research is needed that (1) documents how the current child support system results in barriers to fathers' involvement in the lives of their children (for example, how many noncustodial fathers pursue paternity establishment, and what experiences do they have? How many noncustodial fathers experience periods of unemployment without a modification in their child support award?) and (2) considers effective alternatives to our current system (for example, how do we design public policy to promote noncustodial fathers' involvement? Can we identify "best practices" regarding child support policies that encourage noncustodial father involvement? Does paternity establishment encourage father involvement?).

Recommendations for Practice

- Practitioners need to examine more intensively the practices that are most effective in increasing paternity establishment and father involvement and communicate these practices to policymakers.

Recommendations for Policy

- Policymakers need to understand the possibilities for programs and ways to identify and assess program needs.

Barriers in Child Support Policy:

A Review of the Literature

This literature review examines the current research on child support policy and identifies barriers within child support policy that discourage noncustodial fathers' involvement in the lives of their children. The first section of the review gives a brief overview of federal child support policy, and the second section reviews the existing child support literature. The authors conclude by offering suggestions for further research that would identify better existing barriers within child support policy to fathers' participation in the lives of their children.

Child support policy has changed dramatically during the past 20 years. Prior to 1975, child support enforcement was governed primarily by each state's family law and enforced by the court and local authorities. Since then, the federal government has taken an ever-increasing role in regulating and funding child support enforcement. Today, we have an active federal/state partnership in the area of child support enforcement that costs over \$2 billion per year to administer. The Child Support Enforcement (CSE) Program, enacted in 1975, was seen as a way of gaining financial support from noncustodial parents of AFDC families in order to reduce welfare costs. Child support policy has relied on a series of enforcement tools and has not focused on policies assisting noncustodial fathers to overcome the economic barriers that many of them face in providing for their children.

The 1988 Family Support Act made several changes in the area of paternity establishment. A provision of this act required the use of genetic tests in contested cases if requested by any party. The act also encouraged states to establish civil (rather than criminal) processes for paternity establishment, and it established time limits for processing paternity cases. In 1993, Congress revisited the issue of paternity establishment. As part of the Omnibus Reconciliation Act, Congress required states to develop a simple administrative process for voluntarily acknowledging paternity and required that these procedures be available in hospitals so that parents could establish paternity at the time of the baby's birth if they wished to do so. Without paternity establishment, the CSE program cannot collect child support. Specific elements of the 1995 welfare reform legislation directly affected noncustodial parents. This legislation included a work requirement for noncustodial parents who were delinquent in their child

support payments and whose children received AFDC assistance.

In the second section, the authors divide their literature review into four themes: (1) ability to pay child support, (2) paternity establishment, (3) child support enforcement, and (4) access to children. The authors attempt to show that a sizable minority of noncustodial fathers have only a limited ability to pay child support. They then discuss the CSE system, dividing it into two parts, paternity establishment and child support enforcement. They end with a review of the literature on access to children.

Ability to Pay Child Support

A number of recent studies show that noncustodial fathers as a group can afford to pay more child support. Sorensen (1995) was the first to provide a national profile of noncustodial fathers' ability to pay child support using a nationally representative survey, the Survey of Income and Program Participation. Her study found that the average personal income of noncustodial fathers in 1990 was about \$23,000, but for noncustodial Black fathers, the average income that year was much lower, averaging between \$11,000 and \$15,700. Sorensen concludes that the "average" custodial father can afford to pay more child support but that a sizable minority of noncustodial fathers, especially Black fathers, are poor themselves and have a limited ability to pay child support. Prior to Sorensen's work, the only method of estimating noncustodial fathers' incomes was to impute it based on characteristics of custodial mothers. This work was the first to show that some noncustodial fathers could pay as much as three times the amount they actually pay, a finding that Sorensen confirmed in her more recent work (1995).

Very few studies have examined the economic status of men who father children outside of marriage, and none of those have been based on nationally representative data for this population. Instead, studies tend to be state-specific, relying on court records as their source of information. This research finds that fathers of children born out of wedlock are considerably poorer than divorced fathers. Another source of information on the economic status of young, noncustodial fathers is the National Longitudinal Survey of Youth. Using these data, Lerman (1993) and Pirog-Good and Good

(1995) find that noncustodial fathers have very low incomes initially, but that their incomes rise over time. However, this pattern of earnings may not be true for low-income fathers.

References:

Danziger and Nichols-Casebolt, 1990; Garfinkel et al., 1995; Lerman, 1993; Phillips and Garfinkel, 1993; Pirog-Good and Good, 1995; Sonenstein and Calhoun, 1990; Sorensen, 1995.

Paternity Establishment

Paternity establishment is the first step in the child support enforcement process. Until recently, most states relied on the Elizabethan Poor Laws as precedent for paternity laws and procedures. As a result, paternity processes were essentially punitive procedures until the federal government began taking an increasingly active role in promoting paternity establishment in response to the growing number of children born out of wedlock. As a result of federal initiatives, paternity establishment practices have changed dramatically during the past few years. Today the process is a civil rather than a criminal matter.

A number of researchers have examined how the administrative structure of paternity establishment practices is related to paternity establishment rates. For instance, studies conducted by Adams, Landsbergen, and Hecht (1992) and Adams, Landsbergen, and Cobler (1992) identified numerous bureaucratic impediments to speedy paternity establishment, including fragmented service delivery, lack of communication between agencies with different practices, lengthy delivery delays, and blood testing delays. Both custodial and noncustodial parents may be discouraged by these delays and inconsistencies.

Since 1993, states have been required to create a voluntary paternity acknowledgment process in hospitals which has increased the voluntary paternity acknowledgment rate. Pearson and Thoennes (1995) found that voluntary paternity acknowledgments can increase dramatically if unmarried parents are systematically approached, the benefits of paternity are explained, interested parents are assisted in the process of acknowledging paternity, and the process of establishing paternity is simplified.

Lack of information by both mothers and fathers about the benefits of establishing paternity is a primary reason for lack of participation in the paternity process. Wattenberg (1993) was among the first researchers to address the reluctance

of couples to establish paternity and found that, although young parents had positive associations with paternity and fatherhood, their perceptions of the establishment process were extremely negative. They saw paternity procedures enmeshed in a court system that is both capricious and punitive, and many mothers often did not initiate legal paternity establishment because they did not want to get their boyfriends "in trouble." Also, in some cases, mothers did not wish to continue their relationship with the father and wanted to retain control over childrearing and decisionmaking, control that legal paternity might threaten.

More recently, Edin (1994) found that about one half of her sample of 213 AFDC mothers had either lied about the identity of the father of their children or hidden crucial identifying information from the enforcement agency; thus, paternity was not established in these cases. AFDC mothers acted strategically to maximize their family's economic and emotional well-being and those decisions did not always mean working within the formal child support enforcement system. On the contrary, some of the mothers interviewed by Edin were actually better off because the absent father often provided more than \$50 a month—the amount that the formal child support enforcement system would have passed on to them. Many others were concerned about the emotional ties that their children had with their fathers, ties that they feared might be jeopardized by turning the fathers over to the child support enforcement system. Still others feared physical violence if they reported the fathers to the authorities. Finally, some mothers preferred to have exclusive control over their children, authority that they believed could be threatened by identifying the fathers to the authorities.

We find that although the paternity establishment process has changed considerably in the past few years, it is still viewed by many custodial and noncustodial parents with mistrust. In addition, personal reasons often play an important role in not establishing paternity. AFDC mothers may gain *more*, financially or otherwise, by not establishing paternity. In general, noncustodial fathers of AFDC children do not see the value in establishing paternity and paying formal child support, since only the first \$50 of their child support payments go directly to their children.

References:

Adams, Landsbergen, and Cobler, 1992; Adams, Landsbergen, and Hecht, 1992; Edin, 1994; Nichols-Casebolt, 1992; Pearson and Thoennes, 1995; Wattenberg, 1993.

Child Support Enforcement

According to Sorensen, the largest problem facing the child support enforcement system is a lack of child support awards (1995). In 1991, nearly one half (46 percent) of all custodial parents (including divorced custodial parents) had not been awarded child support. The second major problem with the child support enforcement system is that child support awards are not paid fully. The Census Bureau found that in 1991 only one half of custodial parents owed child support actually received the full amount that they were due. The final problem outlined by Sorensen is that child support awards are quite low and rarely are modified to reflect changes in the economic circumstances of custodial or non-custodial parents.

Probably the biggest deterrent to formal participation in the child support system is the fact that the welfare agency keeps all but \$50 per month of any child support payments in order to offset welfare costs. Nearly one third of child-support-eligible families receive AFDC, and thus a sizable minority of these families are affected by the \$50 pass-through. Under these circumstances, parents perceive little gain in participating in the official child support system, and fathers are reluctant to contribute child support through official channels since they perceive that very little of it actually benefits their children.

Another deterrent is that child support guidelines work against informal values and motivations within certain communities. Some studies show that in low-income and minority communities, there are well-developed community norms regarding paternal responsibility for out-of-wedlock children that engender in-kind contributions of food, clothing, toys, childcare or other assistance in lieu of financial contributions. Such support agreements are arranged informally within the terms of a community's expectations of paternal responsibility.

Mothers and families value this support and consider fathers' sharing of childcare and commitment to their own education and training to be a demonstration of father involvement. However, the child support system does not recognize in-kind contributions or time spent providing childcare. In addition, fathers are given no "time off" from support obligations to pursue further education or vocational training that could enhance their future earnings. In these ways, child support enforcement practices that value only cash assistance are at odds with community values and practices regarding support.

Another deterrent to fathers' participation is perceived unfairness in the child support enforcement system. Most states allow child support orders to be established retroactively to the birth of the child in nonmarital situations or to the date of marital dissolution, even though no action to obtain paternity was taken until much later. The authors of the review argue that this aspect of child support enforcement is particularly unfair because retroactive establishment of child support is most frequently sought in AFDC cases when the state is the beneficiary of such support arrears. In non-AFDC cases, support obligations are typically only retroactive to the date that the petition for establishment of the order was filed with the court.

Child support guidelines also tend to be regressive, requiring low-income noncustodial fathers to pay a larger share of their income toward child support than higher income fathers. Furthermore, since 1986 Congress has prohibited courts from forgiving or reducing child support arrearages. If a formal modification is not obtained when circumstances change, child support orders must be paid in full. Child support awards are rarely adjusted because modifications require a court proceeding which is costly and time-consuming. This negatively affects noncustodial fathers whose circumstances change.

The Parents' Fair Share Project has attempted to alter the child support enforcement and welfare system to serve noncustodial fathers in AFDC cases better. The project demonstrated the institutional challenges that face the child support and welfare system in serving these fathers. Both child support and welfare agencies are generally unfamiliar with the notion of making short-term service investments in non-custodial parents for the sake of increasing their ability to pay child support and reduce future welfare costs. In fact, many of these agencies viewed this approach as "coddling" noncustodial parents.

References:

Bloom and Sherwood, 1994; Edin, 1994; Furstenberg et al., 1992; Massey, 1991; Sorensen, 1995; Sullivan, 1993; U.S. Census Bureau, 1995; Watson, 1992.

Fathers' Access to and Involvement with Their Children

Evidence regarding the role of visitation and custody in promoting the financial well-being of children has been conflicting. Some work shows that increased access to children promotes child support payments, while other research finds no significant relationship between the two.

Several studies have examined the factors that influence visitation among divorced families. These studies typically find that a decline in the frequency of visitation is associated with the following factors: (1) time since the divorce, (2) geographic distance between father and children, (3) a distant child-parent relationship prior to the divorce, and (4) a father's perception that he has little influence over his children's upbringing.

Much of our understanding of fathers' involvement with their children born out of wedlock has been provided by analyses of the National Longitudinal Survey of Youth, ethnographic studies, analyses of small samples, and data from programs designed to assist low-income fathers. Lerman observes that according to their own reports, many young unwed fathers remain in close contact with their children. Nearly one half report that they visit their youngest child at least once per week. Such responses by fathers show a higher amount of visitation than do responses provided by mothers. Using mothers' reports of visitation on a sample of young children born out of wedlock, Mott (1990) estimated that nearly 40 percent of noncustodial fathers visited once per week but about one third either never visited or visited only once a year. These studies point to other factors such as fathers' socioeconomic status and proximity to children's residence as being more influential in determining the payment of child support.

References:

Anderson, 1993; Arditti and Keith, 1993; Bloom and Sherwood, 1994; Braver et al., 1993; Danziger and Radin, 1990; Lerman, 1993; Mott, 1990; Sander, 1993; Seltzer et al., 1989; Sullivan, 1993.

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