

# WHAT WE WANT TO GIVE OUR KIDS



How Child Support Debt  
Can Diminish Wealth-Building  
Opportunities for Struggling  
Black Fathers and Their Families

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# Acknowledgements

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# WHAT WE WANT TO GIVE OUR KIDS

How child support debt can diminish wealth-building opportunities for struggling black fathers and their families



“ Income for anything to survive off of, they take it. And it's like as men we're not going to trip, because, okay, it's for our children. But if you're taking from me for what I'm trying to give them, how is that benefitting? It doesn't help, because you're taking away, and you're keeping it. I was living in the household with my children and taking care of them, doing everything. I had work out here. That's what makes it harder for us to be dads, to take care of our children. **We know the government is going to take from what we trying to give our kids.** That's why we say we in a trap . . . we are going to get a job, get on child support, have them take money from what we worked eight to nine hours plus overtime for to only make about maybe \$480 and then get \$215 out of that. We can't do anything. We can't stack off that. ”

— Nate, 20\*

\* In order to protect the confidentiality of the fathers who generously participated in this research, we removed any major identifying details and replaced their names with pseudonyms. The fathers photographed for this report were not focus group participants in our study.

# Introduction

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Our nation's families are undergoing a sea change. Over the last 30 years, as wages have stagnated and declined, more unmarried couples are living together and having children.<sup>1</sup> Fewer than half of adults with lower incomes and less education are now married, and marriage has increasingly become the norm only among couples with higher incomes and college educations.<sup>2</sup> The economic challenges facing low-income families are especially acute for black parents and their children: 73% are born to unmarried parents.<sup>3</sup> The risk of economic hardship for children is even greater in mother-headed households. Child support enforcement—typically transferring money from the father to the mother—is often thought of as one way to reduce poverty among children and families. However, this only works if the father has enough income or assets to be able to pay.<sup>4</sup> According to the US Census Bureau, the large majority—70 percent—of custodial parents with children living in poverty receive no child support whatsoever. For black custodial parents, this figure rises to 75 percent.<sup>5</sup>

Fathers struggling with joblessness and low incomes make up a significant share of parents who have been court-ordered to pay child support. One in four parents who are ordered to pay child support debt have no income, and another 31 percent have annual incomes below roughly \$12,700.<sup>6</sup> These parents are subject to the workings of the child support system regardless of their income or employment status. The child support system generally reacts to every case as if there is, or soon will be, cash available to the parent who is ordered to make payments. Child support enforcement—with all of its powers to sanction and seize—can force payment. State officials can garnish wages at a rate of up to 65 percent. State and federal government officials can intercept tax returns. There is limited if any ability to develop savings because child support enforcement agencies can place liens on parents' assets. A parent can have his driver's license suspended, passport revoked, and be denied from obtaining a professional license. Most importantly, family court judges can hold a parent in contempt of court—an act which often leads to incarceration—if he falls behind on child support payments and builds up debt, making it even more difficult for him to land a future job and thus provide financial support for his sons and daughters. But the reality is that many parents are not unwilling to pay child support, they simply don't earn enough to pay. Regardless of tougher enforcement tactics or community-based service programs, noncustodial fathers who are court-ordered to pay child support can amass insurmountable debt.<sup>7</sup>

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**Instead of helping families generate assets, child support policies and practices may have the adverse effect of plunging the most economically fragile fathers and their families deeper into poverty.**

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1 DeParle and Tavernise, 2012.

2 Pew Research Center, 2010.


3 Wildsmith, Steward-Streng, and Manlove, 2011.

4 Boggess, 2010.

5 CFFPP analysis of U.S. Census Bureau, 2012.

6 CFFPP analysis of Gardiner, et al., 2006. Income adjusted to 2014 dollars.

7 Boggess, 2010.



Instead of helping families generate assets, child support policies and practices may have the adverse effect of plunging the most economically fragile fathers and their families deeper into poverty. The consequences are devastating. One of the most significant harms of child support enforcement is that it often consigns low-income fathers to endless financial insecurity because they are unable to pay child support, diminishing their sons' and daughters' future life chances. Wealth or assets, neighborhood and community social supports, and caregiving are perhaps the most critical variables for optimal child development. These factors help children rise above their parents' economic station.<sup>8</sup>

Child support enforcement often strips unemployed and low-income parents of the possibility of ever acquiring assets like a savings account, a house, or even a car, hindering their sons' and daughters' chances of reaching their full potential. Without some assets, families are on an economic fault line where job loss, illness, or larger economic crises beyond anyone's control, result in financial instability and seismic disruptions in quality of life. Acquiring assets is what enables low-income parents to move into the middle class. Both income and assets enable opportunity. Social researcher Trina Shanks shows that both income and assets make a big difference in reducing racial disparities in child outcomes. Shanks's research on child well-being and wealth shows that when parents have a modest income in addition to some assets, their young children perform best on a standardized test of academic achievement. Average scores are higher for children in households with a greater level of assets, whether from lower or higher income families. In fact, racial disparities in test scores disappear among households with incomes above 185% of the federal poverty level that also have a bank account and one or more financial assets, such as an IRA or 401k.<sup>9</sup>

In this report we amplify the voices of low-income black fathers with child support debt and their lived experience with the child support system. We also shed light on the manner and extent to which child support enforcement policies and practices can not only contribute to hardship, but also work at direct odds with the stated purpose of helping children and families. According to the men in our six-city study, child support policies and practices carried out by family court judges and state agency officials often do more harm than good. For these financially fragile families, child support can set in motion an unstoppable chain of events that leads to considerable debt low-income fathers have no hope of ever paying off. Judges, family courts and child-support bureaucracies routinely set orders that are not based on actual income, assets or ongoing contributions to child rearing, but on what they determine a parent is *capable* of earning, often far beyond low-income fathers' actual ability to pay.<sup>10</sup> For these parents, regardless of hardship, child support orders are set at unrealistically high levels. Debt builds up quickly and can balloon over time.

But other harms can also diminish wealth building opportunities. Child support enforcement policies, purported to generate critical financial resources for low-income families, often serve to limit job prospects. When a judge jails a father for nonpayment of child

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8 Shanks and Robinson, 2012

9 Insight Center for Community Economic Development, 2011.

10 Leffel, 2011.



support, it makes him less employable, lowers his future earnings, and can motivate him to work outside of the mainstream economy to survive and care for his children. Without a job, and debt still mounting, a father may be jailed again and again. Even if he can get a job, the government can garnish his wages at such a high rate he has little left to survive.

The result of charging low-income or unemployed men with sharing nonexistent resources is that they now owe a great majority of the \$115 billion national child support debt.<sup>11</sup> African-American men are disproportionately poor, jobless, subject to the criminal justice system, and may be disproportionately represented in sanctions for nonpayment of court-ordered child support. The black fathers in our study spoke to the frustration of being a man who has no money, no job, struggling to support himself and his family, and being saddled with insurmountable child support debt that may land him in jail, insuring he will never catch a financial break.

The findings of this study indicate the need for swift and decisive policy change. To act in the best interest of our nation's most vulnerable children, the child support system must be redesigned. A new approach is needed—one that is flexible and takes into account families' economic circumstances and barriers to work. Families should be treated equitably, which includes equal protection under the law, rigorous attention to due process, and access to competent legal representation.

We hope this report stimulates dialogue, that it draws attention and action to eliminate the harms that child support debt perpetuates on low-income families, and that it contributes to equitable solutions.

## Why Study Black Men And Child Support Debt?

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**I**n this report we bring attention to the voices and experiences of black fathers with child support debt to fill the void in public policy conversations that have been mostly silent about fathers' lived experience with this system. Black children are statistically more likely than children of other races or ethnicities to be born outside of marriage, and they are more likely to be poor—factors that can both trigger government intervention and oversight of child support payment. It is important that we challenge noxious and inaccurate stereotypes of African-American men. Black fathers are often viewed, without evidence, as absent from their children's and family's lives.<sup>12</sup> Dorothy Roberts, Professor of Law at the University of Pennsylvania, argues that “making black men symbols of fatherlessness... offers a convenient explanation for Black people's problems” but denies that their poverty is caused by “racism or the unequal distribution of wealth.”<sup>13</sup> The realities of black men as caring fathers deserve greater public attention. This inquiry is not to suggest that African-American fathers consider financial support for their children an undue burden, but that debt created by government-ordered payment regardless of employment, income, or assets may become a burden and a stress on the resources needed to sustain both children and parents.

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<sup>11</sup> Office of Child Support Enforcement (OCSE), 2013.

<sup>12</sup> Coles and Green, 2009.

<sup>13</sup> Roberts, 2000.

## METHODOLOGY

This study unpacks the experiences of low-income black fathers in the child support system. The Insight Center and the Center for Family Policy and Practice conducted focus groups and interviews with **35 black men** in six cities and five states over a three month period beginning in January 2013. The cities and states selected include: **Beloit, Wisconsin; Milwaukee, Wisconsin; Freeport, Illinois; Jackson, Mississippi; New Orleans, Louisiana; and, Oakland, California.** All the men are fathers who owe child support currently or in the past, and many of them also owe sizeable arrears—debt for

previously owed child support that they were unable to pay. The fathers also filled out a questionnaire that solicited demographic and financial information about themselves and their families. The men ranged in age from 19 to 55 years old. Their average income in the year before this study was \$7,900—or about 70 percent of the federal poverty level. The fear of sanctions, such as jail, makes it difficult to recruit fathers with child support debt. Hence, focus group recruitment varied by city, aided by our relationships with trusted youth, community, and father-serving organizations in each locality.

Finally, it is critical to examine child support debt in relation to other forms of debt. Child support enforcement policy creates a type of debt that is especially devastating for low-income, black fathers. Unpaid child support debt accrues interest at a rate determined by state law, up to 10 or 12 percent. Federal law prohibits courts from retroactively dismissing child support debt and it cannot be discharged in bankruptcy. Failure to pay can lead to incarceration and a felony conviction in some states.<sup>14</sup> Because it cannot be discharged in bankruptcy and will likely never be written off, child support debt can skyrocket so high that even full-time employment at minimum wage will not satisfy the debt. Recent research shows that high debt levels have long term consequences that actually dim the prospects of accumulating assets and passing on opportunity to children.<sup>15</sup> In other words, instead of helping to generate assets, for some low-income families, child support debt can exacerbate poverty for generations to come.

## Black Fathers And The Child Support Debt Anchor

Child support debt can become a *debt anchor*, cementing in place barriers to economic stability for low-income fathers and their families, confining them to a life of poverty.<sup>16</sup> Low-income, black fathers in this study expressed that the child support enforcement system is both counterproductive and counterintuitive. Participants found it difficult to reconcile the contradictory roles of the government's child support enforcement agency. On the one hand, it aggressively acts as a collection agency

<sup>14</sup> National Conference of State Legislatures (NCSL), 2013.

<sup>15</sup> Research shows that unsecured debt can dampen the chances that children, especially black and Latino children, will attend or graduate from college (Zhan and Sherraden, 2009). A more recent study that looks at the impact of college loan debt reveals that 17.5 percent of wealth over a lifetime is lost to student debt and it causes a wealth loss of four times the debt amount (DEMOS, 2013).

<sup>16</sup> A debt anchor is a metaphor used to represent the negative legal, institutional and societal mechanisms exacerbating wealth disparities. Debt anchors act as structural barriers to asset building in ways that cannot be overcome through individual behavior alone (Chang, 2012).

## Black fathers with child support debt | Demographic Profile

Represents our study of the experience of 35 black fathers with the child support enforcement system in six cities across the nation

**34**

average age of father at time of study

**2**

average number of kids with child support order

**26%**

also care for or support children other than their own

**22**

median age of father at birth of first child with child support order

**74%**

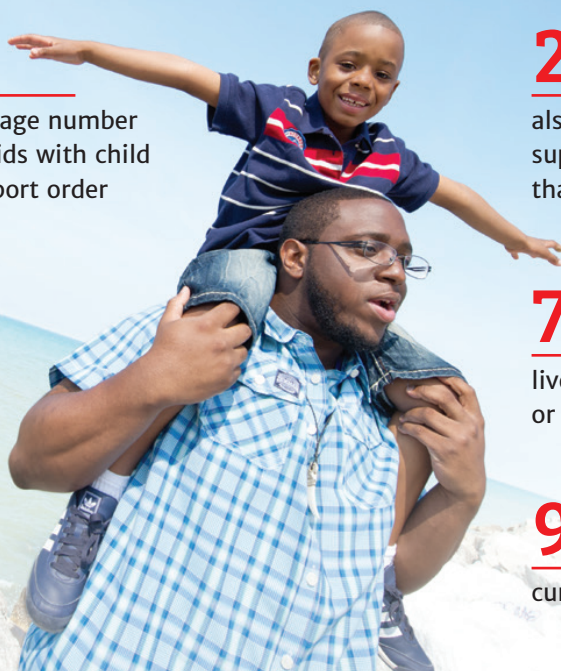
live with relatives or partner

**71%**

have a high school diploma/GED or higher

**9%**

currently married



with wide-ranging powers with serious negative consequences such as the loss of existing work, incarceration, the inability to secure future employment, and overwhelming debt. On the other hand, the child support system publicly claims to secure financial support for children and, more recently, to help parents find a job and become economically secure. However, offering vital services while simultaneously employing harsh enforcement tactics creates an atmosphere of distrust and fear that leads many fathers to call into question the sincerity of the child support agency's mission and stated goals.

Child support agency practice is based, in part, on a government incentive funding policy that contributes to the misunderstanding and confusion.<sup>17</sup> One important goal of the child support enforcement system is to extract resources from noncustodial parents, regardless of hardship, to recoup the costs of cash welfare assistance provided by the Temporary Assistance for Needy Families (TANF) program. This goal is at odds with the best interest of children because states have a fiscal interest in reducing the costs of public cash assistance by redirecting child support payments from children to the government.

Randall is the father of two children, a son and a daughter, and is in his mid-30s. Active in his community for many years, Randall established a self-help group for fathers struggling to pay child support.

*We understand that the system that we navigating, we understand that system's getting more money, more assistance if a brother is not involved. ... So it's a contradictory system... And it's pretty much geared towards us not being in the picture...*

<sup>17</sup> Solomon-Fears, 2013.



Therefore, you know, you able to put somebody on government assistance, which helps you control them in their lifestyle. And helps to control us, because if we don't pay, you know you're going to jail. ... So, I mean, this is an extremely contradictory system that's all geared to criminalize. And, this is not what childhood and family services should be about. — Randall

Peter, a father in his mid-30s, is trying to live and parent with \$23,000 in child support debt. The government will keep roughly \$8,000 of this, if he is ever able to pay it.

I think that child support, from the door, was good until the system started capitalizing. ... I mean, they made it a business instead of actually caring about people. So that's what messed it up. — Peter

One of the primary concerns of participants in our focus groups was the overwhelming confusion and complexity of the child support system. They also expressed a disquieting sense of their position as outsiders. These fathers suggested that current social policy excludes them from the American dream of financial security, independence and personal freedom. Many voiced a concern that as poor black men, they will always be made to battle punitive social institutions like the criminal justice system and the child support system.

## Five Themes Emerge From Our Study

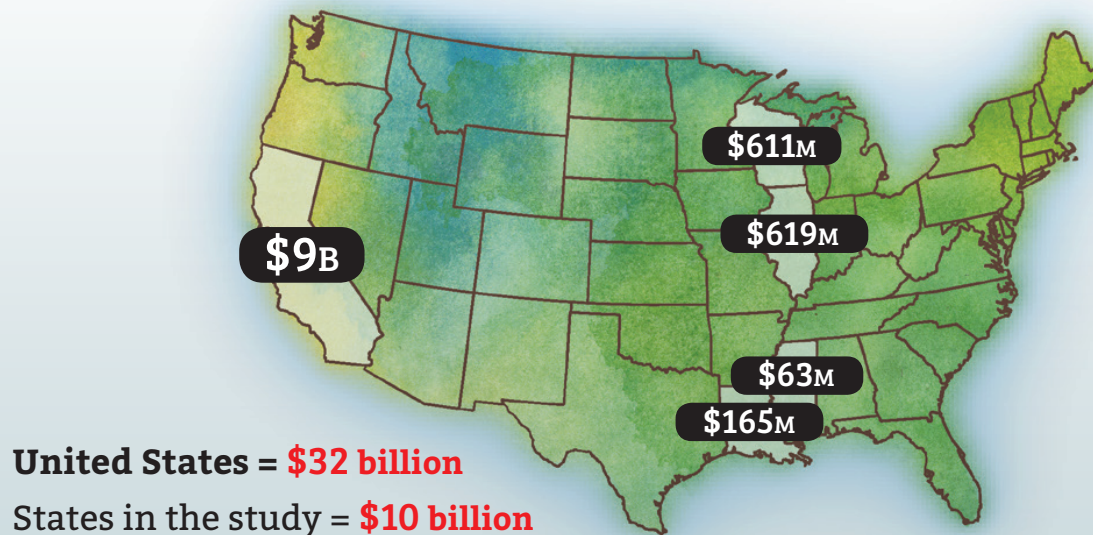
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**F**ive themes emerged from conversations with low-income, black fathers subjected to the vagaries of the child support enforcement system. First, child support enforcement policies and practices can push poor families deeper into poverty. Second, child support enforcement policies and practices can interfere with these fathers' ability to nurture, spend time with and support their daughters and sons. Third, child support policies and practices can impede long-term financial stability. Fourth, aggressive child support enforcement can diminish job prospects. Finally, government reimbursement policies and child support debt collection practices can compel a father's relatives, partners, and friends to use their own desperately needed income and assets to pay the father's debt—further impoverishing low-income families and communities.

### Child support enforcement policies and practices can push poor families deeper into poverty

Stories we heard repeated in each of the cities suggest that child support enforcement policies and practices undermine the life prospects of children with limited resources, because they often deprive low-income parents of the opportunity to ever generate sufficient income and assets for economic security. Struggling parents can fall quickly into debt for child support for many reasons. First and foremost, many fathers who are jobless receive child support orders they cannot pay because the orders are based on a presumed capacity

**Thirty percent** of the national child support debt is owed by parents to the government—not to their children



Source: Office of Child Support Enforcement, 2010

to pay (often calculated at the rate of a full-time minimum wage job) and not on their actual earnings. In addition, according to law, child support payments made on behalf of children whose custodial household received cash welfare benefits can be recouped by the government as reimbursement. As a result, thirty percent of the national unpaid child support debt is owed to state and federal governments—not to children.<sup>18</sup> Fathers in our study want to know that when they pay child support, it will go to their sons and daughters. They expressed frustration that all or part of the child support payments they make are used to reimburse the government for welfare benefits.

Zachery, a father in his early 20s with a pre-school aged son, says his child support situation is “a barrier” to his economic security. He has been living and parenting without a steady job since graduating high school, but now works part-time on a maintenance crew earning slightly more than minimum wage, yet regularly pays more than \$300 a month to child support. Zachery said he’s not sure how much his son’s mother actually receives after child support enforcement takes its share.

*Anytime you get your own spot and your own car so you can provide or whatever, that you can’t really save up for it, because every time you try to save up, they take a lump sum out. And then like... How am I supposed to save up and be able to get my own stuff? It keeps you in the situation that you can’t get out of no matter how hard you try. — Zachery*

Child support enforcement policies and practice can make saving difficult. Resources are further drained from families when child support payments are rerouted to state and federal governments instead of bringing additional resources to the children of low-income parents.

<sup>18</sup> Office of Child Support Enforcement (OCSE), 2010.

Vashon, a father in his mid-30s, is weighed down by \$24,000 in child support debt for his teenage sons. In the unlikely event he can ever pay the amount ordered, nearly \$13,000 will be kept by the government. Vashon has been unemployed for over one year.

What my concern is... is the fact that when you [the government] took this money, I entrusted you to give the maximum amount to my child. That's what I expected. That was my comfort zone. That was the comfort of me saying, hey, you know what, even though I didn't get my child . . . they just took \$300. So my child should be straight, and that's what you're thinking. ... [but] all she getting is \$25 and change. ... [but] you've done your half. You went to work, you got paid, and you paid the child support. Now on her end, she's sitting there at home waiting for the child support, probably got a bill or two that needed to be paid... Now when she got it, she was expecting more, like you were expecting more. — Vashon

Peter, introduced earlier, held a job off and on for the past few years, but he is currently jobless. Nonetheless, he is still ordered to pay \$325 per month in child support. Recalling what happened in court several years ago when he was first ordered to pay child support, Peter described how the judge and state lawyers prioritized the fiscal interest of the state instead of the financial security of his children and family:

So I walked in the courthouse, I had a shoebox, a shoebox of over \$3,000 worth of receipts. And I told the judge, "I've been taking care of my kids," and he didn't want to take that as evidence. He said, "You know what? You're being a man. That's what you're supposed to do. You're supposed to take care of kids. But on top of that, you're still going to pay child support." ... [But] I can prove I'm taking care of my kids. I don't want to pay no child support. I need to take care of my kids. But at the time, my kids' mama was living in the same household as me. And what they said, since she was getting food stamps and then the people from the state was in the courtroom, they said they want their money too. And we both got served at the same address. — Peter

Many low-income parents have sporadic and part-time employment and thus an uneven income. Creating child support orders based on presumed earning capacity rather than actual income for parents who are poor and jobless is a regular feature of child support agency practice. Child support enforcement can garnish up to 65 percent of a parent's wages, making it more difficult for low-income fathers to make ends meet.

Phil, a father in his late 20s, brings home about \$900 of his monthly income after paying child support. His monthly child support order is over \$2,000. In recent years, both work and housing have been unstable for him. Phil cannot afford an apartment big enough for his children to spend time with him.

I don't have a problem at all like providing for my kids, or taking care of my kids, but it's like, you want us to pay child support, but at the same time... we barely living. We got to figure out ways like how we going to make it to the next day or the next week...I want to have a roof over my head so my kids can come out, you know like we can have fun. But it's like, man, \$900 a month, like I can't live off of that...They don't care if the fathers have a place to live, if they have transportation and if they are eating on a daily basis. — Phil



Isaac recently started working at a part-time, minimum-wage job, after having been mostly jobless over the past few years. This father of one adult son and two adult daughters is in his early 40s and is burdened with \$80,000 in child support debt. The government will keep a large portion of this amount, if he is ever able to pay it. Having raised three kids, Isaac is now a father figure and source of support for his girlfriend's two teenagers.

I was on top of it in the beginning, I thought I was on top of it, if I gave her money... for the things she needed or wanted for the children, but come to find out that I'm just giving gifts, it doesn't apply! And over time it got to the point that I'm homeless. I don't have anything for myself... and here I am getting bills for \$30,000, \$40,000. Did I win the lottery somewhere? I was doing everything I was supposed to do and not getting any credit for it. — Isaac

Xavier, a father in his early 30s, expressed a similar sentiment. He struggles to take care of both his children and himself, while having \$25,000 in child support debt for his school-aged daughter and son.

They don't have no consideration for the well-being of the man. We are third class citizens. You got the kids, the women and then us. ... They don't care if we're starved to eat, if we eat ramen noodles, if I have shoes falling apart. We go slaving, we come home, we ain't got a house to go to because... when they take that money you can't even pay rent. But they don't take stuff like this into consideration. — Xavier

Child support policies and practice can create insurmountable debt with far-reaching implications for fathers, their daughters and sons, and their families.

## **Child support enforcement policies and practices can interfere with fathers' consistent engagement with their sons and daughters**

Lacking the resources to comply with a child support order does not signify a lack of emotional attachment between fathers and their children. In fact, many fathers in this study place a high value on building strong relationships with their sons and daughters over solely providing financial support. For some low-income fathers, the desire to play a meaningful part in the lives of their children is an uphill battle because they barely have enough money to get by.

Nate, a 20-year-old father, struggles to see his two children on a consistent basis because he cannot afford a ticket for the three-hour round-trip bus ride.

So the connection, it's there, but it's being torn apart at the same time, you know... I got attached to my daughter instantly. So ever since then, I have been, just always wanting to be around my child, just always wanted her with me and she was the same way with me. ... She wrapped her arms around me and grabbed me and said, "I miss you." And I didn't know my baby could talk that way, but she said, "I miss you. I love you. Don't go. Daddy, don't go." And like I had to turn around from the family and let just one tear come out, so I could let at least something out. — Nate

**Child support debt** compounds the struggle to secure a sustainable livelihood

**\$7,900**

Average income in the last year

**\$22,548**

Average child support debt

**55%**

of fathers were jobless at the time of study



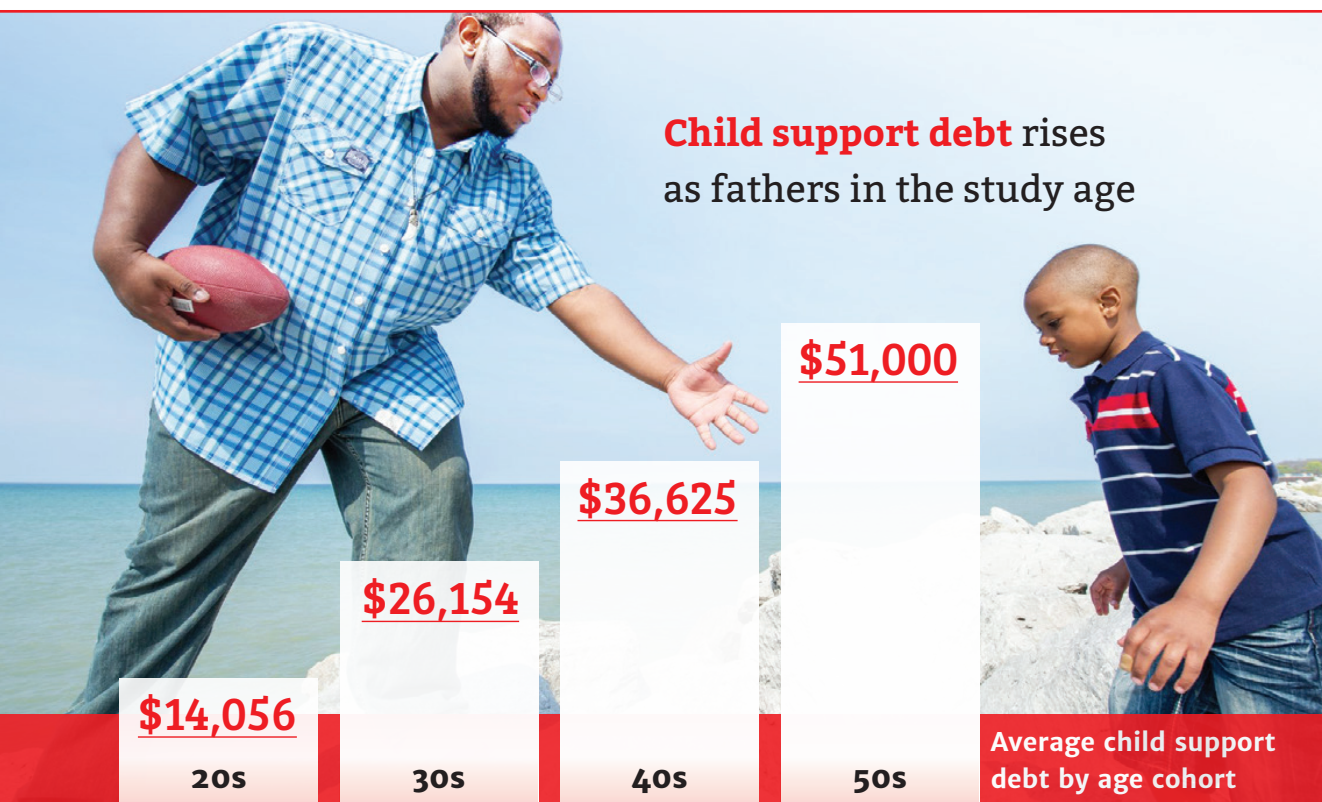
Xavier, introduced earlier, finds that buying his children basic necessities and treating them to a meal out is a challenge.

And how do you tell your children, “Hey, I’m sorry, I can’t get you shoes baby because of child support.” “How are you supporting me then, dad?” I’m giving [the child support agency] this money... and when I go get her or go get him, I say, “Hey man, what you want to do?” “Dad, I want McDonald’s.” I can’t even go get them McDonald’s... cause, man, your money funny, man. And it ain’t a joke. It’s funny, but it’s one of them jokes that really ain’t funny. — Xavier

Isaiah, a father in his 50s, has been held in contempt of court many times during the years he has been subject to a child support order. He is encumbered by about \$11,000 in child support debt payable as reimbursement to the government, even though his son and daughter are now in their early 30s.

How can you send a person to jail and just let them sit there for six months? That’s a waste of time. That should be eliminated from the books. You know what I’m saying? I mean, because... How are you going to take care of your child if you’re locked up? You can’t much give then. It ain’t all about money. It’s about quality time. Now you done took quality time from me and my child. — Isaiah

Child support policies and practice strain relationships between fathers and their sons and daughters by incarcerating low-income fathers who cannot pay their child support debt. These relationships can also be damaged by the strain caused when scarce resources are further drained from families.



## Child support policies and practices can impede long-term financial stability

Our study found that fathers' child support debt got larger by about \$12,000, on average, for each decade that they were older, peaking at an average of \$51,000 for fathers in their fifties. This suggests that child support debt can impede low-income fathers' long-term financial stability in two significant ways. First, there is evidence that as child support debt increases it results in declines in the average number of weeks low-income fathers work.<sup>19</sup> When men work less over time because of high levels of child support debt, they not only make less money to support their children—as well as live off of—but they also pay less into their own Social Security. Over the long term, fathers will have less Social Security to draw from once they reach the age of 65. Second, the government can garnish up to 65 percent of fathers' Social Security benefits once they reach the age of 65, further impacting their ability to gain economic stability later in life or pass on financial security to their sons and daughters.

## Aggressive child support enforcement can diminish job prospects

Child support policies are a root cause of poor labor market outcomes among black fathers with considerable child support debt. Child support enforcement has numerous policies to address debt, however, when low-income fathers are subjected to some of these policies and practices it creates roadblocks to finding and keeping a job, and makes

<sup>19</sup> Miller and Mincy, 2012.



it more difficult for them to pay their child support. Child support policies and practices such as reporting unpaid debt to credit bureaus can damage fathers' credit decreasing job prospects as credit scores are increasingly used by employers in hiring decisions. Child support enforcement can revoke drivers' licenses making it difficult to maintain or obtain employment. Child support can also revoke passports and professional licenses further exacerbating fathers' inability to find or keep employment.

Incarceration is the harshest enforcement tactic used by child support agencies and courts to sanction parents who do not—or, oftentimes, cannot—pay child support. Some fathers are convicted by courts of the crime of nonsupport, and these fathers can serve time in jail or prison as punishment. However, the overwhelming majority of men who are incarcerated for nonpayment of child support are held in contempt of court for their “unwillingness” to pay, and they gain their freedom by paying some or all of the outstanding debt. Those parents who are poor and jobless and cannot pay (and do not have relatives or friends who can help them) stay in jail for a period of time determined by local or state policy and practice. Many parents who may eventually be released after days or months without payment are at great risk of being re-incarcerated in the future for the same debt. Fathers are unable to work while incarcerated. When they get released they often find their debt has increased. Their prospects for employment are further reduced because they now have an arrest and incarceration record. This practice diminishes the chances that fathers will find employment and earn enough income to make consistent—or any—child support payments.

Omar, a father in his mid-30s, is weighed down by \$30,000 in child support debt—all of it will be kept by the government—for two teenage sons. He also supports his girlfriend's two young daughters. Omar says he typically tries to pay \$80 in child support every month, and the government keeps about \$55 of it.

**How you going to lock somebody up for something they don't got? How you going to make me pay something I don't have? — Omar**

Phil, quoted earlier about his struggle to survive, also spoke about the fact that he has an arrest and incarceration record based on child support debt that has prevented him from finding work.

**It really affected me and just put a stain on me when I went to jail. I wanted to look for a job, you know, and like that's something that I can't get off my record. I spent 28 years, like I've never been arrested. I never got in trouble. So now there's this one instance with child support and I go to jail. ... And the judge... she was about to lock me up for 90 days! — Phil**

Peter, introduced earlier, is vulnerable to criminal charges on multiple felony counts because of a large child support debt. The child support agency in his home state, Wisconsin, can add a new felony charge for every 120 days that a parent is behind on their child support. Given that the debt is about \$23,000 or the equivalent of 66 months of child support payments, Peter lives and parents in fear of being convicted a felon for not having enough money to pay it.

**I mean, you want me to pay child support. You want me to get ahead. Why would you make me a felon? That's like giving me a shovel, you know, that's like digging a hole**

for me. So now I'm a felon, so now it's harder for me to get a job. And now a lot of rights that I need to be a man, to be a father are taken from me. You want me to get a job and pay child support but you're going to take my driver's license so now how can I go to work? I mean, that's just crazy. You want me to pay child support, but me, being a business owner, now I can't get my license to work. So that's giving me a shovel. I think when we pay child support you should build a system that should help. — Peter

Franklin, a father in his late 20s, has been held in contempt and jailed for nonpayment of child support. He has not worked in over a year and the court ordered him to conduct at least five work searches per week or be held in contempt again.

I'm trying to take care of my family to the best of my ability, and I'm also trying to get an education. Well, I can't get a job and do this, but they stressing me about child support that I can't pay and they put a contempt order on me and locked me up. So now not only can't I try to find a job that I was looking for, I can't support my family. I'm also going to get kicked out of school because I missed so many days. So now I can't further my educational attainment, training, whatever I need to get a job, and now I got more debt. — Franklin

Employment is a primary mechanism necessary for paying debt. Child support enforcement strategies that erode the job prospects of struggling fathers perpetuate the contradictory role of child support.

## **Child support debt can compel a father's relatives, partners, and friends to jeopardize their own economic security**

Family members, partners, and friends—through their willingness to provide housing, food, or payment of the child support debt—compromise their own financial security to assist men threatened with jail because of the massive debt created by child support policies and practice. Fathers in this study reported they rely on family and friends to both survive and when confronted with the threat of jail for nonpayment of child support.

Tony, a father in his late 40s, typically works part time and earns close to \$12,000 a year. He was ordered to pay \$350 in child support each month, causing a debt of \$7,000. Tony has a teenage son who lives in another city about 90 miles away.

I went to jail... Because of child support... And when I did go to jail, I had to, it was mandatory that I come up with \$1,300 or stay in jail 30 days. ... My family gathered and scraped up \$1,300 and got me out. ... The whole family... From my sisters, my brother, and my cousin, my nieces, my friends, sacrificing probably their bills to get me out. — Tony

Henry, in his early 30s, lived with his parents for several years in order to stay on top of his child support payments. He says that when he is able to make a child support payment the government usually keeps half of the money. Henry lives and parents with \$40,000 in child support debt, most of which—if he is ever able to pay it—will be kept by the government.

So when that situation hit me, my mama, she came through like tooth and nail. ... She knows how the system is because she's been working for the county for so many years. ... And, they say you owe \$800 total. So she's like, "We ain't going to play with them people. I'll write you a check out for \$800 and get them people up out your hair." You know what I'm saying? Because she knows... the child support system is so frivolous, it's like you locking up people who trying. — Henry

Quentin, a father in his mid-20s, said that what comes to mind when he thinks of his child support situation is that it's "unfair" and hurtful to fathers. "We be out here hurting mad." When his own family was unable to provide financial support, he reluctantly turned to his girlfriend's family.

I had to ask my girlfriend's grandma. She helped me out a lot with my son when he was first born, going through that court stuff, because my first court, it was \$700 for me to even go to court. I tried to do that waive paper thing. They wouldn't let me do it. So my girl, at the time, her grandma gave me \$700 to go to court. She gave it to me. She went into her savings and pulled \$700 out and gave it to me. — Quentin

Low-income fathers who are court-ordered to pay child support must often rely on financial and in-kind help from family members and friends when child support enforcement makes even modest subsistence difficult, and when these fathers are faced with incarceration for child support debt. This debt compels families and friends to use their own limited resources, further diminishing economic security in low-income communities.





# Strategies to Make Change

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**O**ur findings reveal that for our nation's poorest fathers and their children, the benefits from the child support system are severely limited. Child support policies and practice are actually doing considerable harm to many struggling fathers and their families. If we seriously intend to go beyond safety net and income support services for children, then their parents must be able to increase both income and assets while also avoiding harmful debt. Policymakers must consider an alternative approach that acknowledges the current harms and recognizes individual circumstances.

## What Funders Can Do

**Fund research exploring the multi-generational impact of child support debt on the economic security of struggling families.** Government researchers and their affiliates have a wealth of research on how and whether and under what circumstances men pay court-ordered child support.<sup>20</sup> There is also ample evidence that low-income households benefit greatly from child support income. What is missing from the research, however, are data to determine the impact of debt, incarceration, and fear of incarceration on the sons and daughters of low-income men. Too little is known about how fathers with considerable child support debt manage their expenses. And even less is understood of how family, partners, friends and whole communities are pulled into this web of debt. The federal Office of Child Support Enforcement does not release sufficient demographic data to enable a deep understanding of how parents of different races/ethnicities and income levels are impacted by child support policies and practices, let alone any negative (or inequitable) consequences enforcement has on parents and families. Given the current emphasis on evidence-based policy-making in social policy and practice, it is difficult to understand why information has not been made available, and little research conducted, to help policymakers respond to these questions of equity and child well-being. Without research and analysis to provide this information, recent history suggests that low-income fathers will continue to be unjustifiably blamed and stigmatized for their children's poverty and instability.

## What State And Federal Policymakers Can Do

Aggressive child support enforcement tactics can cut the lines of the most traditional routes to economic stability for families struggling to get by. This is particularly significant because asset accumulation beyond debt is the best indicator of financial stability. This study points to two bold structural solutions that would be effective for increasing the economic security of low-income fathers who are court-ordered to pay child support debt: removing low-income, noncustodial parents from the child support enforcement system, and providing a job guarantee for all low-income parents.

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<sup>20</sup> Mincy and Nepomnyaschy, 2005.

- **Remove low-income noncustodial parents from the child support enforcement system during any times that they have no current ability to both sustain themselves and to pay child support.** Such parents should be placed in income support, employment support, asset development, and social welfare programs until such time as they can financially support both their children and themselves.
- **Provide guaranteed jobs for all low-income parents—both mothers and fathers, regardless of legal custody status—with the government acting as an employer of last resort.** A job is essential to self-worth and critical for entry into mainstream America. A Guaranteed Jobs Program coupled with educational and other social supports would help low-income families to become financially stable.

Until such time as these two comprehensive policy solutions can be enacted, there are other more remedial steps that can also result in dramatic improvements in the lives of fathers and their children and families. The following strategies can and should be considered:

- 1 **Base child support orders on reasonable evidence of a parent's current income and assets.** Some child support orders are based on the presumed earning capacity of parents who are poor and jobless, rather than their actual income and assets. These orders do not reflect low-income parents' circumstances or ability to pay and only serve to increase debt and further threaten economic security. Child support orders must be based on a father's actual income and assets.
- 2 **Revoke the legal requirement that parents reimburse the state or federal government for welfare assistance provided to their children.** Current federal and state law mandates that custodial parents who apply for cash assistance assign their right to child support payments over to the state. Some of the poorest families do not benefit directly from child support payments because they may not receive the full amount. States should pass through all child support payments to families. Additionally, state agencies should forgive existing child support debt that is owed to the state—rather than to father's children.
- 3 **Stop the practice of incarcerating poor and unemployed men who are unable to pay their child support debt.** Low-income black men have historically faced limited employment prospects and high levels of joblessness. But when a low-income father is incarcerated for nonpayment of child support, it leads to a sequence of events that exacerbate the downward pressure on wages, provides incentives for some fathers to work outside of the mainstream economy to survive, and ultimately limits future employment opportunities.
- 4 **Change the current child support agency funding structure which incentivizes agencies to pursue and sanction poor men regardless of their ability to pay, and regardless of the impact of the order on their own and their children's financial security.** Child support enforcement should benefit children and protect their interests. However, welfare cost recovery is at odds with the best interest of children because states have a fiscal interest in reducing the costs of public assistance by redirecting payments from children to the government.

# Conclusion

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**C**hild support debt makes it virtually impossible for the poorest noncustodial parents—who are disproportionately struggling black fathers—to become financially stable and accumulate assets needed to provide opportunity for their sons and daughters. Thus, child support debt can contribute to widening racial wealth disparities and perpetuate inequalities across generations. We know that putting every child on the path to fulfill his or her full potential increasingly depends on whether or not parents amass even the most modest assets, like a savings account or college and retirement savings. Generating debts for and imprisoning fathers hurts their sons and daughters and can further impoverish families struggling to get by. Our nation's future is dependent on the leadership steps taken today to enact long-term policies that radically bolster the wealth of children in financially fragile families and create sustained wealth over their life course.





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## About the Center for Family Policy and Practice (CFFPP):

**CFFPP** is a progressive think tank with expertise in child support and social welfare policies. We advocate for policies, programs, and services that respond to the needs of low-income individuals, families, and communities. CFFPP's mission is to strengthen society through the expansion of opportunities for low-income parents—mothers and fathers—to protect and support their children. For more information, visit [www.cffpp.org](http://www.cffpp.org).



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**The Insight Center for Community Economic Development** is a national research, consulting, and legal organization dedicated to building economic health and opportunity in vulnerable communities. The **Closing the Racial Wealth Gap Initiative** is a national effort to build awareness and support for efforts to address racial and ethnic wealth inequities based on structural factors. For more information, visit [www.racialwealthgap.org](http://www.racialwealthgap.org).





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