

Policies and Programs Affecting Fathers

A State-by-State Report

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Chapter 2: Child Support

The Child Support Enforcement Program was enacted in 1975 as a federal–state program to obtain ongoing support from noncustodial parents in order to reimburse federal and state governments for public expenditures for recipients of cash assistance. The program also seeks to secure financial support for children and promote family self-sufficiency, child well-being, and parental responsibility.¹ Its key tasks include locating parents, establishing paternity, establishing and modifying support obligations, and monitoring and enforcing those obligations.

Since its establishment in 1975, the program has achieved tremendous scale and accomplishment. In FY 2020, it served 13.8 million children and collected \$34.9 billion.² Child support payments are credited with raising 790,000 children and 593,000 adults out of poverty. Among poor custodial families who receive child support, it comprises 41% of income, and among deeply poor families, child support comprises 65% of family income.³

The importance of the child support program and its benefits belie its many serious problems, especially for low-income fathers and their families. In 2017, over half of custodial parents with child support orders did not receive the amount due to them and 30% did not receive any support at all.⁴ Since the program's inception, child support debt has grown to \$115 billion,⁵ of which 70% is owed by noncustodial fathers with annual

1 Tollestrup, J. (2021). *Child support enforcement: Program basics* (RS22380). Congressional Research Service. Retrieved from <https://sgp.fas.org/crs/misc/RS22380.pdf>.

2 Office of Child Support Enforcement. (2021). *Preliminary report FY 2020*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2020_preliminary_data_report.pdf.

3 Sorensen, E. (2016). *The child support program is a good investment*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. Retrieved from <https://www.acf.hhs.gov/css/report/child-support-program-good-investment>.

4 Grall, T. (2020). *Custodial mothers and fathers and their child support: 2017* (Report number P60-269). U.S. Census Bureau. Retrieved from <https://www.census.gov/library/publications/2020/demo/p60-269.html>.

5 Office of Child Support Enforcement. (2021). *Preliminary report FY 2020*. Table P-85. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2020_preliminary_data_report.pdf.

incomes under \$10,000.⁶ The reduction in poverty for the one million recipients of child support has been coupled with the impoverishment of 200,000 low-income fathers and their new families due to the burden of paying child support to their prior families.⁷ One-fourth of noncustodial fathers are estimated to live in poverty, with an income of less than \$12,760 for noncustodial fathers living alone.⁸

Utilizing policies geared toward establishing orders and collecting payments from nonresident fathers with stable employment and income, child support programs struggle to adapt to the unmarried, unemployed, and underemployed composition of their caseload. Thus, they establish orders that are too high,⁹ use harsh, expensive enforcement techniques that are often ineffective,¹⁰ and generate debt that is uncollectible.¹¹ These practices are counterproductive and there is a growing literature showing that they are associated with reduced labor force participation, lower levels of child support payment, reduced paternal engagement, and higher rates of interparental conflict.^{12, 13, 14, 15} More to the point, a recent study of parental debt and child well-being found that fathers' child support arrears, but not other types of parental household debt, are associated with worse socio-emotional outcomes among nine- and fifteen-year-old children who have a nonresident father and that these associations become stronger as children age.¹⁶

This chapter examines how states and the District of Columbia handle six child support issues that affect low-income fathers. Some policies within each of these areas have the potential to make fathers more or less involved with their children by affecting their ability to be economic providers. Thus, we present information on whether and how states and the District of Columbia establish child support orders that take into account the circumstances of low-income fathers and their ability to support themselves and also pay support; control the growth of arrears by charging interest on past due child support; permit the modification of child support orders through criteria on the minimum changes needed to qualify for an order adjustment; help unemployed and underemployed fathers in the child support program find jobs through dedicated programs; distribute collected child support to families receiving cash benefits rather than sending it to the state for welfare cost recovery; and reduce unpayable child support debt through policies and programs to discharge or compromise state-owed arrears. Whether and how states adjust their child support guidelines to take into account parenting time, and the services that states provide with their annual State Access and Visitation (AV) grant awards are addressed in a forthcoming chapter of this report on Family Law.

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- 6 Sorensen, E., Sousa, L., & Schaner, S. (2007). *Assessing child support arrears in nine large states and the nation*. Urban Institute. Retrieved from <https://www.urban.org/sites/default/files/publication/29736/1001242-Assessing-Child-Support-Arrears-in-Nine-Large-States-and-the-Nation.PDF>.
- 7 Fox, L. (2018). *Supplemental poverty measure: 2017* (Report number P60-265). U.S. Census Bureau. Retrieved from <https://www.census.gov/library/publications/2018/demo/p60-265.html>.
- 8 Sorensen, E. (2016). *The child support program is a good investment*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. Retrieved from <https://www.acf.hhs.gov/css/report/child-support-program-good-investment>.
- 9 Meyer, D. R., Ha, Y., & Hu, M. C. (2008). Do high child support orders discourage child support payments? *Social Service Review*, 84(3), 341–380.
- 10 Meyer, D. R., Cancian, M., & Waring, M. (2019). *Use of child support enforcement actions and their relationship to payments*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2021/10/CS-2016-2018-T4b.pdf>.
- 11 Sorensen, E., Sousa, L., & Schaner, S. (2007). *Assessing child support arrears in nine large states and the nation*. Urban Institute. Retrieved from <https://www.urban.org/sites/default/files/publication/29736/1001242-Assessing-Child-Support-Arrears-in-Nine-Large-States-and-the-Nation.PDF>.
- 12 Waller, M. R. & Plotnick, R. (2001). Effective child support policy for low-income families: Evidence from street level research. *Journal of Policy Analysis and Management*, 20(1), 89–110.
- 13 Cancian, M., Heinrich, C. J., & Chung, Y. (2013). Discouraging disadvantaged fathers' employment: An unintended consequence of policies designed to support families. *Journal of Policy Analysis and Management*, 32(4), 758–784.
- 14 Cancian, M., Meyer, D., & Wood, R. (2019). *Final impact findings from the Child Support Noncustodial Parent Employment Demonstration (CSPED)*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2019/07/CSPED-Final-Impact-Report-2019-Compliant.pdf>.
- 15 Turner, K., & Waller, M. (2017). Indebted relationships: Child support arrears and nonresident fathers' involvement with children. *Journal of Marriage and Family*, 79(1), 24–43.
- 16 Nepomnyaschy, L., Dwyer, A. E., Eickmeyer, K. J., Waller, M. R., & Miller, D. P. (2021). Parental debt and child well-being: What type of debt matters for child outcomes? *The Russell Sage Foundation Journal of the Social Sciences*, 7(3), 122–151.



Establishing Child Support Orders Using a Self-Support Reserve or Income Threshold for Low-Income Adjustment

Federal regulations require each state to use presumptive guidelines (formulas) for determining the amount of child support that a nonresident parent must pay, and to review them at least once every four years. Child guidelines consider parental income and the costs of raising children in determining order levels. A major national issue is the treatment of nonresidential fathers who are very poor and have limited means to pay their child support.¹⁷ The use of guidelines, including state income imputation policies, has often resulted in low-income fathers winding up with child support orders that are higher than the percentages of income required of moderate and high-income fathers.^{18, 19} For example, participants in the eight-state Child Support Noncustodial Parent Employment Demonstration (CSPED) project, which enrolled over 10,000 unemployed and underemployed noncustodial parents who were randomly assigned to participate in programs to obtain jobs, had an average monthly child support order at enrollment of \$401 per month, with 58% of those with earnings owing at least half of their earnings in child support.²⁰ On average, noncustodial parents in most states with monthly gross incomes of \$2,097 had child support orders that comprised 18% of their earnings, while higher earning parents with gross monthly incomes of \$7,100 had average child support orders that comprised only 11% of their earnings.²¹ Research finds that "high orders do not translate to higher payments when the noncustodial parent has limited income."²²

17 Venohr, J. C. (2013). Child support guidelines and guidelines reviews: State differences and common issues. *Family Law Quarterly*, 47(3), 327–352.

18 Stirling, K., & Aldrich, T. (2008). Child support: Who bears the burden? *Family Relations*, 57(3), 376–89.

19 Meyer, D. R., Ha, Y., & Hu, M. C. (2008). Do high child support orders discourage child support payments? *Social Service Review*, 84(3), 341–380.

20 Cancian, M., Meyer, D., & Wood, R. (2019). *Final impact findings from the Child Support Noncustodial Parent Employment Demonstration (CSPED)*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2019/07/CSPED-Final-Impact-Report-2019-Compliant.pdf>.

21 Venohr, J. C. (2017). Differences in state child support guidelines amounts: Guidelines models, economic basis, and other issues. *Journal of the American Academy of Matrimonial Lawyers*, 29(2), 501–531.

22 U.S. Department of Health and Human Services. (2016). Flexibility, efficiency, and modernization in child support enforcement programs. *Federal Register*, 81(244), 93492–93569. Retrieved from <https://www.govinfo.gov/content/pkg/FR-2016-12-20/pdf/2016-29598.pdf>.

In December 2016, the federal government attempted to address this issue by providing states with direction on how to set orders for low-income, noncustodial parents. The Flexibility, Efficiency, and Modernization in Child Support Programs Final Rule contains new requirements for state guidelines, such as requiring the consideration of the basic subsistence needs of a noncustodial parent with limited ability to pay.²³

States provide low-income adjustments a variety of ways. A few states provide that below a certain income threshold, the order should be set at zero or another amount below child-rearing costs. This is sometimes done through a separate table (e.g., Nevada and Utah). The more common way is to provide a self-support reserve (SSR). A SSR also reduces the child support order amount below child-rearing costs. Typically, an SSR-adjusted order amount that a low-income parent will be required to pay is based on the difference between the parent's income and the SSR. States have latitude in setting their low-income threshold or SSR. Many states relate their low-income threshold and SSRs to the federal poverty guidelines (FPG) for one person, which was \$1,073 per month in 2021. Some states haven't updated their SSR in years and/or use the FPG for 2020 or an older year. Still other states set the SSR below the FPG because the state is low income. Many states are changing and improving their low-income adjustment as part of their quadrennial guidelines review. State SSRs range from about \$500 per month to about 150% of the FPG. Usually, the SSR is provided in the worksheet or schedule used to calculate the order. Some states also provide a rebuttable minimum support amount (e.g., \$50 per month) that the noncustodial parent must pay no matter how low his income is.²⁴ Most states provide that the low-income adjustment applies presumptively, but a few states provide that its application is at the discretion of the judge or judicial/administrative officer. Since SSR amounts differ so much by state, there is large variation from state-to-state in monthly orders for low-income parents.²⁵

Table 1 presents a simplified review of low-income adjustments across the 50 states and the District of Columbia prepared for Tennessee's child support guidelines review in 2018 and partially updated in 2021. It compares a state's low-income threshold or SSR to the 2021 federal poverty guidelines (FPG) for one person (\$1,073 per month) and simply notes whether the threshold or SSR is above or below the 2021 FPG. It reveals the following:

- Two states (i.e., Indiana and Texas) do not specify their income threshold or SSR as a dollar amount or a percentage of the FPG. Instead, they reference subsistence or ability to pay but do not quantify it.
- Twenty-six states and the District of Columbia provide an income threshold or SSR that is equivalent to the 2021 FPG for one person or more.
- Twenty-two states provide an income threshold or SSR that is less than the 2021 FPG for one person. Some of the states that use an older FPGs are currently reviewing their guidelines or have already made changes that will become effective in 2022 (e.g., Maryland and Pennsylvania).

²³ Office of Child Support Enforcement. (2016). *The flexibility, efficiency, and modernization in child support programs final rule* (42 C.F.R. § 302.56(c)(1)(iii)).

²⁴ Venohr, J. C. (2013). Child support guidelines and guidelines reviews: State differences and common issues. *Family Law Quarterly*, 47(3), 327–352.

²⁵ Hodges, L., & Vogel, K. (2021). *How states decide on the right amount of child support when setting orders for low-income parents* (Fast Focus Policy Brief No:54-2021). Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/resource/how-states-decide-on-the-right-amount-of-child-support-when-setting-orders-for-low-income-parents/>.

Chapter 2, Table 1. Comparison of State Income Thresholds for Low-Income Adjustments or Self-Support Reserve to 2021 Federal Poverty Guidelines for One Person

State	Income Threshold or Self-Support Reserve	State	Income Threshold or Self-Support Reserve
Alabama	Below poverty	Montana	Poverty or above
Alaska	Poverty or above	Nebraska	Poverty or above
Arizona	Poverty or above	Nevada	Poverty or above
Arkansas	Below poverty	New Hampshire	Poverty or above
California	Poverty or above	New Jersey	Poverty or above
Colorado	Poverty or above	New Mexico	Below poverty
Connecticut	Below poverty	New York	Poverty or above
Delaware	Poverty or above	North Carolina	Below poverty
DC	Poverty or above	North Dakota	Below poverty
Florida	Poverty or above	Ohio	Poverty or above
Georgia	Poverty or above	Oklahoma	Below poverty
Hawaii	Poverty or above	Oregon	Poverty or above
Idaho	Below poverty	Pennsylvania	Below poverty
Illinois	Below poverty	Rhode Island	Below poverty
Indiana	Not specified	South Carolina	Below poverty
Iowa	Poverty or above	South Dakota	Below poverty
Kansas	Below poverty	Tennessee	Below poverty
Kentucky	Below poverty	Texas	Not specified
Louisiana	Below poverty	Utah	Below poverty
Maine	Below poverty	Vermont	Poverty or above
Maryland	Below poverty	Virginia	Poverty or above
Massachusetts	Poverty or above	Washington	Poverty or above
Michigan	Poverty or above	West Virginia	Below poverty
Minnesota	Poverty or above	Wisconsin	Poverty or above
Mississippi	Below poverty	Wyoming	Poverty or above
Missouri	Poverty or above		

Sources: Venohr, J. (2018, March 23). *Provisions for low-income parents: Meeting new federal requirements of state guidelines* [PowerPoint slides]. Denver, Colorado, Center for Policy Research.
Email updates in 2021 from Jane Venohr.



Interest Charged on Past Due Child Support

The total amount of unpaid child support that has accumulated since the inception of the child support program in 1975 is approximately \$115 billion. Studies of child support arrears in multiple states conducted several decades ago, including California,²⁶ Colorado,²⁷ and Washington,²⁸ show that most of it is owed by a relatively small number of noncustodial parents, each of whom owes a large amount of arrears and typically lacks evidence of reported income. A Colorado study found that a quarter of those without quarterly wages were either disabled or incarcerated.²⁹ A Wisconsin study found that 90% of noncustodial parents who made no payment and 60% of those making partial payment were incarcerated or lacked year-round employment. Many nonpayers appear to have a chronic inability to pay. Less than half of obligors with no reported wages in a four-quarter period showed any income the following year, and those with incomes earned a median of only \$7,500.³⁰

Child support arrears are detrimental to fathers, families, and the child support program. The lack of full payment results in enforcement actions being taken by the child support program, some of which are expensive and may not be effective.³¹ Enforcement actions may also result in less cooperation with the child support program, and can lead to even less payment in the future.³² Child support debt has a substantial, negative effect on fathers' formal employment, increasing his participation in the underground economy, and

26 Sorensen, E., Koball, H., Pomper, K., & Zibman, C. (2003). *Examining child support arrears in California: The collectability study*. Urban Institute. Retrieved from http://webarchive.urban.org/UploadedPDF/411838_california_child_support.pdf.

27 Thoennes, N. (2001). *Understanding child support arrears in Colorado*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/publications/understanding-child-support-arrears-in-colorado/>.

28 Formoso, C. (2003). *Determining the composition and collectability of child support arrearages. Vol. I: The longitudinal analysis*. Retrieved from <http://www.dshs.wa.gov/dcs>.

29 Center for Policy Research. (2004). *Understanding child support debt: A guide to exploring child support debt in your state*. Retrieved from <https://centerforpolicyresearch.org/publications/understanding-child-support-debt-a-guide-to-exploring-child-support-debt-in-your-state/>.

30 Gardiner, K., Fishman, M., Elkin, S., & Glosser, A. (2006). *Enhancing child support enforcement efforts through improved use of information on debtor income*. The Lewin Group. Retrieved from https://aspe.hhs.gov/sites/default/files/migrated_legacy_files/42316/report.pdf.

31 Meyer, D. R., Cancian, M., & Waring, M. (2019). *Use of child support enforcement actions and their relationship to payments*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2021/10/CS-2016-2018-T4b.pdf>.

32 Waller, M. R., & Plotnick, R. (2001). Effective child support policy for low-income families: Evidence from street level research. *Journal of Policy Analysis and Management*, 20(1), 89–110.

reducing his child support payments.³³ Debt also increases conflict between parents, reduces father-child contact, and increases the mental health problems fathers experience.³⁴ Indeed, one study which explored the impact of providing debt relief to noncustodial parents concluded that:

Owing public assistance payback debt was a source of enormous stress in parents' lives, and the elimination of the debt and its associated stress contributed to reduced barriers to employment and improved credit scores, housing status, and feelings of control over finances. . . . Participants reported improved relationships with their children, their coparents, and the child support system.³⁵

Unpaid child support generates other charges that contribute to child support arrears: fees, costs, and interest charges. According to a 2020 paper from the *Criminal Justice Law Review* of UCLA Law School, interest is the most important factor driving the significant growth of arrears in several states.³⁶ Thus, one way that states can slow the growth of child support arrears is to reduce or eliminate interest charges. States have the authority to charge interest on unpaid support at the rate set by state statute that is charged on other civil judgements. Many states regard interest on child support arrears as an incentive to encourage timely payments as well as a penalty for those who do not make payments.

Table 2 summarizes interest charges that each state and the District of Columbia impose on unpaid child support. These range from a 12% charge to no interest charge at all, which is the case for 20 states and the District of Columbia. A few states determine interest annually and base it on market factors such as the average discount rate of the Federal Reserve or the bond equivalent yield, as published by the Secretary of the Treasury. The data come from a 2019 report on interest on child support arrears by the National Conference of State Legislatures; a review of the Office of Child Support Enforcement's (OCSE) Intergovernmental Reference Guide, which is a state-by-state compilation of information on policies and procedures; and updates from informants in select states via email. State policy in this area is dynamic. Although Maine has a published interest rate charge of 6% and Colorado, Kentucky and Washington have statutory charges of 10%- 12%, state child support personnel in these states report that it is either not collected in any county (Colorado) or not charged or collected unless required by a court (Kentucky, Maine and Washington). More recently, Illinois announced that it would no longer charge interest on unpaid child support because it disproportionately affects low-income families and people of color in its caseload.³⁷

33 Cancian, M., Heinrich, C. J., & Chung, Y. (2013). Discouraging disadvantaged fathers' employment: An unintended consequence of policies designed to support families. *Journal of Policy Analysis and Management*, 32(4), 758-784.

34 Um, H. (2019). *The role of child support debt on the development of mental health problems among noncustodial fathers*. Columbia University School of Social Sciences. Working Paper No. 19-05-FF. (cited in Turetsky, V. and M. Waller, (2020). Piling on debt: The intersections between child support arrears and legal financial obligations. *UCLA Criminal Justice Law Review*, 4(1), 117-141), n. 65.

35 Hahn, H., Kuehn, D., Hassani, H., & Edin, K. (2019). *Relief from government-owed child support debt and its effects on parents and children*. Urban Institute. Retrieved from <https://www.urban.org/research/publication/relief-government-owed-child-support-debt-and-its-effects-parents-and-children>.

36 Turetsky, V., & Waller, M. R. (2020). Piling on debt: The intersections between child support arrears and legal financial obligations. *Criminal Justice Law Review*.

37 Hancock, P. (2021). *State drops most child support interest charges*. Illinois Newsroom. Retrieved from <https://illinoisnewsroom.org/2021/03/05>.

Chapter 2, Table 2. State Interest Charges on Unpaid Child Support

State	Interest on Unpaid Child Support
Alabama	7.5%
Alaska	6%
Arizona	10%
Arkansas	10%
California	10%
Colorado	10% (not collected)
Connecticut	None
Delaware	None
DC	None
Florida	Market factors
Georgia	7%
Hawaii	None
Idaho	None
Illinois	None
Indiana	None
Iowa	None
Kansas	None
Kentucky	12% (not charged)
Louisiana	None
Maine	6% (not charged)
Maryland	None
Massachusetts	6% (0.5%/month)
Michigan	None
Minnesota	4%
Mississippi	None
Missouri	12% (1%/month)

State	Interest on Unpaid Child Support
Montana	None
Nebraska	Market factors
Nevada	Market factors
New Hampshire	None
New Jersey	None
New Mexico	4%
New York	9%
North Carolina	None
North Dakota	Market factors
Ohio	Market factors
Oklahoma	2%
Oregon	9%
Pennsylvania	None
Rhode Island	12% (1%/month)
South Carolina	None
South Dakota	None
Tennessee	6%
Texas	6%
Utah	None
Vermont	6%
Virginia	6%
Washington	12% (not collected)
West Virginia	5%
Wisconsin	6%
Wyoming	10%

Sources: National Conference of State Legislatures. (2019). *Interest on Child Support Arrears*. Retrieved from <https://www.ncsl.org/research/human-services/interest-on-child-support-arrears.aspx>.

Office of Child Support Enforcement. (2021). *Intergovernmental Reference Guide: State questions*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://ocsp.acf.hhs.gov/irg/profileQuery.html?geoType=1>.

Emails in February 2021 with informants in Colorado, Indiana, Iowa, Kentucky, Maine, Michigan, and Washington.

Notes: Market factors include the average discount rate of the Federal Reserve or the bond equivalent yield, as published by the Secretary of the Treasury. Colorado and its 64 county child support agencies have opted to not charge or collect interest on Colorado orders.



Modifying Child Support Orders

The modification of child support orders is an integral part of state child support programs. States are required to notify parents with child support cases of their right to request a review at least once every three years. They also must create procedures to allow parents to request a review outside of this three-year cycle if they can demonstrate a substantial change in circumstances. States are allowed to establish minimum criteria for determining whether there are adequate grounds to seek an adjustment of a child support award.

Most states (36) and the District of Columbia use a quantitative standard to review whether there are justifiable grounds for modifying the order. Generally, this refers to a change from the order or guideline amount of some specific magnitude (10-25%). While states may also specify a fixed dollar amount of change, our analysis focuses on the percentage of change. In eight states, the criteria for change from the order or guideline amount is at least 10%. Fifteen states and the District of Columbia require at least a 15% change, nine states require at least a 20% change, and two states require at least a 25% change. In Arkansas and Nevada, the standard is a change in income of 20% or more. On the other hand, 14 states adopt a more subjective approach and simply require a "significant" or "substantial" change in circumstances, criteria which are presumed to be less conducive to modification than objective standards.

Table 3 summarizes, for each state and the District of Columbia, the criteria for modification. It is based on information in the Office of Child Support Enforcement's Intergovernmental Reference Guide which is a state-by-state compilation of information on policies and procedures. Another resource on how to modify child support orders offers links to state child support agencies and provides information on a variety of requirements including paperwork and documentation, notifications, and court hearings or administrative conferences.³⁸

³⁸ Office of Child Support Enforcement. (2020). *State by state - How to change a child support order*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/outreach-material/state-state-how-change-child-support-order>.

Chapter 2, Table 3. State Criteria for Modification of Child Support Orders

State	Criteria for Modification	State	Criteria for Modification
Alabama	10% change from order	Montana	Significant/substantial change
Alaska	15% change from order	Nebraska	10% change from order
Arizona	15% change from order	Nevada	20% change in income
Arkansas	20% change in income	New Hampshire	20% change from order
California	20% change from order	New Jersey	Significant/substantial change
Colorado	10% change from order	New Mexico	20% change from order
Connecticut	15% change from order	New York	Significant/substantial change
Delaware	10% change from order	North Carolina	15% change from order
DC	15% change from order	North Dakota	15% change from order***
Florida	10% change from guideline*	Ohio	10% change from order*
Georgia	15% change from order	Oklahoma	20% change from order
Hawaii	Significant/substantial change	Oregon	15% change from order
Idaho	20% change from order	Pennsylvania	Significant/substantial change
Illinois	20% change from order	Rhode Island	Significant/substantial change
Indiana	20% change from order	South Carolina	Significant/substantial change
Iowa	20% change from order**	South Dakota	Significant/substantial change
Kansas	Significant/substantial change	Tennessee	15% change from order
Kentucky	15% change from order	Texas	20% change from order
Louisiana	25% change from guideline	Utah	10% change from order*
Maine	15% change from order	Vermont	Significant/substantial change
Maryland	Significant/substantial change	Virginia	10% change from order
Massachusetts	15% change from order	Washington	25% change from order
Michigan	10% change from order	West Virginia	15% change from order
Minnesota	Significant/substantial change	Wisconsin	15% change from order
Mississippi	Significant/substantial change	Wyoming	20% change from order
Missouri	Significant/substantial change		

Source: Office of Child Support Enforcement. (2021). *Intergovernmental Reference Guide: State questions*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://ocsp.acf.hhs.gov/irg/profileQuery.html?geoType=1>.

Notes: *Different criteria if request is before the three-year review. **Criteria applies to two-year review. ***Reviews generally conducted every 18 months.

Pass-Through Policies

Parents who receive Temporary Aid to Needy Families (TANF) are required to open a child support case and cooperate with the child support program to receive benefits. They also sign over their child support rights to the state to reimburse it for the cash assistance that they received. As a result, while child support passes most of the money it collects to families, it holds back some money that was paid for TANF and treats it as government revenue to help fund the TANF and child support program. In 2020, states collected \$31.4 billion in child support, of which \$1.8 billion was held back from families and kept by the state.³⁹

States have the authority to set their own policies on the amount of child support paid to families rather than being kept by the state as a TANF reimbursement. States also have the option of disregarding and not considering as income the child support payment passed through to the parent and child for the purpose of determining eligibility for TANF and other public benefits. Pass-through policy is complex and controversial. While declining TANF caseloads mean that welfare cost recovery is less lucrative than it used to be, the money is still important to states (and counties in states that have state-supervised but county-administered child support programs). For example, in Colorado, the only state that passes 100% of current support payments to families, the Colorado General Assembly appropriates general fund dollars each year to cover the federal share and backfill half of county revenues that would have been received without the money being passed through to families.⁴⁰

Holding money back from families to repay the state for welfare also runs counter to the stated child-focused purpose of the program and its collection goals. Research shows that more noncustodial fathers pay child support, and they pay more, when it is passed through to families.⁴¹ Other benefits of passing more money on to families rather than reimbursing the state for TANF benefits are higher rates of paternity establishment and lower rates of child abuse and neglect.^{42, 43}

A recent report by the National Conference of State Legislatures documents how much money states and the District of Columbia pass through to families receiving TANF when child support is collected.⁴⁴ Table 4, which simplifies the information from the National Conference of State Legislatures report, shows that 26 states and the District of Columbia pass through some money to families receiving cash assistance. Some states pass through up to \$50 that is received each month. In other states, the pass-through is \$100 to \$200 per month, based on the number of children. One state (Colorado) passes through all current support that is paid to families receiving TANF. On the other hand, 24 states keep all money collected from noncustodial parents and do not pass any to families that receive TANF.

39 Office of Child Support Enforcement. (2021). *Preliminary report FY 2020*. Tables P-14 and P-15. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2020_preliminary_data_report.pdf.

40 Turetsky, V. (2020). *Paying support to families: Child support policy fact sheet*. Ascend at the Aspen Institute and Good+Foundation. Retrieved from <https://ascend.aspeninstitute.org/resources/child-support-policy-fact-sheet-paying-support-to-families/>.

41 *Ibid.*

42 Lippold, K., Nichols, A., & Sorensen, E. (2010). *Evaluation of the \$150 child support passthrough and disregard policy in the District of Columbia*. Urban Institute. Retrieved from <https://www.urban.org/sites/default/files/publication/23436/412779-Evaluation-of-the-Child-Support-Pass-Through-and-Disregard-Policy-in-the-District-of-Columbia.PDF>.

43 Cancian, M., Shook Slack, K., & Yang, M. Y. (2010). *The effect of family income on risk of child maltreatment*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/resource/the-effect-of-family-income-on-risk-of-child-maltreatment/>.

44 National Conference of State Legislatures. (2020). *Child support pass-through and disregard policies for public assistance recipients*. Retrieved from <https://www.ncsl.org/research/human-services/state-policy-pass-through-disregard-child-support.aspx>.

A fact sheet prepared by Ascend at the Aspen Institute and Good+Foundation describes the most robust state pass-through and disregard policies that benefit families currently receiving TANF cash assistance. The brief also identifies five states that have adopted more generous rules for families no longer receiving cash assistance. Thus, Alaska, California, Pennsylvania, Vermont, and West Virginia have opted to pay money to families that the Internal Revenue Service would ordinarily deduct from federal tax refunds owed to noncustodial fathers and forward to states to pay off their state-owed child support arrears.⁴⁵

Chapter 2, Table 4. **State Pass-Through Policy for Families Receiving TANF**

State	Pass-Through Policy	State	Pass-Through Policy
Alabama	No	Montana	No
Alaska	\$50	Nebraska	No
Arizona	No	Nevada	No
Arkansas	No	New Hampshire	No
California	\$100 for 1 child; \$200 for 2+ children	New Jersey	\$100
Colorado	All	New Mexico	\$100 for 1 child/\$200 for 2+ children
Connecticut	\$50	New York	\$100 for 1 child/\$200 for 2+ children
Delaware	\$50; fill-the-gap policy	North Carolina	No
DC	\$150	North Dakota	No
Florida	No	Ohio	No
Georgia	Up to unmet need for purposes of fill-the-gap budgeting	Oklahoma	No
Hawaii	No	Oregon	\$100 for 1 child/\$200 for 2+ children
Idaho	No	Pennsylvania	\$100 for 1 child/\$200 for 2+ children
Illinois	\$100 for 1 child/\$200 for 2+ children	Rhode Island	\$50
Indiana	No	South Carolina	Up to unmet need for purposes of fill-the-gap budgeting
Iowa	No	South Dakota	No
Kansas	No	Tennessee	Up to unmet need for purposes of fill-the-gap budgeting
Kentucky	No	Texas	\$75
Louisiana	No	Utah	No
Maine	\$50; fill-the-gap policy	Vermont	\$50
Maryland	\$100 for 1 child/\$200 for 2+ children	Virginia	Up to \$100
Massachusetts	\$50	Washington	\$50 for 1 child/\$100 for 2+ children
Michigan	\$100 for 1 child/\$200 for 2+ children	West Virginia	\$100 for 1 child/\$200 2+ children
Minnesota	\$100 for 1 child/\$200 for 2+ children	Wisconsin	75%
Mississippi	No	Wyoming	No
Missouri	No		

Source: National Conference of State Legislatures. (2020). *Child support pass-through and disregard policies for public assistance recipients*. Retrieved from <https://www.ncsl.org/research/human-services/state-policy-pass-through-disregard-child-support.aspx>.

Notes: No indicates that no money is passed through to families receiving TANF.

Fill-the-gap budgeting means that the amount of child support distributed fills the gap between income and need.

45 Turetsky, V. (2020). *Paying support to families: Child support policy fact sheet*. Ascend at the Aspen Institute and Good+Foundation. Retrieved from <https://ascend.aspeninstitute.org/resources/child-support-policy-fact-sheet-paying-support-to-families/>.



Work-Oriented Programs with Active Child Support Agency Involvement

Noncustodial parents who fail to pay their child support obligations typically face suspension of their driver's, recreational, and professional licenses; intercepts of federal tax refunds; attachments of bank accounts; and contempt procedures that can lead to bench warrants and incarceration. Advocates, policymakers, and administrators of child support programs have long suggested alternatives to standard enforcement procedures when dealing with poor, noncustodial fathers. Since 1998, OCSE has been experimenting with programs that offer job training, parenting skill development, and the provision of needed social services to see whether they can increase compliance with child support orders by improving employment, earnings, and parent–child relationships.⁴⁶ Indeed, the most recent OCSE-funded demonstration project, CSPED, involved over 10,000 noncustodial parent participants in eight states.⁴⁷

CSPED and other evaluations of employment programs for noncustodial parents have long documented unemployment as a primary barrier to paying child support. Thus, at program enrollment, 48% of CSPED participants had not worked in the previous 30 days, and average monthly earnings among those who reported being employed stood at only \$765. At the same time, average monthly child support orders were \$401, with 58% of project participants owing at least half their monthly earnings in child support.⁴⁸

Recent, rigorous evaluations of work and fatherhood programs (CSPED and Parents and Children Together or PACT) find that they yield positive but small improvements in the noncustodial parents' capacity to work, earn, pay child support, and maintain relationships with their children.⁴⁹ More encouragingly, some

46 Pearson, J., Thoennes, N., Davis, L., Venohr, J., Price, D., & Griffith, T. (2003). *OCSE responsible fatherhood programs: Client characteristics and program outcomes*. Center for Policy Research. Retrieved from <https://www.frpn.org/asset/ocse-responsible-fatherhood-programs-client-characteristics-and-program-outcomes>.

47 Cancian, M., Meyer, D., & Wood, R. (2019). *Final impact findings from the Child Support Noncustodial Parent Employment Demonstration (CSPED)*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2019/07/CSPED-Final-Impact-Report-2019-Compliant.pdf>.

48 Cancian, M., Meyer, D. R., & Wood, R. G. (2018). *Characteristics of participants in the Child Support Noncustodial Parent Employment Demonstration (CSPED) evaluation*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2019/05/CSPED-Final-Characteristics-of-Participants-Report-2019-Compliant.pdf>.

49 Sorensen, E. (2021). *What we learned from recent federal evaluations of programs serving disadvantaged noncustodial parents*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation. Retrieved from <https://www.acf.hhs.gov/opre/report/what-we-learned-about-programs-serving-disadvantaged-noncustodial-parents>.

quasi-experimental evaluations of employment programs report more positive and consistent outcomes. For example, the evaluation of Texas NCP Choices found that one-year following enrollment, it increased employment by 21%, reduced custodial parent receipt of TANF by 21%, and increased the child support collections rate relative to the comparison group by 47%.⁵⁰ In a similar vein, an evaluation of Colorado's Parents to Work program found that program participants had higher rates of employment and earnings and that the percentage of owed child support that they paid rose significantly from 36.6% to 41.3% while it remained unchanged for the comparison group.⁵¹ And an evaluation of New York's Strengthening Families Through Stronger Fathers Initiative found that participants experienced significant gains in wages, employment, and a 38% increase in child support payments.⁵²

OCSE estimates that 13% of noncustodial parents are unemployed for an extended period.⁵³ While federal rules prohibit child support agencies from using regular child support funds (monies that the federal government reimburses each state for allowable activities at the rate of 66%) for job services or fatherhood programs, OCSE has urged states to use their child support incentive funds (money the federal government provides to states based on their performance on five measures related to order establishment and collections) and/or unobligated TANF balances (federal funds to states for the TANF program that states have not spent or committed to spend) to fund these activities. State and tribal child support programs may also apply to OCSE for Section 1115 waivers to fund noncustodial parent work activities, although they require a nonfederal cost share of 34%.⁵⁴

Several recent publications discuss noncustodial parent employment initiatives funded with various sources in eight and twelve states, respectively.^{55, 56} According to a more comprehensive compilation by OCSE, 31 states and the District of Columbia have work-oriented programs to serve noncustodial parents with active child support agency participation and 19 states lack them. These programs operate on a statewide basis in 13 states and in select jurisdictions in 18 states and the District of Columbia, with nine having programs in multiple counties. For example, New York has programs in eight counties, Pennsylvania and Florida have programs in five counties, and North Carolina and Tennessee have programs in four counties.⁵⁷

Table 5 indicates, for each state and the District of Columbia, whether they have a work-oriented program to serve noncustodial parents and if so, whether the program is statewide or in select jurisdictions.

50 Schroeder, D. & Doughty, N. (2009). *Texas non-custodial parent choices: Program impact analysis*. Ray Marshall Center for the Study of Human Resources, LBJ School of Public Affairs, The University of Texas at Austin. Retrieved from https://raymarshallcenter.org/files/2005/07/NCP_Choices_Final_Sep_03_2009.pdf.

51 Pearson, J., Davis, L., & Venohr, J. (2011). *Parents to work! Program outcomes and economic impact*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/wp-content/uploads/ParentsToWork.pdf>.

52 Sorensen, E., & Lippold, K. (2012). *Strengthening Families through Stronger Fathers Initiative: Summary of impact findings*. Urban Institute. Retrieved from <https://www.urban.org/research/publication/strengthening-families-through-stronger-fathers-initiative-summary-impact-findings>.

53 Office of Child Support Enforcement. (2018). *Use of IV-D incentive funds for NCP work activities* (IM-18-02). U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/policy-guidance/use-iv-d-incentive-funds-ncp-work-activities>.

54 Office of Child Support Enforcement. (2019). *Availability of section 1115 waivers to fund NCP work activities* (IM-19-04). U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/policy-guidance/availability-section-1115-waivers-fund-ncp-work-activities>.

55 McCann, M. (2019). *Promoting parental employment to boost child support*. National Conference of State Legislatures. Retrieved from https://www.ncsl.org/Portals/1/Documents/cyf/Parental-Employment-Child-Support_v03_web.pdf.

56 Pearson, J., & Fagan, J. (2019). State efforts to support the engagement of nonresident fathers in the lives of their children. *Families in Society*, 199(4), 392–408.

57 Office of Child Support Enforcement. (2021). *Child support-led employment programs*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/map/child-support-led-employment-programs-state>.

Chapter 2, Table 5. States with Employment Programs for Noncustodial Parents with Active Child Support Cases

State	Work-Oriented Programs	State	Work-Oriented Programs
Alabama	Yes (select jurisdictions)	Montana	
Alaska		Nebraska	
Arizona		Nevada	
Arkansas	Yes (select jurisdictions)	New Hampshire	
California	Yes (select jurisdictions)	New Jersey	Yes (select jurisdictions)
Colorado	Yes (select jurisdictions)	New Mexico	Yes (select jurisdictions)
Connecticut	Yes (statewide)	New York	Yes (select jurisdictions)
Delaware	Yes (statewide)	North Carolina	Yes (select jurisdictions)
DC	Yes (select jurisdictions)	North Dakota	Yes (statewide)
Florida	Yes (select jurisdictions)	Ohio	Yes (select jurisdictions)
Georgia	Yes (statewide)	Oklahoma	
Hawaii		Oregon	
Idaho		Pennsylvania	Yes (select jurisdictions)
Illinois		Rhode Island	Yes (statewide)
Indiana		South Carolina	Yes (statewide)
Iowa		South Dakota	
Kansas		Tennessee	Yes (select jurisdictions)
Kentucky	Yes (select jurisdictions)	Texas	Yes (statewide)
Louisiana		Utah	
Maine		Vermont	Yes (statewide)
Maryland	Yes (select jurisdictions)	Virginia	Yes (statewide)
Massachusetts	Yes (select jurisdictions)	Washington	Yes (statewide)
Michigan	Yes (statewide)	West Virginia	Yes (select jurisdictions)
Minnesota	Yes (select jurisdictions)	Wisconsin	Yes (statewide)
Mississippi		Wyoming	Yes (select jurisdictions)
Missouri	Yes (statewide)		

Source: Office of Child Support Enforcement. (2021). *Child support-led employment programs*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/map/child-support-led-employment-programs-state>.

Debt Compromise Programs

As previously noted, uncollected child support arrears amounted to nearly \$115 billion in 2020,⁵⁸ with most of it owed by noncustodial fathers with incomes under \$10,000,⁵⁹ who are typically incarcerated or lacking in year-round employment.⁶⁰ Child support debt frequently accumulates during periods of incarceration, unemployment, and/or the imputation of income when orders are established without data on noncustodial parent earnings. It is estimated that nearly one million incarcerated fathers owe child support⁶¹ and leave prison with average levels of child support debt ranging from \$20,000 to \$36,000, depending on the state and data used.⁶² Fortunately, some of the practices that generate child support debt are prohibited in the 2016 administrative rules adopted by OCSE.⁶³ It requires that states generate child support orders based on factual income information rather than attributing income based on the minimum wage and other assumptions that may be unrealistic and consider the parents' subsistence needs. The new rule also prohibits states from treating incarceration as voluntary unemployment or excluding incarceration as a basis for modifying child support orders—a practice that nearly one-third of all states pursued until recently.⁶⁴ Nevertheless, incarcerated parents who reside in states that adhere to a narrow interpretation of the 1986 Bradley Amendment, a federal mandate that forbids retroactive modification of child support orders and debt balances, will have little to no opportunity to modify debt that follows them into their post-prison lives.

Fortunately, some states have interpreted the Bradley Amendment as applying only to private orders and have developed policies to forgive child support arrears owed as payback for past welfare payments made to their families.⁶⁵ Based on a database compiled by OCSE in September 2018, 45 states and the District of Columbia had policies to reduce or compromise child support debt owed to the state. However, most were discretionary and/or limited in scope and applicability. State law or policy permitted forgiveness of interest only or allowed debt compromise on a case-by-case basis and/or in exchange for a lump sum payment or a full payment of current support over a protracted time period.⁶⁶ According to a more recent compilation prepared by Ascend at The Aspen Institute and The Good+Foundation, only ten states and the District of Columbia had programs that were more “robust and innovative.”⁶⁷

Robust programs take different approaches to debt reduction. Some reduce state-owed arrears based on evidence that a noncustodial parent lacks the ability to pay due to disability, unemployment, or incarceration (Michigan, Minnesota, Washington). New York City caps arrears for noncustodial parents with poverty-level

58 Office of Child Support Enforcement. (2021). *Preliminary report FY 2020*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/fy_2020_preliminary_data_report.pdf.

59 Sorensen, E., Sousa, L., & Schaner, S. (2007). *Assessing child support arrears in nine large states and the nation*. Urban Institute. Retrieved from <https://www.urban.org/research/publication/assessing-child-support-arrears-nine-large-states-and-nation>.

60 Kah, Y., Cancian, M., Meyer, D. R., & Han, E. (2008). *Factors associated with nonpayment of child support*. Institute for Research on Poverty. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2018/06/T7-FactorsNonPayCS-Report.pdf>.

61 McKay, T., Mellgren, L., Landwehr, J., Bir, A., Helburn, A., Lindquist, C., & Krieger, K. (2017). *Earnings and child support participation among reentering fathers* (ASPE research brief). U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Retrieved from <https://aspe.hhs.gov/sites/default/files/private/pdf/257731/MFSIPChildSupport.pdf>.

62 Haney, L., & Mercier, M-D. (2021). *Child support and reentry*. National Institute of Justice. Retrieved from <https://nij.ojp.gov/topics/articles/child-support-and-reentry>.

63 Office of Child Support Enforcement. (2016). *The flexibility, efficiency, and modernization in child support programs final rule*. (42 C.F.R. § 302.56(c)(1)(iii)).

64 Meyer, D. R., & Warren, E. (2011). *Child support orders and the incarceration of noncustodial parents*. Institute for Research on Poverty and School of Social Work, University of Wisconsin–Madison. Retrieved from <https://www.irp.wisc.edu/wp/wp-content/uploads/2018/06/Task7b-2011-12-Report.pdf>.

65 Turetsky, V., & Waller, M. (2020). Piling on Debt: The intersections between child support arrears and legal financial obligations. *UCLA Criminal Justice Law Review*, 4(1), 117–141.

66 Office of Child Support Enforcement. (2021). *State child support agencies with debt compromise policies*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/map/state-child-support-agencies-debt-compromise-policies>.

67 Ascend at The Aspen Institute and Good+Foundation. (2020). *Reducing arrears: Child support fact sheet*. Retrieved from <https://ascend.aspeninstitute.org/resources/child-support-policy-fact-sheet-reducing-arrears/>.

child support orders of \$25. Some states provide a matching credit or settle a remaining balance when a noncustodial parent makes a partial payment on family- or state-owed arrears (California, New York City). Another approach is to reduce debt in exchange for consistent payments of current support (District of Columbia, Illinois, Maryland, New York City). Finally, some programs provide debt relief to parents who keep current on support payments and participate in an employment, education, training or parenting program (Iowa, Kansas, New York City, Virginia).

Although 80% of arrears in the child support program are owed to families, with just 20% owed to the state, only a few programs (California, Maryland, Michigan, Minnesota, New York City) reach out to custodial parents to see if they would be willing compromise or forgive unpaid arrears.

An evaluation conducted by the Center for Policy Research of 688 noncustodial parents enrolled in debt compromise programs in California, Illinois, Maryland, Minnesota and the District of Columbia found that they have benefits for noncustodial parents and state child support programs.⁶⁸ Following enrollment in debt compromise programs, payment of monthly child support obligations improves, state-owed child support debts are reduced, and high proportions of program participants succeed in complying with the terms of their payment agreements. Although few programs approach custodial parents to discuss their willingness to consider debt owed to them, the approach may be promising with the number of contacted custodial parents willing to consider these accommodations exceeding the number that was resistant.

Table 6 summarizes debt compromise policies for each state and the District of Columbia. We note whether the state has a policy with established procedures, engages in debt compromise exclusively on a case-by-case basis, or does not allow it. Where feasible, we spell out the terms of their policy. Debt compromise policies that have been identified as “robust and innovative” by Ascend at the Aspen Institute and Good+Foundation, are noted with an asterisk.

Chapter 2, Table 6. State Debt Compromise Policies and Terms

State	Debt Compromise Policies	Terms
Alabama	Statewide	Law permits forgiveness of interest owed to state & CP for 12 months with consistent payment for 12 months
Alaska	Statewide	Law permits forgiveness of state-owed arrears in stages over six years w/ payment compliance
Arizona	Statewide	Ability to settle arrears balance by paying a lump sum or monthly installments for up to 3 months
Arkansas	None	
California	Statewide California Compromise of Arrears Program (COAP)* COAP/San Francisco Pilot*	Compromise of state-owed arrears in exchange for partial payment of debt & compliance with current support payments for duration of COAP or 12 months. San Francisco pilot engaged philanthropy to pay NCP share to qualify for California COAP
Colorado	Case-by-case	Worker discretion at county level
Connecticut	Statewide	Lump-sum arrears payment at discounted rate
Delaware	Case-by-case	
DC	Statewide Fresh Start*	100% forgiveness after 24 months of payment

68 Pearson, J., Thoennes, N., & Kaunelis, R. (2012). *Debt compromise programs: Program design & child support outcomes in five locations*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/publications/debt-compromise-programs-program-design-and-child-support-outcomes-final-report/>.

Florida	Case-by-case	
Georgia	Statewide	Statute gives child support program and courts discretion
Hawaii	Case-by-case	
Idaho	None	
Illinois	Statewide Project Clean Slate*	100% forgiveness for paying current support for 6 months for low-income NCPs unable to pay at time support was due (incarcerated, unemployed); NCP can suspend agreement for up to 12 months if unemployed
Indiana	None	Only Governor or Attorney General can compromise
Iowa	Statewide Promoting Opportunities for Parents Program (POP2)*	Reduces state-owed arrears as incentives to NCPs to participate in approved parenting, fatherhood and employment programs. If participate and keep up with monthly support payments for 6 months, state will cancel up to 50% state-owed arrears; if pay for 12 months, state will cancel 100%; adjustments for partial payments allowed
Kansas	Statewide Child Support Incentives to Reduce State Owed Arrears* Child Support Savings Initiative*	NCPs can get state-owed arrears reduced by \$2 for every \$1 they contribute into a higher education 529 account for their children. NCPs also can get state-owed arrears reduction for participating in education & certification programs and participating in approved classes (e.g., GED, technical, vocational training, AA, BA and occupational certificate)
Kentucky	Inactive program	Pilot suspended for those who owe \$10,000+ arrears reduction in return for consistent payment
Louisiana	None	
Maine	Case-by-case	
Maryland	Statewide Payment Initiative Program*	NCPs with income 225% FPL or below, reduce arrears by 50% after 12 months of consecutive payment and after 24 months arrears reduced to \$0; allows for payment lapses due to unemployment
Massachusetts	Statewide	Permits settlement of interest, penalties, & arrears on case-by-case basis
Michigan	Statewide Arrears Management Program: Worker Discretion to adjust arrears & interest* Judicial Payment Plan*	NCP may request forgiveness if pays 50% of total family- and state-owed arrears; dollar-for-dollar matching for state-owed arrears if NCP makes minimum payments that are less than 50% Judicial Payment Plan allows CPs to consent to a reduction of family-owed arrears following completion of arrears payment plan
Minnesota	Statewide Arrears Management & Prevention Program (AMPP)*	State sends list of cases with high arrears to county workers for review; workers at county level may reduce arrears on case-by-case basis based on ability to pay, prior incarceration, participation in NCP employment project
Mississippi	None	
Missouri	None	
Montana	Statewide	
Nebraska	Statewide	Will forgive interest portion of state debt in arrears only cases with no dollars owed to CP and with lump sum payments for remainder
Nevada	Case-by-case	
New Hampshire	Case-by-case	Worker discretion for orders based on imputed income
New Jersey	Case-by-case	
New Mexico	Statewide Fresh Start	Arrears-only cases with \$1,000 in arrears or more
New York	Arrears CAP Program* and Pay It Off* Arrears Credit Program* Parent Success Program* Mediation for Family-Owed Arrears*	<ol style="list-style-type: none"> 1) NYC caps arrears at \$500 for NCPs with \$25 poverty orders. NCPs may apply to child support for a poverty order and arrears cap. 2) Under Pay it Off, NYC offered \$2 debt reduction for every \$1 arrears paid during pilot time periods. 3) NCPs can apply for \$5,000 annual credit against state-owed arrears if current on child support payments for 12 months. Can be renewed for 3 years for \$15,000 of credits. 4) NCPs can reduce up to \$10,000 arrears by completing a state-certified program for substance abuse treatment. 5) Free or low-cost mediation available for reduction of family owed arrears.
North Carolina	Statewide	Owe \$15,000 in state-owed arrears and make 24 consecutive monthly payments for current support

North Dakota	Statewide	Compromise of arrears possible if NCP pays 90–95% balance due. Interest suspended or compromised when NCP makes regular payments
Ohio	Statewide	Law permits local agency flexibility to establish rules
Oklahoma	Statewide Waiver of arrears permitted with court approval; waiver of interest permitted with state attorney approval	Waiver possible if NCP makes a lump-sum partial payment toward total amount due; amnesty for accrued interest with state attorney approval
Oregon	Statewide Satisfaction for Less than Full Payment Program	Discretion to settle state-owed arrears if compromise will lead to greater collections
Pennsylvania	Case-by-case	Must be approved by court
Rhode Island	Case-by-case	Interest may be compromised on an ad hoc basis
South Carolina	Case-by-case	
South Dakota	Inactive program	
Tennessee	Case-by-case for arrears owed to state Forgiveness of arrears owed to CP permitted	Approval required by child support commissioner, comptroller, and governor's office for worker actions; legislation passed to authorize custodial parents to forgive child support arrears owed to family (after 12 months of complete payment)
Texas	Statewide Texas Payment Incentive Program	NCPs who enroll receive a matching credit for every dollar they pay toward arrears conditional on paying current support fully and on time
Utah	Statewide Prisoner Forgiveness Program	Recently released receive forgiveness of state-owed arrears for those approved and pay 12 consecutive months of current support and nominal arrears
Vermont	Statewide Project AIM (Account Intervention and Management)	Less than full amount of state-owed arrears accepted if NCP makes lump-sum payment or regular payments over specified repayment period
Virginia	Statewide Debt Compromise Program*	NCPs can enroll in Family Engagement Services to make consecutive monthly support payments to reduce state-owed arrears. Different terms for NCPs with different income levels; every NCP gets a customized action plan. State-owed arrears reduced by 5% when attains a select number of goals, for a maximum of 5% reductions 4 times over a 12-month period. Debt matching for lump-sum payments also offered: \$1 adjustment for every \$1 paid.
Washington	Statewide Conference boards*	Case-by-case consideration by CSE agency attorneys or boards that meet to decide relief based on hardship, partial payment, or case error; some effort to facilitate agreement to reduce family-owed arrears
West Virginia	Statewide	A voluntary program to forgive interest if all parties agree
Wisconsin	Statewide	Local child support agencies may forgive state-owed arrears if NCP has no capacity to pay
Wyoming	Case-by-case	

Sources: Office of Child Support Enforcement. (2021). *State child support agencies with debt compromise policies*. U.S. Department of Health and Human Services, Administration for Children and Families. Retrieved from <https://www.acf.hhs.gov/css/map/state-child-support-agencies-debt-compromise-policies>.

Office of Inspector General. (2007). *State use of debt compromise to reduce child support arrearages* (OEI-06-06-00070). U.S. Department of Health and Human Services. Retrieved from <https://oig.hhs.gov/oei/reports/oei-06-06-00070.pdf>.

Pearson, J., Thoennes, N., & Kaunelis, R. (2012). *Debt compromise programs: Program design & child support outcomes in five locations*. Center for Policy Research. Retrieved from <https://centerforpolicyresearch.org/publications/debt-compromise-programs-program-design-and-child-support-outcomes-final-report>.

Ascend at The Aspen Institute and Good+Foundation. (2020). *Reducing arrears: Child support fact sheet*. Retrieved from <https://ascend.aspeninstitute.org/resources/child-support-policy-fact-sheet-reducing-arrears/>.

Notes: * indicates debt compromise policies that have been identified as "robust and innovative" by Ascend at the Aspen Institute and Good+Foundation.

NCP = noncustodial parent, CP = custodial parent, FPL = federal poverty level, CSE = child support enforcement.

Case-by-case refers to the rare use of debt forgiveness or its use per worker discretion.

Important Policies We Were Unable to Measure

It is impossible to obtain state-by-state measures on many other important child support policies and practices that affect low-income fathers and may present barriers to child involvement.

Information on child support orders set by default and imputed income

There is no national information on the use of imputation and default orders when a noncustodial parent fails to appear at an order-establishing proceeding and/or reliable information on earnings and income is not available. Imputation frequently leads to orders based on the minimum wage for full-time employment, even if the noncustodial parent cannot work at that rate. A dated study conducted in California found that 70% of support orders for low-income fathers were set by default.⁶⁹ Default orders and imputation are practices that lead to the overestimation of income and the generation of child support orders that are unrealistic and unlikely to be paid. In turn, child support debt negatively effects employment in the formal economy,⁷⁰ child support payment compliance,⁷¹ and fathers' involvement with children.⁷²

Information on child support enforcement actions

We also lack information on the extent to which impactful child support enforcement actions are taken automatically without any manual review by a worker. Stricter child support enforcement policies at the state level are associated with a decline in fathers' labor force participation,⁷³ especially driver's license revocation, which makes it more difficult to find and maintain work especially in areas that lack public transportation, and contempt-of-court actions, which stigmatize parents at work.⁷⁴ Nor does aggressive enforcement lead to increased support payment, especially for incarcerated fathers.⁷⁵ Although the National Conference of State Legislatures has compiled a state-by-state guide to driver's license restrictions for failure to pay child support that includes thresholds for suspension, it does not provide critical information on whether the suspension is preceded by a routine review of the potential suspension by a child support worker once the obligor has reached the established delinquency threshold for action. In many states, the suspension occurs in an automated fashion once a proscribed delinquency has been reached and the obligor neglects to request an administrative review within a set timeframe.⁷⁶

Information on identification of incarcerated parents and their access to child support order modifications

Still another important area of policy for low-income fathers for which we lack state-by-state information is the use of an automated matching process between child support agencies and state departments of

69 Sorensen, E., Koballo, H., Pomper, K., & Zibman, C. (2003). *Examining child support arrears in California: The Collectability Study*. Urban Institute. Retrieved from http://webarchive.urban.org/UploadedPDF/411838_california_child_support.pdf.

70 Cancian, M., Meyer, D. R., & Han, E. (2011). Child support: Responsible fatherhood and the quid pro quo. *The Annals of the American Academy of Political and Social Science*, 635(1), 140–162.

71 *Ibid.*

72 Turner, K., & Waller, M. (2017). Indebted relationships: Child support arrears and nonresident fathers' involvement with children. *Journal of Marriage and Family*, 79(1), 24–43.

73 Pate, D. (2016). The color of debt: An examination of social networks, sanctions, and child support enforcement policy. *Race and Social Problems*, 8, 116–135.

74 Haney, L. (2018). Incarcerated fatherhood: The entanglements of child support debt and mass imprisonment. *American Journal of Sociology*, 124(1), 1–48.

75 Meyer, D., Cancian, M., & Waring, M. (2020). Use of child support enforcement actions and their relationship to payments. *Children and Youth Services Review*, 110, 104672.

76 National Conference of State Legislatures. (2020). *License restrictions for failure to pay child support*. Retrieved from <https://ncsl.org/research/human-sservices/license-restrictions-for-failure-to-payu-child-support.aspx>.

corrections to identify incarcerated obligors for the purposes of taking proactive steps to modify their orders. Research shows that incarcerated parents frequently do not know that they have open child support orders, that they have a right to modify, and how to navigate the criminal justice and child support system to pursue modifications.^{77, 78} A study based on data from the Serious and Violent Offender Reentry Initiative (SVORI) found that only 27% of parents had their support orders modified while incarcerated although more were entitled.⁷⁹ Although the National Conference of State Legislatures has an informative brief on child support and incarceration,⁸⁰ it does not indicate whether there is an automated match between the two agencies to expedite modification actions for incarcerated noncustodial parents or whether the incarcerated parent must initiate and conduct a modification action on his own.

Conclusions

Nationwide, the child support program serves one quarter-of all U.S. children and half of all U.S. children in poor families. Noncustodial parents, 90% of whom are fathers, are involved with the program for at least 18 years. For those with multiple children and child support cases, the involvement is much longer. Nor does the reach of the child support program end with the emancipation of children. For those with debt, child support can attach social security payments, retirement benefits and other financial assets, professional and recreational licenses, and passport privileges until death.

The program has the potential both to promote and discourage the economic and emotional involvement of fathers with their children.⁸¹ It can also drive them away from the child support system and into underground economy.^{82, 83} Research shows that child support payments and father-child relationships improve with the adoption of certain child support policies. This chapter highlights how states can use their considerable discretion to decide how child support orders are set, modified, and when and how they are enforced. This includes promulgating realistic child support orders, avoiding interest charges that result in the generation of unpayable debt, reducing debt after it has accumulated in exchange for regular payments of current support, modifying orders when income and other circumstances change, passing child support through to families rather than repaying the state for past welfare expenditures, and helping unemployed and underemployed noncustodial parents address their underlying barriers to employment and find jobs.

Many of these policies are supported by child support professionals. For example, the Research Subcommittee of the National Child Support Enforcement Association (NCSEA) recently released a report suggesting a variety of streamlined practices that child support agencies might adopt to make the child support modification process more accessible.⁸⁴ The NCSEA board of directors recently adopted a resolution urging Congress to require Workforce Development Boards to make unemployed and underemployed parents who owe support a priority population for Workforce Innovation and Opportunity Act (WIOA) services

77 Pearson, J. (2004). Building debt while doing time: Child support and incarceration. *Judges' Journal*, 43(1), 5–12.

78 McKay, T., Mellgren, L., Landwehr, J., Bir, A., Helburn, A., Lindquist, C., & Krieger, K. (2017). *Earnings and child support participation among reentering fathers* (ASPE research brief). U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. Retrieved from <https://aspe.hhs.gov/sites/default/files/private/pdf/257731/MFSIPChildSupport.pdf>.

79 Roman, C. G., & Link, N. W. (2017). Community reintegration among prisoners with child support obligations: An examination of debt, needs and service receipt. *Criminal Justice Policy Review*, 28(9), 896–917.

80 National Conference of State Legislatures. (2019). *Child support and incarceration*. Retrieved from <https://www.ncsl.org/research/human-services/child-support-and-incarceration.aspx>.

81 Turner, K., & Waller, M. (2017). Indebted relationships: Child support arrears and nonresident fathers' involvement with children. *Journal of Marriage and Family*, 79(1), 24–43.

82 National Conference of State Legislatures. (2012). *How the child support system affects low-income fathers*. Retrieved from <http://ncsl.org/research/human-services/how-child-support-affects-low-income-fathers.aspx>.

83 Turetsky, V. (2020). *Centering child well-being in child support policy*. Ascend at the Aspen Institute and Good+Foundation. Retrieved from <https://ascend.aspeninstitute.org/resources/centering-child-well-being-in-child-support-policy/>.

84 National Child Support Enforcement Association Research Subcommittee. (2021). *Improving the process for modifying child support orders*.

and to allow regular child support funds to be spent on employment services for parents owing support.⁸⁵ In another resolution, NCSEA urged Congress to encourage states to pass-through and disregard up to 100% of child support payments to current and former TANF families by eliminating any federal share of retained collections and providing federal funding to state child support programs to offset programming costs for these changes and loss in state revenues due to retained collections.⁸⁶ And in a third resolution, NCSEA urged Congress to make the establishment of parenting time orders an allowable activity for child support expenditures using regular child support funds and to increase funding for the Access and Visitation grant program, with the goal of serving more families in the child support population, especially unmarried parents.⁸⁷ (These and other measures dealing with child support and parenting time are discussed in a chapter of this report on Family Law.)

Still another valuable congressional action might involve expanding the purposes of the child support program to include promoting child well-being and adopting appropriate performance measures to assess it. Since 1998, states have operated under five congressionally mandated performance measures keyed to program purposes: paternity establishment, order establishment, collections on current support, collections on arrears, and cost effectiveness.⁸⁸ Data on these measures are maintained by states and regularly audited for completeness and reliability. States are rewarded for strong performance and may incur penalties for not meeting performance thresholds or providing unreliable data. The system is credited with stimulating the program's dramatic improvements during the past 23 years.

While some of the obligor-friendly policies noted in this chapter are associated with increases in at least two current performance measures (payment of current support and arrears and possibly cost effectiveness), state adoption of these policies would likely be augmented by the adoption of an explicit performance measure. To this end, it would make sense to expand the goals of the child support program to include improving child well-being. Under this framework, father involvement would become a critical ingredient and states might be legitimately incentivized to pursue policies and programs that remove barriers to father involvement. This chapter outlines some of the items that might be incorporated in a new performance measure for this purpose.

85 National Child Support Enforcement Association Board of Directors. (2020). *Resolution for improving access to employment services for parents owing support*.

86 National Child Support Enforcement Association Board of Directors. (2021). *Resolution on funding of state child support programs*.

87 National Child Support Enforcement Association Board of Directors. (2020). *Resolution for support of establishing parenting time orders*.

88 Sorensen, E. (2016). *The child support program is focused on performance*. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/ocse/sbtn_csp_focused_on_performance.pdf.

Fatherhood Research & Practice Network

About the FRPN

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To the best of our knowledge, the information we provide is current as of report publication and/or the date indicated in the report and table sources. Nevertheless, since state policies and programs continually evolve, there are inevitable changes and developments that we have not captured. The views expressed in the report are those of the authors.

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