The Center for Law and Social Policy (CLASP) has released an analysis of child support policy as it relates to the distribution of child support, the adequacy of notification processes for both noncustodial and custodial parents, and the need to encourage better notification and grievance procedures at the state level. The report, *If You Don’t Know There’s a Problem, How Can You Find a Solution: The Need for Notice and Hearing Rights in Child Support Distribution Cases*, by Paula Roberts, describes several points at which flaws in the system of distributing paid child support and notifying parents of the distribution could have serious consequences for poor families. Notification processes and hearing procedures are not only critical, they are fundamental due process rights that are granted by the federal constitution, federal statute and many state constitutions and statutes as well.

Among the key issues raised in the report:

- Distribution rules that determine how much of paid child support is retained by the government as reimbursement for welfare costs, and how much is distributed to the family, are so complicated that there is no clear mechanism for ensuring that the funds are correctly distributed. This can mean that child support that is paid and due to a family is not distributed to them. It can also mean that neither the noncustodial parent who pays child support nor the custodial parent for whom it is intended have adequate knowledge of the status of child support payments including how much is owed by the noncustodial parent to the government or to the custodial parent.
- States are often negligent in informing TANF recipients that support is being paid by the noncustodial parent. This precludes the custodial parent from making informed choices that are critical to the family’s well-being, such as whether to continue to receive TANF benefits. If the custodial parent were better informed, she might decide that she was better off leaving TANF and combining her income with child support payments, avoiding reaching a lifetime time limit on benefits.
- States have had difficulty in making timely payments of child support collections to families when they exit TANF. Without proper notification of child support distribution, families do not have the means by which to secure their right to these funds. Families are particularly in need of the financial support that could be provided by child support at the point that they leave TANF. If a state continues to retain the child support as reimbursement for TANF benefits and the parent has no notification, there is no recourse available to prevent the misappropriation of child support funds.
- States may illegally distribute child support collected through a state tax intercept under the same rules that apply to the federal tax intercept. Federal tax intercepts are distributed first toward state arrears, but state tax intercept funds are supposed to be distributed according to TANF “family first” distribution rules. Again, families
have no means of knowing whether child support was illegally retained by the state if they are not notified of the child support that was collected and how it was distributed.

- While no less important for noncustodial parents, notification and hearing procedures are not provided for in specific statute. The author suggests that advocating for such due process laws would be an important and viable strategy. Without such notification, noncustodial parents are without the right to be informed of whether child support payments have been credited to their own account, have been allocated to an incorrect account or whether an improper amount has been credited to their account.
- When noncustodial parents’ child support payments are credited or distributed incorrectly, the result can be erroneous and damaging child support enforcement practices such as the revocation of driver’s and professional licenses, tax refund intercepts and negative credit ratings.

The report includes three appendices that: identify federal statutes and regulations relating to notice and hearing procedures, provide summaries of hearing procedures for selected states (with California as a model that could potentially be replicated in other states), and summaries of relevant litigation regarding notice and hearing rights in child support distribution cases. It is available at www.clasp.org.

A recent GAO report was commissioned by Senator Rick Santorum (R-PA) in order to track the implementation of a provision in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) that prohibits benefits to fugitive felons. PRWORA also require these programs to disclose information about felons to law enforcement. The report suggests that states should strengthen their efforts to identify and report fugitive felons who attempt to receive TANF, food stamp, SSI, and housing assistance. The report provides some disconcerting insight into government priorities:

- The SSI, Food Stamp and TANF programs have identified over 110,000 beneficiaries who are fugitive felons, largely through the matching of warrant and enrollee files.
- The report makes particular note of the potential program cost savings that could be derived from denying benefits to fugitive felons who were eligible for food stamps, TANF, and SSI. According to the report, of the fugitive felon SSI recipients who were arrested in 2001, and could therefore be denied SSI benefits, one third of them were arrested for the criminal offenses of "probation violation," "parole violation," and "failure to appear."
- Law enforcement officers have requested information about thousands of recipients since PRWORA gave them access to program information.
- Since PRWORA was enacted, the information that law enforcement has received from programs about their recipients has resulted in the arrest of at least 18,678 fugitive felons through March 2002.


A recent study examines the relationship between child support
enforcement and domestic violence. The authors analyzed data from the Fragile Families and Child Well-Being Study, a survey of approximately 5,000 mothers and fathers at the point of the birth of their child in twenty large U.S. cities, with follow-up surveys conducted 12-18 months later.

The impact of child support enforcement on the incidence of violence is noted to have unique aspects for welfare mothers due to the particular policies that affect this group including:

- The motivation to collect child support for this group is altered by the fact that in most states, child support payments to welfare mothers are kept by the state, so there are no direct financial incentives for a mother to pursue child support.
- For fathers who have a child on welfare, there is a strong incentive to make informal rather than formal child support payments, since the money they pay through the formal child support system goes to the state rather than to their child.
- Low-income fathers are often treated more harshly by the system. States are more aggressive in enforcing their child support orders, since the state will benefit financially from their payments, and orders are often set unreasonably high.

The authors looked at the impact on an individual level (e.g., was a mother with a child support order more or less likely to experience violence than one without an order?), and on a state level (e.g., do state child support practices have an impact on the incidence of violence?). It should be noted that the report’s data analysis forces many highly subjective and variable categories into an empirical model, and so its results should be viewed with caution. The study found that:

- For the full sample of couples, living in a state with a strong child support enforcement regime was found to significantly increase the probability of being “hit or slapped,” (a category of violence used in the report to refer to less serious abuse) whether or not there had been a similar incident prior to the birth of their baby. Welfare mothers, but not mothers in general, were significantly more likely to have been “seriously hurt” (a more serious abuse category) by an incidence of domestic violence in states with strict child support enforcement practices.
- At the individual level of analysis, it was found that for mothers who did not live with the father of their baby, having a legal child support order at 12-18 months after the baby’s birth did not have a significant effect on violence. For mothers who were on welfare in the 12 months prior to the follow-up interview and who reported being hurt in a fight with the father before the child’s birth, the existence of a child support order appears to reduce post-birth violence. The authors note that this may be because 12-18 months is too soon to see the effects of child support enforcement on violence, or because legal child support orders may not have been established yet.
- Child support enforcement was found to have a negative, although insignificant, effect on cohabitation and marriage.
- According to the study, for a woman who has characteristics that are typical of the study’s sample characteristics and who reports being “hit or slapped” at the baseline survey, living in Wisconsin (the state that is considered by the authors to have the strictest child support enforcement) instead of Florida (the least strict state) would increase her chances of being “hit or slapped” by the time of the follow-up interview by 28%.

**New Resources of Interest**

The following are some new materials representing a range of topics that might be useful for advocates:

- The National Poverty Law Center has published a *Poverty Law Manual for the New Lawyer*, a guide to introduce advocates and lawyers to the fundamentals of poverty law. The extensive guide covers such topics as legal research and administrative hearing procedure, family law (including child support, child welfare and joint custody), TANF, Food Stamps, Medicaid, housing, immigration, employment, and domestic violence. Overview articles include references to web sites and other available resources on the topic. A question and answer section is devoted to “questions you always wanted to ask” about poverty law and legal services. The manual contents are available at [www.povertylaw.org](http://www.povertylaw.org).

- *The 2002 Status of Women in the States* from the Institute for Women’s Policy Research provides an assessment of the disparities between men and women on several indicators for all 50 states and the District of Columbia. The report analyses such indicators as the male-female wage gap, poverty, women’s access to higher education, representation in state legislatures, health, reproductive rights policy and business ownership. States are also ranked and graded, allowing for state-by-state comparisons. Nine state-level reports are also available. The report is available on-line at [www.iwpr.org/states2002/index.htm](http://www.iwpr.org/states2002/index.htm).

- The Oregon Center for Public Policy announces a state-by-state guide with findings related to hunger and food insecurity. The guide provides extensive and easy-to-read data on the incidence of food insecurity and hunger for all 50 states, broken down by age, race, region, education, and income, among other variables. The guide can be obtained on-line at [www.ocpp.org/2002/rpt021114.pdf](http://www.ocpp.org/2002/rpt021114.pdf). The Center will mail printed copies on request: email your name, mailing address, and phone number to Jacque Greenleaf at [mailto:jgreenleaf@ocpp.org](mailto:jgreenleaf@ocpp.org).

**More Documentation of Alarming Growth in Drug Arrests**

Several recent reports add to a growing body of literature on the growing and disproportionate impact that the ‘war on drugs’ is having on low-income minority communities. *Distorted Priorities: Drug Offenders in State Prisons*, by Ryan King and Marc Mauer of The Sentencing Project, looks at the impact on the state prison population of policy shifts that have resulted in increased penalties for drug offenses. Among the report’s findings:

- The number of persons incarcerated for drug offenses at the local, state and federal level has climbed by more than 1,000%, from 40,000 in 1980 to 453,000 in 1999, a period that corresponds roughly with increasingly harsh and aggressive laws and sentencing policies.

- Four of every five drug offenders in state prison are members of minority groups. African-Americans represent 56% and Hispanics 23% of the drug inmate population, but only represent 13% and 19% of the total population of drug users.

- In spite of the fact that drug offender diversion initiatives have been documented to result in high levels of treatment program compliance and cost savings, resources have been diverted from treatment to law enforcement. Only 34% of drug offender inmates surveyed who had a prior conviction had ever participated in a treatment program while under supervision.
• Approximately 75% of the drug offenders in state prisons in 1997 had been convicted solely of drug and/or non-violent offenses. Less than 25% had a previous conviction for a violent offense. At least 71% self-reported no involvement in actions that could be considered “high level drug activities” such as importing to the U.S., manufacturing drugs or distributing or helping to distribute drugs to dealers.
• From 1990 to 1998, the number of drug offenders in the survey who received a parole revocation more than doubled.

Drug arrests were examined in a low-income Chicago community for a recent report from the Center for Impact Research. Drugs, Crime, and Consequences: Arrests and Incarceration in North Lawndale (October 2002) is an analysis of arrest, sentencing, parole and probation records, combined with interviews conducted with staff and participants of a community offender employment program. Among the findings:

• Up to 57% of the more than 38,000 adult North Lawndale residents are involved in the criminal justice system, either because they are currently incarcerated, or are on probation or parole. This is an upper limit to the estimate because it is not possible to distinguish all duplications in status.
• Almost 10,000 adults, mostly males, were absent from the community due to incarceration at the time of the 2000 census. The Census Bureau found that 60% of North Lawndale adults were female, and this disproportionate rate of female residents may be because of the high rate of incarceration of adult males.
• Narcotics-related arrests were the most frequent, representing 27% of arrests in 2000. Possession of a controlled substance was the most common narcotics arrest, accounting for 76% all narcotics arrests.

The report is available at www.impactresearch.org.

A related and important new book has recently been published. Invisible Punishment: The Collateral Consequences of Mass Imprisonment, edited by Marc Mauer and Meda Chesney-Lind is a collection of articles by scholars and advocates that look at the impact of high rates of incarceration, not just on those who are directly involved in the criminal justice system but also on families and communities that are deprived of young men who would otherwise be starting families and careers. Contributors explore such consequences as disenfranchisement and disqualification from welfare benefits, public housing and job training, and increased exposure to fatal diseases. The book, currently available in hardcover for $26.95, can be ordered by calling (800) 233-4830.

Please Note: The next Policy Briefing from the Center on Fathers, Families and Public Policy will be available in January 2003. Enjoy the holidays!