

# CENTER FOR FAMILY POLICY AND PRACTICE

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JUNE/JULY 2009 POLICY BRIEFING

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## **Bayh and Davis Reintroduce Fatherhood Bill**

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Senators Evan Bayh (D-IN), and Representative Danny K. Davis (D-IL) introduced the *Responsible Fatherhood and Healthy Families Act of 2009* on June 19, 2009. The bill is identical to a bill introduced in the Senate last year by Senator Bayh and then-Senator Obama. It will provide support to fathers by providing job training and job opportunities and expanding the Earned Income Tax Credit. It also eliminates a marriage penalty in the tax code and directs child support payments to children and families, not the government.

The bill would:

- Increase federal funding for responsible fatherhood programs from \$50 million to \$100 million per year.
- Eliminate separate work participation rates for two-parent families.
- Ban the recovery of birth costs for Medicare recipients.
- Require that the full amount of child support paid on behalf of children receiving TANF be paid by the state to the family.
- Prohibit states from conditioning eligibility for TANF benefits on the assignment of child support rights to the state.
- Require states to treat child support payments in the same way as earned income in determining the amount disregarded when calculating the amount and type of TANF assistance.
- Restore cuts in federal child support enforcement funding to help state and local governments collect \$13 billion in additional payments for single parents.
- Prohibit states from considering any part of a period of incarceration as voluntary unemployment that would disqualify the parent from obtaining a review and adjustment of the child support obligation.
- Temporarily suspend a support obligation, its enforcement and any interest that would accrue during a period of incarceration. Custodial parents would be given notice and opportunity to challenge the suspension.
- Award grants to states to:
  - Establish court- or child support agency-supervised programs of employment for noncustodial parents with barriers to employment

- (programs are required to offer the services prior to the establishment of a contempt order for child support nonpayment).
- Provide transitional jobs, with a required minimum of 20% and maximum of 50% of weekly hours spent in educational or other activities designed to address employment barriers.
  - Increase the Earned Income Tax Credit income eligibility limit for individuals with no qualifying children from \$5,280 to \$10,712 per year, with cost-of-living adjustments each year.
  - Prohibit unequal treatment of two-parent families receiving Temporary Assistance to Needy Families (TANF), ensuring the state work participation standard is the same for all families.

House sponsor Danny Davis stated, "We must do more to ensure all children have opportunities to become productive citizens--through revised income support, health care, and education policies. This will require new thinking about federal investments and more focus on prevention and longer term investments."

The full text of the bill and its status in the Senate and House is available at <http://thomas.loc.gov/>

### **New Study Finds Ability to Pay Child Support Has Been Overestimated**

According to a recent report, the income of noncustodial parents, and estimates of aggregate amounts of unpaid child support, have been overstated in previous research. The report used data from the Fragile Families and Child Well-Being Study to analyze characteristics not considered in previous studies, such as multiple-partner fertility, the identification of non-identifiable fathers, and mortality; these measures allowed for a better understanding of actual ability to pay. The study addressed the discrepancy between estimates of aggregate ability to pay child support (\$45 to \$50 billion) and actual aggregate child support payments of \$16 to \$19 billion. It found that:

- Previous research overestimated the aggregate ability of unwed noncustodial fathers to pay child support by 33 percent to 60 percent.
- Previous studies failed to accurately assess the ability to pay because they assumed one father with no other child support obligations for each eligible mother with non-marital children.
- When previously unmeasured variables are taken into account, the disadvantage of noncustodial fathers increases. Fourteen percent of the sample is estimated to have bad health, compared with 8 percent when narrower variables are used. The broader analysis finds higher levels of depression (23 percent vs. 16 percent) and anxiety (10 percent vs. 5 percent), and lower rates of fathers who are U.S.-born (86 percent vs. 91 percent).

- Noncustodial fathers' total liabilities for paying child support have been underestimated by 12 percent.
- By underestimating or not considering multiple-partner fertility, previous research may have overestimated black fathers' ability to pay child support by 35 percent.
- Previous aggregate estimates of unwed noncustodial fathers' total child support obligations to both prior and current children may have been underestimated by 12 percent to 34 percent.

The report, *Unwed Fathers' Ability to Pay Child Support: New Estimates Accounting for Multiple-Partner Fertility*, was published by the periodical *Demography*, Volume 46 – Number 2, May 2009: 247-263.

### **Rate of Parental Imprisonment Contributes to Inequality Among Children**

A recent report documents the exploding growth in the rate of black children with a parent who is incarcerated. The consequence of this concentration in parental incarceration is to further increase racial and class inequality. The report finds that:

- High levels of parental incarceration increase foster care caseloads, strain social service providers, increase children's subsequent criminality and risk of incarceration, and have consequences for families, the criminal justice system and public safety.
- For black children, the risk of parental imprisonment increased 80 percent from 1978 to 1990. Black children born in 1978 had a 1 in 7 chance of having a father sent to prison by their 14<sup>th</sup> birthday; for black children born in 1990, the risk was 1 in 4.
- Over one-half of black children born in 1990 to high school dropouts had their father imprisoned, representing a 130% increase from the 1978 rate.
- For white children, the risk of parental imprisonment increased 60 percent from 1978 to 1990, but remained relatively small at 1 in 25 in 1990.

The author's research has also found that, among 5-year-old boys, 49 percent of those who had a father incarcerated within the previous 30 months exhibited physically aggressive behaviors like hitting others or destroying objects, compared with 38 percent of those in otherwise similar circumstances who did not have a father imprisoned.

The report, *Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage*, was published by the periodical *Demography*, Volume 46 – Number 2, May 2009: 265-280.

## **Recent Presidential Appointments to HHS Positions**

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The following is a list of some of the appointments made to date by the Obama administration and Secretary Kathleen Sebelius for Health and Human Services positions.

- Colleague to many in the fatherhood and child support field (and often cited in this briefing), **Vicki Turetsky** has been appointed Commissioner of the federal Office of Child Support Enforcement. The appointment signals a new direction for the agency. Ms. Turetsky has been a strong advocate for low-income families, recognizing the needs of low-income fathers, and the consequences of child support policy on fathers, while at the same time pushing for better support of children and their custodial parents.
- **Carmen Nazario** was nominated Assistant Secretary for Children and Families (ACF) on May 6. Ms. Nazario served as associate commissioner and principal deputy assistant secretary at the Department of Health and Human Services' Administration for Children and Families during the Clinton administration. Her most recent position was as an assistant professor, teaching social policy, at the Inter American University of Puerto Rico.

## **State-by-State Information on Policies and Programs Now Available**

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- The Center for Budget and Policy Priorities (CBPP) has created a state-by-state list of on-line resources for low-income benefit programs. The information pertains to the five main state-administered programs: food stamps, Medicaid, SCHIP, TANF and child care. Depending on the state, information ranges from basic program descriptions to eligibility criteria, to actual applications for program assistance. CBPP also includes links to online government-provided benefit calculators. The list is available at: [www.cbpp.org/cms/index.cfm?fa=view&id=1414](http://www.cbpp.org/cms/index.cfm?fa=view&id=1414)
- The Center for Law and Social Policy (CLASP) has updated information on state child support pass-through policies. The survey is available at <http://www.clasp.org/publications/passthroughfinal061209.pdf>

## **Child Support in the News**

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- Recent news articles attest to the increasing number of child support payments drawn from unemployment checks, as reported in recent briefings. In **Iowa**, for the first 11 months of fiscal year 2009 (through May) collections from unemployment were \$16 million compared with \$8.3 million for the previous year. In **Utah**, child support payments drawn from unemployment checks have increased 185% in the second quarter of 2009 compared to last year. The faltering national economy is affecting **Texas** parents as well, where the amount of child support collected from unemployment checks

- more than quadrupled, jumping 360 percent, to \$11.5 million in May from \$2.5 million in that month a year ago. From January to May of this year in **Colorado**, the state collected \$6.2 million in child support from those on unemployment. For the same time period last year, the state collected just \$1.9 million. Denver family law attorney Martin Brown describes the reason many parents are having more unemployment intercepted to pay child support than they can afford this way: "The problem is, most people don't understand that they have to file to modify their child support. And that if they don't file, they're up the creek without a paddle."
- The state budget proposal for **North Carolina** includes a provision to transfer administrative and financial responsibility for child support enforcement to local government. The proposed change would save the state approximately \$4.1 million, but some counties are attempting to stave off the transfer. In Cherokee County, commissioners have passed a resolution opposing the transfer, which could cost the county \$300,000 - \$800,000 per year at a time when the county has experienced a continuous decline in fees for services, sales tax revenue and property tax collection due to the economic recession.
  - Changes to a Wisconsin state statute will change the penalty for nonpayment of child support. Parents who are found in contempt of court are currently held in jail for up to six months if they do not make payments, but the new law allows the sheriff to release inmates and put them on electronic monitoring instead of holding them in jail. "It is not in the best interest of children or families for a dead beat dad or a dead beat mom to sit in jail for up to six months and not pay child support," said Dane County Sheriff Dave Mahoney. "My intent if somebody is brought into the jail for failure to pay child support. I will immediately notify the court to try to get this individual in before the family court commissioner for a hearing to work out a process to pay child support."
  - Following the lead of 30 states with similar laws, a new **Missouri** law will provide a two-year period after a judgment of paternity for the father to challenge the paternity ruling with a DNA test. If the test proves that he is not the father, he would be excused from previous child-support debt and would have criminal nonsupport convictions removed from his record. Men are automatically presumed to be a child's father if they are married to the mother. They also can be named the legal father by signing an acknowledgment when the child is born, or by a court order. Courts have declared some men to be the father because they didn't respond to a woman's paternity assertion. The new law takes effect August 28.

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