



## Striking the Right Balance for Child Support

Child support enforcement (CSE) is a unique government function with unique bipartisan appeal, as well as a unique ability to help increase economic mobility. Over the years, it has shown that it can make significant contributions to reducing child poverty, increasing fathers' involvement in their children's lives, and ensuring that a parent's obligation to provide financial support is fulfilled.

But meeting those three objectives involves a balancing act. Child support professionals have learned that being too aggressive in enforcing child support orders with monthly obligations that are too high can lead to no collections at all, no child poverty reduction, and no parental responsibility. In learning that lesson, state child support programs across the country have reduced order amounts and arrearage balances, given up on securing orders, and weakened enforcement activities. Some have even offered non-custodial parents (NCPs) parenting education, employment help, and wage subsidies to help them better fulfill their role.

Much of this effort to make child support "kinder and gentler" to NCPs has been positive, but the balancing act is a delicate one. I have personally been on the "kinder and gentler" side, supporting NCP work programs and arrearage forgiveness efforts, and going as far as instituting an earned income tax credit for NCPs in New York to help those paying child support earn more and do more to support their children and former partners.

But it now seems as though there is an imbalance that leaves child support recipients—often poor single mothers and their children—without the support they need. A few recent statistics indicate that the balance may need to be tilted back toward increasing both participation and average child support order amounts, for the good of the recipients and for the NCPs themselves.

First, U.S. Census data show that child support agreements have waned over the past decade, leaving fewer custodial parents and their children with child support money, and leaving those who do receive payments with less. Less than half of poor custodial parents had an agreement for payment of child support in 2015,<sup>1</sup>

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<sup>1</sup> U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2015*, January 2018, <https://www.census.gov/content/dam/Census/library/publications/2018/demo/P60-262.pdf>.

down from nearly 59 percent in 2003, reflecting the declining reach of the CSE system.<sup>2</sup>

Increasing the number of child support orders issued and the average order amount would reflect a proper focus on helping single parents (mostly mothers) and their children. After all, if the share of poor custodial parents with child support agreements had only held steady at 58.7 percent (the share in 2003) instead of declining steadily, an additional 500,000 poor custodial parents would have had orders to receive support ten years later.<sup>3</sup>

What's more, in 2015, the Census reported a deficit of \$13.5 billion between the amount owed to custodial parents and the amount actually paid.<sup>4</sup> This gap leaves poor custodial parents and their kids suffering the most. In 2003, on average, poor families received 60 percent of the child support money they were due.<sup>5</sup> By 2015, that number declined to 54.8 percent.<sup>6</sup> Single parents are not receiving what they are due—and that keeps more families with children in poverty.

Another sign of imbalance is the proliferation of zero-dollar orders, in which CSE determines that NCPs need not pay anything in child support at all. An analysis of zero-dollar orders for recipients also receiving cash welfare (TANF) shows that zero-dollar orders have increased significantly. Between 2001 and 2016, the percentage of zero-dollar orders for these “current assistance” cases quadrupled, from just over one percent of all orders to nearly five percent. In 2001, 34 states kept zero-dollar orders for TANF recipients to under five percent of all orders; in 2016, only 24 states did so.<sup>7</sup> A four-percentage-point increase in zero-dollar orders may seem trivial, but it means that thousands more low-income families do not get any support whatsoever from their NCP, leaving them relying only on their own efforts, support from TANF, and a variety of other public assistance programs.

The federal Office of Child Support Enforcement's 2016 report also reveals some interesting patterns, specifically regarding the number of children served by the CSE system. Between 2012 and 2016, the total number of children served by child support declined by more than 8 percent, with some states, such as Connecticut and Vermont, seeing decreases of more than 20 percent in the

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<sup>2</sup> Robert Doar, “Empowering Child Support Enforcement to Reduce Poverty,” *A Safety Net That Works*, February 8, 2017, <https://www.aei.org/wp-content/uploads/2017/02/A-Safety-Net-That-Works.pdf>.

<sup>3</sup> Robert Doar, “Empowering Child Support Enforcement to Reduce Poverty.”

<sup>4</sup> U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2015*.

<sup>5</sup> U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2003*, July 2006, author's calculation based on table 2, <https://www.census.gov/prod/2006pubs/p60-230.pdf>.

<sup>6</sup> U.S. Census Bureau, *Custodial Mothers and Fathers and Their Child Support: 2015*, January 2018, table 3.

<sup>7</sup> Author's calculations derived from data provided to the author by the Office of Child Support Enforcement.

number of children served.<sup>8</sup> A comparison of the number of children served by CSE in 2000 and the number served in 2016 reveals an even greater decline: nationwide, more than 10 percent fewer children are served by child support. The greatest decreases have occurred in Illinois (a 57.5 percent decrease) and California (a 47.03 percent decrease).<sup>9</sup> While some of this may be attributed to slightly declining rates of divorce, the dramatic variation between states indicates that enforcement of child support payments is slipping in some parts of the country.

Most states have increased their ratio of CSE dollars distributed per child served. Nationwide, the ratio increased by 8.6 percent (inflation adjusted) between 2012 and 2016. However, some states, such as Wyoming and New Hampshire, distributed less per child in 2016.<sup>10</sup>

Between increases in zero-dollar orders and the sobering decline in the numbers of children receiving assistance through child support, it is clear that CSE's efficacy in supporting the single parents and children who need it most is decreasing. How can we restore the proper balance between supporting poor custodial parents and their children while remaining sensitive to the needs of NCPs? One place to start is attaching the child support cooperation requirement currently accompanying TANF to other public benefit programs as well. First up is the Supplemental Nutrition Assistance Program (SNAP), which reaches many more families than TANF and has a regular application and recertification process during which mothers could at least be encouraged to seek assistance from the child support program. SNAP recipients are very frequently poor custodial parents who need public assistance to fill the income gap caused in part by a non-contributing parent. For these families, child support payments would be hugely helpful. Ensuring that these parents are enrolled in the CSE system would help remedy the problems of too few child support orders being established and too few children being served.

To make sure that NCPs are earning enough to support themselves and their children and former partners, states should embrace the model of the NCP Choices program operated by the Texas Workforce Commission. NCP Choices serves unemployed and otherwise low-income Texan NCPs who are behind on child support payments or struggle to make payments, by engaging NCPs in a managed program of job referrals, job search assistance, training, and subsidized employment. Programs like NCP Choices mark the importance of helping both NCPs and those who depend on them. When an NCP is earning

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<sup>8</sup> Office of Child Support Enforcement, *The Annual Report to Congress FY 2016*, pages 22–75, [https://www.acf.hhs.gov/sites/default/files/programs/css/fy\\_2016\\_annual\\_report.pdf](https://www.acf.hhs.gov/sites/default/files/programs/css/fy_2016_annual_report.pdf).

<sup>9</sup> Office of Child Support Enforcement, *The Annual Report to Congress FY 1999 and FY 2000*, table 69, <https://www.acf.hhs.gov/css/resource/fy19992000-annual-report-table-69>.

<sup>10</sup> Office of Child Support Enforcement, *The Annual Report to Congress FY 1999 and FY 2000*, table 26, <https://www.acf.hhs.gov/css/resource/fy19992000-annual-report-table-26>.

income, he or she is not the only one who benefits—the children and the custodial parent benefit as well.

CSE's fight against poverty is not just about providing material support for children—the program is uniquely positioned to address larger social issues that contribute to poverty. Making appropriate demands of NCPs has the potential to strengthen families and reconnect NCPs to the workforce. This can begin with addressing the fact that more than 40 percent of children are born to unmarried mothers. Enforcing the basic standards of CSE sends this message to potential parents: You are responsible to support any children you bring into the world.

Involving fathers in their children's lives and reducing single parenthood are critical strategies for breaking the cycle of intergenerational poverty and allowing children to be mobile. Recent research suggests that the mere presence of fathers in the neighborhood has positive effects on minority boys, and that high marriage rates in a community are among the strongest predictors of good economic mobility among the minority children growing up there. A wide body of research also suggests that child support payments from NCPs are associated with children's increased time spent with the NCP, fewer behavioral problems, and better academic performance.

Administered correctly, the CSE program can be a positive influence in the lives of low-income families struggling to escape poverty. For that to happen, CSE needs to strike the right balance between ensuring that financial support from non-resident parents is sought and paid and helping to ensure that non-resident parents have the work opportunities and the income needed to provide support commensurate with what they can afford.

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