

CHILD SUPPORT ENFORCEMENT
IN WEST VIRGINIA

Amy Ellen Hendershott

Thesis submitted to the
College of Arts and Sciences
At West Virginia University
In partial fulfillment of the requirements
For the degree of

Master of Arts
In
Applied Social Research

Ronald Althouse, Ph.D., Chair
F. Carson Mencken, Ph.D.
Ann Paterson, Ph.D.

Department of Sociology and Anthropology

Morgantown, West Virginia

2000

Keywords: Child Support, Child Support Enforcement

Abstract

Child Support Enforcement in West Virginia
Amy Ellen Hendershott

The intent of this research is an exploratory examination of trends in child support enforcement before and after the implementation of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and to determine whether West Virginia is keeping up with the national average of child support enforcement. Using a time-trend analysis, this study examined five variables that constitute child support enforcement: **total money distributed; paternities established; support orders established; absent parents located;** and **total caseload**. This research found that the PRWORA of 1996 significantly improved **paternities established** and **absent parents located** in the state of West Virginia. All other variables in West Virginia and all variables at the national level steadily increase from year to year but show no significant changes. It also found that, upon implementation of the PRWORA of 1996, the moral issue of financial responsibility is being placed with the absent parents, which are the fathers in most cases.

To Katie, first and foremost, for being my motivation to write this thesis and finish graduate school. Never again will you hear the words, “Not today, I have to study.” And in all hope, you soon will get the child support that you deserve.

To Mom and Dad, for supporting me throughout my higher education.

To Ryan, for not letting me be a quitter when I was down. Without you, this thesis would yet to be written.

Acknowledgements

I would like to thank those with the Office of Child Support Enforcement who helped me obtain the data I needed to complete this study. I also thank Carson Mencken, Department of Sociology and Anthropology at WVU, for all the help and guidance he gave me.

Table of Contents

Introduction.....1

Review of Literature.....2

Methodology.....18

Findings.....26

Discussion.....44

Conclusions.....46

Works Cited.....50

Graphs

 Graph 1.....27

 Graph 2.....28

 Graph 3.....31

 Graph 4.....32

 Graph 5.....34

 Graph 6.....35

 Graph 7.....38

 Graph 8.....39

 Graph 9.....42

 Graph 10.....43

Appendices

 Background of Child Support Enforcement.....52

Introduction

This study will examine child support enforcement trends over several years. It is an exploratory study that helps us to begin to explore the initial trends in child support enforcement. This study will set the stage for future in-depth studies concerning child support issues. The study will examine and contrast child support enforcement trends in West Virginia. This analysis will explore whether the findings from West Virginia are comparable to those of the national average. Lastly, the study will look to answer the question of who is responsible for the children.

In the United States alone more than 40 million parents struggle with issues and problems concerning child support (White et al, 1997). The problem of child support is not a new problem and dates back into the early 1960's when divorce and out-of-wedlock birth rates began to soar. But it wasn't until the Census Bureau released its first national survey of child support and alimony in 1980 that the depth of the problem was truly understood (Beller and Graham, 1993).

In 1997, a record \$94, 147, 954 was collected in child support payments in the state of West Virginia, which was a 16.5% increase from the total amount collected in 1996. Of the 117, 423 cases in West Virginia, thirty-eight percent of these received some kind of child support payment. Approximately 11,500 paternities were established in West Virginia in 1997, showing a 104% increase from the total number established in 1996. The total number of support orders established in the state was 9,354 in 1997 while 33, 558 absent parents were located. The total number of absent parents located in West Virginia in 1997 decreased nine percent from the number located in 1996.

Review of Literature

More than 40 million parents confront problems concerning child support in the United States. Child support laws are complex and enforcement of these laws can be just as complex, if not more so. President Clinton and Congress has made child support enforcement a high priority by enacting the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Included in this act is the requirement that each state must create and maintain a child support enforcement program, aimed at helping parents get the support that is owed to them that meets federal guidelines.

Do these enforcement programs work in collecting the child support that is owed to these 40 million parents? Can child support payments put poor families above the poverty level? Several studies have previously researched child support and its enforcement. This review briefly describes several of these studies and then goes on to compare and contrast them. This study examines the trends in West Virginia and compares West Virginia with the national average of child support enforcement.

The Child Support Enforcement Agency has gained much political support due to its potential to decrease welfare expenditures and to increase the financial security of single mothers and their children. Irwin Garfinkel et al (1998) studied the plight of nonresidential fathers and their ability to pay child support for their children. They conclude that just because these fathers can afford to pay more than they are paying as a whole does not mean that fathers of children on welfare can afford to pay more.

Enforcement and Differential Impact

Garfinkel et al (1998) argue that because stronger enforcement has been aimed at reducing welfare, enforcement has focused unfairly on fathers of welfare children. And it

is these fathers who are likely to be poor. Because these men are poor, lacking legal representation can result in paying child support that is much higher compared to their income than obligations of middle and upper class fathers.

Non residential fathers pay fifteen billion dollars in child support per year, however, they should be paying between forty and fifty billion. A large minority of fathers who pay no support have very low incomes. But another large minority of non-payers can afford to pay more (Garfinkel et al, 1998).

Strengthening enforcement is not likely to have adverse effects on the poverty rates of nonresidential fathers who now have new families. Meyer (1998) believes that requiring non residential fathers to meet their support obligations would not “reshuffle” poverty from old families to new families. More child support from these fathers would most likely reduce insecurity of their children and might reduce public costs.

Strengthening enforcement is also likely to deter out-of-wedlock births and may deter remarriage. Unfortunately, it may increase children’s exposure to serious parental conflict.

Overburdening these fathers, using their child support awards solely to reduce welfare is likely to increase negative behavioral responses without increasing children’s economic security. Garfinkel et al recommend a universal enforcement system. In principle, the child support enforcement system is universal but in reality, each state agency provides limited, if any, services to non-welfare mothers. Services should be available to anyone who needs them.

Fathers of all classes should be pursued for support and even poor fathers should be made to pay something. Fathers of all classes should be treated the same. Low class fathers should not have to pay a higher fraction of their income.

Parents who establish private child support obligations should be rewarded. But the government must enforce these private obligations. Not enforcing these shifts most of the costs of the children onto the residential mothers (Garfinkel et al, 1998).

Meyer and Hu (1999) conducted a brief trend analysis finding that among poor women who receive child support, the overall effect is to bring only six percent out of poverty. If all poor women instead of only about a third were to receive the child support that is owed to them, twenty-one percent would be brought out of poverty by child support alone.

Child support's effects are comparable to those of welfare and social insurance. Social insurance should bring twenty-two percent of mother-only families out of poverty but the overall effect is only four percent. Welfare should bring out close to ten percent but like child support, the overall effect is six percent (Meyer and Hu, 1999).

This limited analysis shows that child support's effect is growing. But even with this, child support does not seem to be the cure for the financial problems of poor female-headed households. Although there is a positive trend, child support only brings six percent of these households above the poverty line. This is too small of a percentage to achieve great results. At least twenty percent of households must be brought above the poverty line in order to achieve good results.

Fiscal Efficacy or Increased Dependency?

The federal government has been implementing child support reform for over twenty years. Why hasn't past reform worked? Few women receive their child support and amounts being received are often very low. Thirty percent of women receive some sort of child support. Of these, nearly half also receive welfare. The median amount of child support received by these women is only \$1500. Reforms of the past have been incremental applying to only new cases or only to welfare cases. Some reforms have focused at increasing fairness of the system instead of increasing the amounts of support received by poor mothers. Past reforms have not been fully implemented due to offices overburdened with extremely large numbers of cases and an increasing number of more difficult cases (Meyer and Hu, 1999).

Hu found that more than four hundred million dollars per year of fiscal savings is achievable if changes were made in welfare benefit payments. The greatest reductions in welfare rolls and the greatest increase in labor supply would be achieved by increasing child support payments to those women not receiving any. Larger child support awards are an effective means of replacing welfare benefits with payments made by absent fathers. The distribution of child support awards can be just as important as the overall average of those awards (Hu, 1999).

Fragmented Programs and Fiscal Evasion

Garfinkel (1992) notes that neither the federal or state governments have adopted an assured child support benefit that would decrease welfare dependence and economic insecurity. According to Garfinkel, an assured benefits program has the following advantages. First, an assured benefit would provide a secure base of child support which

would make low class single mothers less reliant on welfare. Second, an assured benefit would promote child support collection. Few states have made the change from a judicial system to an administrative system of child support enforcement. This administrative system is the most effective at collecting support. Third, a federal child support assurance system would also strengthen interstate enforcement. Fourth, a child support assurance system encourages single poor mothers to work instead of to rely on welfare, as well as to decrease economic insecurity. It also is available to everyone, not just those on welfare. Welfare programs have high tax rates creating a situation where the poor make less than the non-poor in the job market. A universal assurance system creates opportunity equality. It would create one bureaucracy for rich and poor alike.

Child Support and the Cure for Poverty

The poverty and insecurity of female-headed households are growing social problems (Garfinkel, 1992). The more these problems grow the more the need for a universal program grows. A national child support assurance program with a two thousand-dollar assured benefit for the first child would lessen the poverty gap by five percent, dropping welfare cases eight percent. This program would cost one billion dollars per year.

Almost one out of every two fathers of a daughter can anticipate that their daughter will head her own family one day. One of two fathers can expect his child to live at least part of his/her life in a mother only family. Nearly one of every two men of the next generation will spend their childhood in female-headed households. A universal child support assurance system, complimented by other policies, is needed to combat this ever-growing problem (Garfinkel, 1992).

Meyer and Bartfeld (1996) researched child support compliance among divorced men. The results of this study suggest that enforcement has had a positive impact on compliance of child support orders. It suggests that higher compliance is associated with the ability to pay. Compliance rose dramatically with income. There is also limited evidence that greater compliance results when the economic need of the mother and children is greater. Compliance was low when mother's income was about thirty thousand but also when mother's income is extremely low. The study found no difference when the children and mothers were receiving welfare.

Fathers who do not pay child support are not a high-income group but can afford to pay some support. Divorced fathers are twice as likely to pay some child support than are nonmarital fathers. The income of these nonmarital fathers is much lower than that of divorced fathers (Meyer and Bartfeld, 1996).

Immediate wage withholding, one way to collect child support from fathers, is effective among both divorced and nonmarital fathers. Further achievement from wage withholding may require a change in focus from improving capacity to tracking job changes among those with child support awards (Meyer and Bartfeld). The 1996 reform made this change in focus by creating the National Directory of New Hires. This requires all employers to report newly hired employees to the State Directory of New Hires which will forward the information to the National Directory of New Hires (NDNH). The NDNH will then match all new employees with state child support information. Wage withholding will be established for any matches found (OCSE, 1996).

Programs promoting increased earnings capacity of fathers seem to be more important for nonmarital fathers. But a large minority of noncomplying divorced fathers

have very low incomes, making these earnings capacity programs appropriate for them also.

Policy Departures and Poverty

Garfinkel, McLanahan and Robins (1994) suggest a publicly guaranteed child support benefit for children who are legally entitled to private child support. This benefit would be an effective way of decreasing childhood poverty. Average compliance rates seem to decline as time from divorce to present increases, as does the amount of contact between these fathers and their children. Because of this phenomena, enforcement strategies may become increasingly effective as time since divorce increases (Meyer and Bartfeld, 1996).

Federal and state bureaucracies are increasingly regulating child support (Garfinkel et al, 1994). For more than ten years, the federal government has offered to pay ninety percent of costs to states in order for them to create an automated child support system but most states have yet to do this. Most states lack the means to receive and distribute all child support payments. There is not enough money, nor enough people to process all child support payments that come through at the state level. An automated system would help this problem to an extent.

Many new child support enforcement policies have the potential to increase payments. Implementation of these policies should increase both the amount and the regularity of child support payments. Child support guidelines seem to have raised child support orders on average. These guidelines provide a method of establishing levels of child support, which make orders more consistent and more equitable.

Positive policies on child support payments include wage withholding, publicizing availability of enforcement services, allowing paternity to be established until the child turns eighteen and the requirement that child support be paid through a third party. Those policies with negative effects are charging fees for non-welfare families and requiring that medical support be included in the child support order.

Garfinkel suggests a child support assurance system to increase the incomes of poor custodial families. With an assured benefit availability to everyone, the poverty gap and welfare rolls would decrease. Limiting the benefit to single parent families decrease benefits slightly but limiting it to poor families shows a much larger decrease.

An assured benefit of \$3000 to poor families would cost the government approximately two billion dollars. For all single parent families, the cost would be 300 million less. But for all families the cost would be close to six billion dollars.

Under the old system of child support enforcement, children whose fathers paid support fared better than children whose fathers paid very little or nothing. The new system benefit kids of once-married parents by forcing these fathers to pay more. The stricter system may lower parental conflict, which in turn might raise child support compliance. For children of unmarried parents, increases in payments may increase parental conflict reducing the well being of the child (Garfinkel et al, 1994).

Sorensen (1997) conducted a national profile of nonresidential fathers and their ability to pay child support. Previous research has proven that deadbeat dads do exist but many nonresidential fathers are poor and cannot pay their child support orders. Previous efforts of measuring the ability of nonresidential fathers to pay posed serious data problems. The national surveys do not ask men whether they are nonresidential fathers

or not. Several studies have found that divorced fathers could pay more but inner city and young fathers have lower earnings and higher poverty rates. Nonresidential fathers who were never married have on average only half of the income of divorced fathers with child support orders.

In the national surveys, nonresidential fathers report fathering fewer nonresidential children than those that mothers report. Between twenty-two and forty-four percent of nonresidential fathers are missing from these surveys. Those residing in prisons or military are not included in these surveys.

Men are less likely to report that they have children living elsewhere than women. Nonresidential fathers who self identify in these surveys are mainly white. Eighty percent of those are high school grads while three-fourths of them are thirty or older. Less than twenty percent have never been married while a third are now living with some of their own children from a different relationship. Those who do not self-identify tend to be African American, young, never married high school dropouts (Sorensen, 1997).

Self-identifying fathers have an average income of between \$26,799 and \$29,967 and tend to work year round. The poverty rate for these fathers falls between eight and fifteen percent. The average income of custodial mothers is between \$14,034 and \$16,568. Their poverty rate is three times that of self-identifying nonresidential fathers.

In 1990, nonresidential fathers paid about seven percent of their personal income on child support. About half did not pay anything. In 1996, these fathers could have paid thirty-four billion more or at least ten percent more if all fathers paid the same percentage of their income as those fathers who did pay child support.

The conclusions of Sorensen's national profile of nonresidential fathers are limited due to the time period studied and also the number of nonresidential fathers missing from the surveys. The estimates of the ability of these fathers to pay do not account for the response of fathers decreasing their hours therefore reducing their ability to pay as a response to higher child support requirements (Sorensen, 1997).

Watnik (1998) notes that in 1992, eleven and a half million single-parent families existed but only fifty-four percent had a child support award. Another forty-one percent either did not want one or did not pursue one. Fourteen percent of deadbeat dads are actually women.

Fathers with joint custody are much more likely to pay their order than are other fathers. If custody or visitation is restricted, the paying parent often gets discouraged and does not follow up with payments.

The goal of child support is to provide for the economic needs of children, designed to meet those needs at different standards of living. Child support covers only the minimum expenses of raising a child. On average, mothers receive only thirty-seven percent of the actual cost of raising one child. The percentage decreases with each additional child.

Child support awards try to maintain the standard of living between two homes. But for divorced mothers and children, the standard of living decreases by seventy-three percent while the father's increases by forty-two percent.

In 1989, fifty-one percent of those with awards received full payment. Twenty-four percent received partial payment while twenty-five percent received no payments. The average amount of payment in 1989 was \$2995, showing a \$1435 reduction for

never married mothers. There are three main ways to decipher child support amounts. The income shares model adds the two parent's incomes and then splits it. The percent of income model sees child supports as a fixed percentage of noncustodial parent's income while the Melson Delaware model divides the child raising costs between the parents based on their ability to pay. Children's expenses take into account insurance, medical, childcare, education and extracurricular costs. Child support awards also account for parents' expenses including housing, food, and transportation (Watnik, 1998).

Current Needs and Child Support

Boumil and Friedman (1996) state that few families in today's society can live on child support from nonresidential fathers. By the early 1980s, so few dads were required to pay an adequate amount of support and so few children were receiving the support that was ordered, that the problem was recognized as a national scandal.

Courts order inadequate amounts of support and then fail to enforce them. Interstate enforcement is also a large problem. There is little communication between states and they are not obligated to adopt uniform laws of child support enforcement.

Congress is now focusing on the parental responsibility because it no longer has the financial means to pay for welfare benefits that pick up the lack of child support not being paid by absent fathers. Unpaid child support averages about thirty billion dollars a year affecting twenty-three million children in the country. Full payments are received less than fifty percent of the time.

Profile of Deadbeat Dads

Who are these nonpaying parents? Ninety-seven percent are men. There are five main types of nonpaying parents. Overextended parents may have wanted out of a

marriage so they agreed to pay an unreasonable amount of child support then found they couldn't pay. They may begin fulfilling their orders only to stop when they see how little other fathers pay. They may remarry and cannot afford to support two families or they may be those who are ill or unemployed (Boumil and Friedman, 1996).

As a way to express anger, some men don't pay in order to seek revenge against their ex-wives. They tend to keep past disputes alive since many broke up over money issues.

Others distance themselves because of the emotional pain of the divorce process. One can also withhold money over disputes with visitation but most problems with visitation result from missed child support payments.

New Life Syndrome fathers are self absorbed, feeling his needs come before anyone else's. These fathers may refuse to pay because they feel the money is being spent on his ex wife instead of the children.

Other factors that influence compliance rates include whether the child lives with the father for weeks or months at a time; remarriage of either parent; and the prior and existing relationship between the mother and father. Compliance rates are much higher when a court-monitored system for collecting child support exists.

Single mothers who do not pursue child support show that they are either not willing or not able to protect their children's rights. Several types of these single mothers exist. First, some are passive believing someone will take care of her. They do not have the time, energy or financial means to pursue legal action. They tend to not follow through with the child support enforcement agencies that are available to assist them. Second, there are those who are anxious and angry. They flood the agencies with letters

and calls alienating those trying to help them. Third, some single mothers who had out-of-wedlock children believe their children are not entitled to child support. Some feel disgraced pursuing support while others tend to trust their own families more than child support agencies. Others do not pursue support in order to avoid a relationship between their children and their fathers.

Future policymakers need to focus on the employment of single parents. Training, flexible hours, day care, sick days for children and no traveling or evening required need to be available to these parents. Strong federal and state enforcement policies need to be implemented including swift punishments for those parents who refuse to pay. Above all, parents need to be persuaded to assume greater responsibility of their children (Boumil and Friedman, 1996).

Enforcement and Policy Implementation

Beller and Graham (1993) found that in 1979 almost sixty percent of seven million single mothers had a child support award. By 1990, fifty-eight percent of single mothers had awards, a two percent drop from 1979. Among those receiving payments, the average amount received fell twenty-five percent between 1978 and 1985. By 1989, the real value was down twelve and a half percent from 1978. Three-fourths of all moms due support in 1989 received some kind of payment.

Between 1976 and 1986, the government increased spending on child support policies and procedures by 577%. By the late 1970s child support failures became prime coverage for the media.

In 1985, almost three million of nine million women with children had incomes below the poverty line. Two million of these women received public assistance. African

American women and those never married are more likely to fall into poverty and end up receiving welfare. About thirty percent of all eligible single parent families are poor. One half of all single mothers without a child support award are poor compared to a quarter of those with an award. If single mothers receive their payments, poverty rates are less than one in four.

There are three enforcement techniques that proved to be effective in this study. Women in states with lien laws are more likely to receive child support and receive, on average, \$88 more. Those in states with criminal penalties received \$138 more support on average. In 1985, women in states with wage withholding were seventy percent more likely to receive reports. Wage withholding seems to increase the likelihood that awards will be paid and therefore can be set higher.

The authors recommend a state implementation monitored by the federal government, of income withholding. Incentives for implementation are needed. Immediate withholding must be applied in all child support awards (Beller and Graham, 1993).

Reiterations

Most studies concerning child support enforcement arrive at the same conclusion, child support is needed to help children, especially poor children. Garfinkel notes that neither state nor federal government has adopted an assured child support benefit. He believes that this and policies like this would be efficient at reducing both economic insecurity and welfare dependence of single mothers. The child support assurance system would promote single mothers into the workforce, which would make welfare dependency less than if these mothers did not work. Evidence shows that a universal

program would help resolve these pervasive problems (Garfinkel, 1992). In their Fathers Under Fire, McLanahan, Meyer and Seltzer (1998) agree with Garfinkel noting that child support enforcement has gained political support because of its potential to reduce economic insecurity and welfare dependence (Garfinkel et al, 1998). Boumil and Friedman state that Congress has renewed its plight of increasing child support enforcement because it no longer has the money to fund social programs. Uncollected support tends to run about thirty billion dollars every year affecting twenty-three million children. Greater enforcement would lessen the need of welfare for these mothers and children (Boumil and Friedman, 1996). Hu also agrees that child support is an effective way of substituting government paid welfare benefits (Hu, 1999). Sorensen found that in 1996, nonresidential fathers could have paid thirty-four billion dollars more than what was collected (Sorensen, 1997). Despite these positive findings, Meyer and Hu believe that child support does not seem to be the solution for the economic problems of poor mothers, only families (Meyer and Hu, 1999).

It is believed that nonresidential fathers have the ability to pay more than they are currently paying. Garfinkel, McLanahan and Meyer found that these fathers are paying fifteen billion dollars per year in child support but should be paying between forty and fifty billion. Large minorities of the fathers who pay no support have very low incomes but another large minority can afford to pay more (Garfinkel et al, 1998). Meyer and Bartfeld agree that non-paying fathers are a low-income group but found they can afford to pay something (Meyer and Bartfeld, 1996). Sorensen believes deadbeat dads exist but found that many fathers are poor and cannot afford to pay child support. The poverty rate for non-residential fathers is between eight and fifteen percent. She also notes previous

research, which have found that inner city fathers and young unwed fathers have limited ability to pay any child support (Sorensen, 1997).

Who are these nonpayers? Some discrepancy exists in the answer to this question. Watnik finds that fourteen percent of ‘deadbeat dads’ are actually mothers (Watnik, 1998). Boumil and Friedman disagree saying that ninety-seven percent of nonpayers are men (Boumil and Friedman, 1996).

So although a few discrepancies exist in the previous research data, most agree with the consensus that child support enforcement is necessary and that nonresidential fathers can afford to pay more than what they are paying. Without child support, single mothers and their children have little hope of escaping their impoverished standard of living.

Methodology

This study focuses on child support enforcement at the national level and in the state of West Virginia. Have child support enforcement programs, including The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, impacted child support enforcement nationally? Has the impact been a positive or a negative impact? Have they impacted child support enforcement in the state of West Virginia? And if so, have these programs had as great of an impact as that on a national level? This study also seeks to find where the moral issue of financial responsibility is being placed.

We expect to see a positive impact of these programs in the state of West Virginia but not as great of an impact as seen nationally. Past studies have found that fathers who owe child support are not high- income earners (Meyer and Bartfeld, 1996; Garfinkel et al, 1998). The per capita income in the state of West Virginia is an estimated \$6500 less than the average per capita income of the nation. Forty percent of children living in West Virginia come from a family that does not have secure parental employment (Kids Count, 1999). Because we expect to see many of these non high-income earners in West Virginia, we expect to find that the child support enforcement programs will have less of an impact in West Virginia than these programs will have in the nation as a whole.

The data used for this study were obtained in raw form from the Office of Child Support Enforcement located in Washington, D.C. The Office of Child Support Enforcement is part of the Department of Health and Human Services Administration for Children and Families. The data are from the nineteenth, twentieth, twenty-first and

twenty-second Annual Reports to Congress. These reports cover the years 1994, 1995, 1996 and 1997.

In this study, child support enforcement includes five variables: **total money distributed, paternities established, support orders established, absent parents located and total caseload**. **Total money distributed** is defined as the total amount of collections distributed to both AFDC/TANF and non-AFDC/TANF families during the year. **Paternities established** is the total number of children for whom paternity was established for during the given year. A **paternity** is the legal establishment of fatherhood for a child after the opening of a child support enforcement case. **Paternity** can either be court determined or voluntarily acknowledged. **Support orders established** refers to the total number of support orders established during the year. A **support order** is the legal establishment of an amount of money which is to be paid regularly by the non-residential parent to the residential parent for the financial support of that non-residential parent's children. Modification of support orders is also included when calculating support orders established. **Absent parents located** is the total number of cases in which an absent parent's physical location, address, employer, assets or sources of income have been located during the quarter. **Total caseload** is the total number of child support enforcement cases open on the last day of each quarter. A **child support enforcement case** is every absent parent who is now or may be obligated to pay support of dependent children. An **absent parent** is counted once for each family with a dependent child who needs to be or may need to be supported by this absent parent.

I use a time-trend analysis to analyze my data. The observations on total money distributed, paternities established, support orders established, absent parents located and

total caseload in my study have been collected over several years of time. My particular study compares child support enforcement changes from year to year nationally to child support enforcement changes from year to year in the state of West Virginia.

In order to answer my research question, I converted my raw data into several different formulas, which I could compare. For each variable of child support enforcement I am looking at totals both nationally and for West Virginia; the national average of the variable; the difference between the national average and West Virginia; and the percent change from the previous year for both national data and that of West Virginia.

National Average of Total Money Distributed

Definition: The average amount of money distributed for each state.

How is it constructed? The total money distributed for the nation is divided by fifty-four. Data exist for all fifty states as well as the Virgin Islands, Guam, Puerto Rico and Washington D.C. therefore giving a dividend of fifty-four.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

Difference of Total Money Distributed

Definition: The difference between the average national amount of total money distributed and the amount distributed in West Virginia.

How is it constructed? This number is obtained by subtracting the total money distributed in West Virginia from the national average of total money distributed.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

Percent Change in Total Money Distributed

Definition: The percent change from the previous year is the percentage that the total money distributed has changed, positively or negatively, from the previous year. This is done for both the state of West Virginia and the nation.

How is it constructed? The total money distributed from the previous year is subtracted from the total money distributed of the current year. This answer is then divided by total money distributed in the previous year. The number is then changed to a percentage.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

National Average of Paternities Established

Definition: The average number of paternities established for each state/territory.

How is it constructed? Paternities established is divided by fifty-four to arrive at the national average.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

Difference of Paternities Established

Definition: The difference between the national average of paternities established and paternities established in West Virginia.

How is it constructed? Paternities established in West Virginia is subtracted from the national average of paternities established.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

Percent Change in Paternities Established

Definition: The percentage that paternities established has changed from the previous year to the current year.

How is it constructed? Paternities established in the previous year subtracted from paternities established in the current year divided by the paternities established in the previous year. This number is then changed to percent form.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

National Average of Support Orders Established

Definition: The average amount of support orders established for each state.

How is it constructed? The total number of support orders established for the nation is divided by fifty-four.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement, Washington D.C.

Difference of Support Orders Established

Definition: The difference between the national average of support orders established and support orders established in West Virginia.

How is it constructed? Support orders established in West Virginia is subtracted from the national average of support orders established.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

Percent Change in Support Orders Established

Definition: The percentage that support orders established has changed from the previous year to the current year.

How is it constructed? Support orders established in the previous year subtracted from support orders established in the current year divided by the support orders established in the previous year. This number is then changed to percent form.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

National Average of Absent Parents Located

Definition: The average number of absent parents located for each state.

How is it constructed? The total number of absent parents located for the nation is divided by fifty-four.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

Difference of Absent Parents Located

Definition: The difference between the national average of absent parents located and absent parents located in West Virginia.

How is it constructed? Absent parents located in West Virginia is subtracted from the national average of absent parents located.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

Percent Change in Absent Parents Located

Definition: The percentage that absent parents located has changed from the previous year to the current year.

How is it constructed? Absent parents located in the previous year subtracted from absent parents located in the current year is divided by absent parents located in the previous year. This number is then changed to percent form.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

National Average of Total Caseload

Definition: The average of total caseload for each state/territory.

How is it constructed? Total caseload is divided by fifty-four to arrive at the national average.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

Difference of Total Caseload

Definition: The difference between the national average of total caseload and total caseload in West Virginia.

How is it constructed? Total caseload in West Virginia is subtracted from the national average of total caseload.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

Percent Change in Total Caseload

Definition: The percentage that total caseload has changed from the previous year to the current year.

How is it constructed? Total caseload in the previous year subtracted from total caseload in the current year is divided by total caseload in the previous year. This number is then changed to percent form.

Data Sources: (1994, 1995, 1996, 1997) Office of Child Support Enforcement,
Washington D.C.

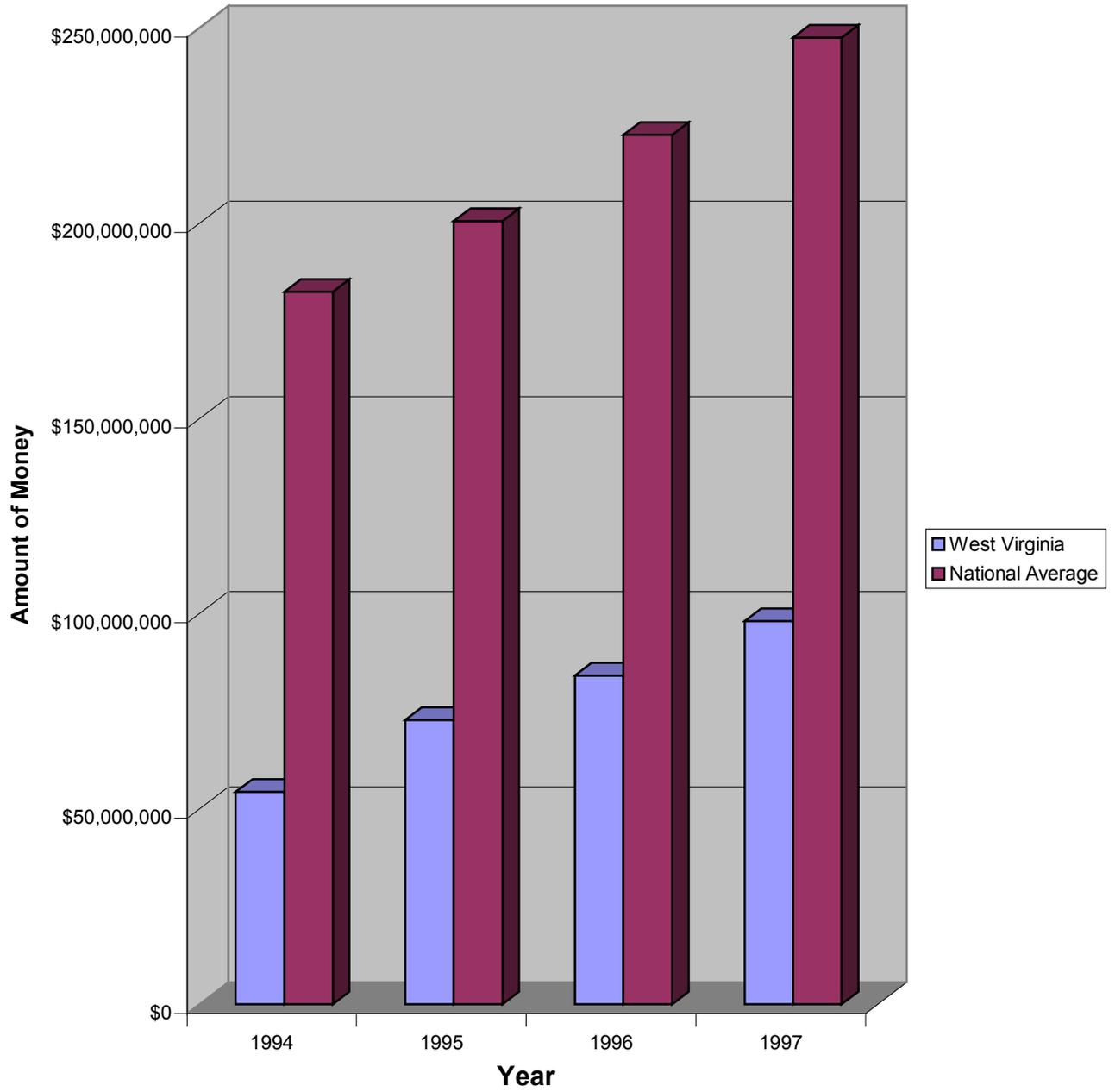
Findings

Total Money Distributed

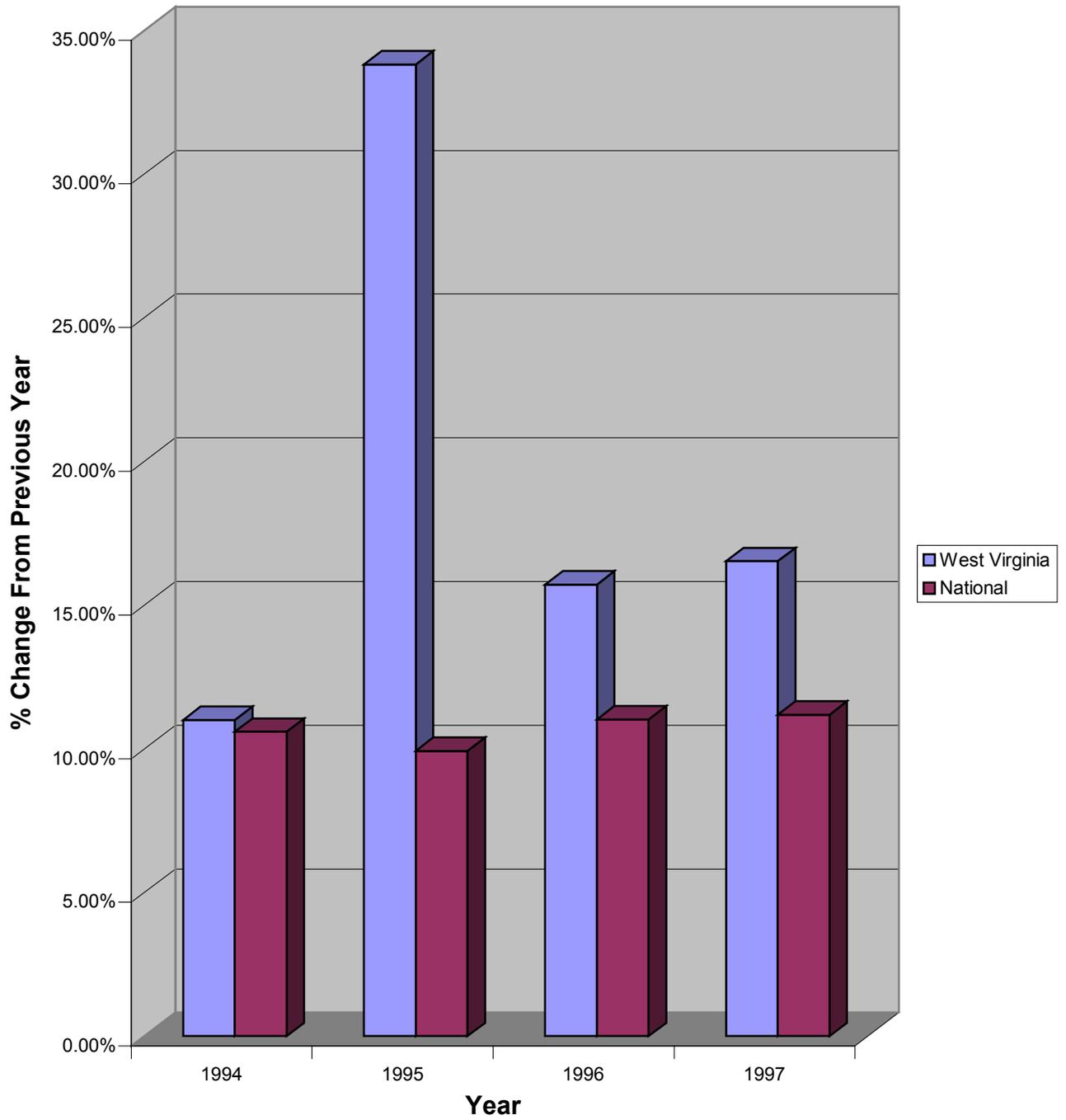
In 1994, approximately \$9.85 billion was distributed in child support payments in the United States. Represented were the fifty states, Washington D.C., Guam, the Virgin Islands and Puerto Rico. The total money that was distributed in the United States and its territories increased 10.59% from the total money that was distributed nationwide in 1993. When I determined the average per state/territory I found it to be \$182,410,351.85. There was a total of \$54,401,779 distributed in the state of West Virginia in 1994. The total money distributed in West Virginia in 1994 increased 11% from the amount distributed in the state of West Virginia in 1993. The percent increase in total money distributed in West Virginia from 1993 to 1994 was equal to the percent change in total money distributed in the nation for the same time period. The difference between the national average and the amount distributed in West Virginia was \$128,008,572.85.

In 1995, approximately \$10.83 billion in child support payments was distributed in the United States and its territories. The total amount of money distributed nationally increased by 9.92% from the previous year. The average amount distributed per state in 1995 was \$200,503,092.59. For the same year in West Virginia, there was \$72,796,255 distributed in child support payments. The total amount of money distributed in West Virginia increased by 33.81% over the amount distributed in West Virginia in 1994. The rate of growth in West Virginia was 3.4 times greater than that of the nation between 1994 and 1995. There was a difference of \$127,706,837.59 between the national average and the amount distributed in West Virginia in 1995.

Total Money Distributed



Total Money Distributed



There was approximately \$12 billion distributed in child support payments in the United States in 1996. Total money distributed in the United States in 1996 increased by 11.02% from 1995. This computes to an average of \$222,588,685.19 per state/territory. The total amount of money distributed in child support in the state of West Virginia in 1996 was \$84,232,843. This was an increase of 15.71% over the total money distributed in the state in the previous year. The rate of growth in West Virginia was 1.4 times greater than the growth rate nationally between 1995 and 1996. The national average of total money distributed in child support payments in 1996 is \$138,355,842.19 more than the total amount of money distributed in West Virginia in the same year.

The total money distributed in child support payments in the United States in 1997 was approximately \$13.36 billion. This total is an 11.18% increase over total money distributed nationally in 1996. The national average of the total money distributed for 1997 was \$247,480,962.96. The total money distributed in West Virginia in 1997 was \$94,147,954. This showed an increase of 16.52% between the years of 1996 and 1997. . The rate of growth in West Virginia was 1.4 times greater than the growth rate nationally between 1996 and 1997. The total money distributed in West Virginia in 1997 was \$149,333,008.96 less than the national average for the same year.

Paternalities Established

The total number of paternalities established in 1994 in the United States and its territories was 676,459. This is an increase of 22.04% from the number established in 1993. The national average of the total number of paternalities established for 1994 was 12,527.02. There were 1,980 paternalities established in West Virginia in 1994. The

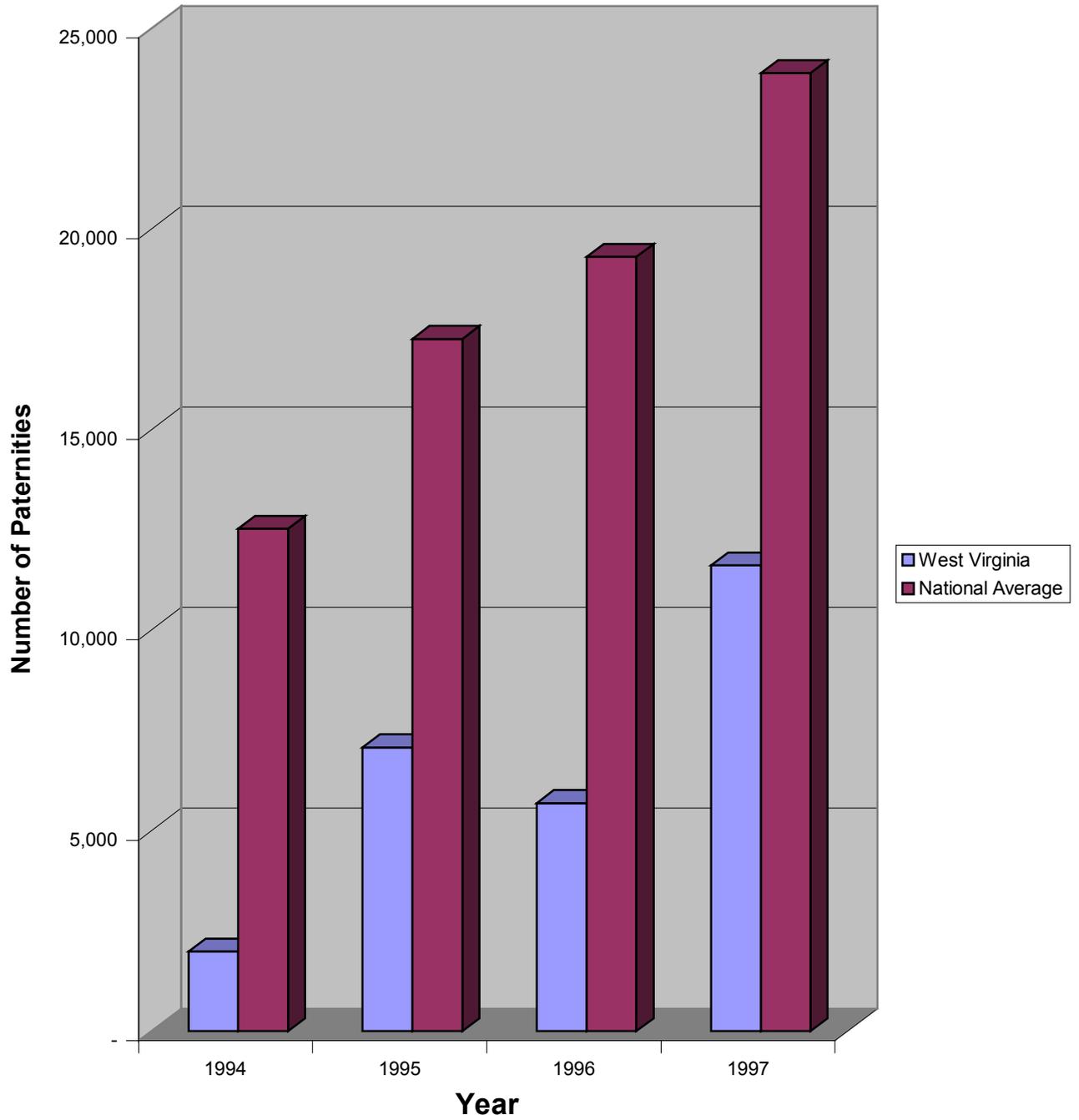
number of paternities established in West Virginia in 1994 decreased by 29% from the previous year. The rate of growth in West Virginia was 1.3 times greater than the growth rate nationally between 1993 and 1994. In 1994, West Virginia established 10,547.02 less paternities than the national average for the same year.

In 1995, the total number of paternities established in the United States was 932,102. This is a 37.79% increase from the total paternities established in 1994. The average paternities established per state/territory in 1995 was 17,261.15. In West Virginia, the number of paternities established in 1995 was 7,077. This was an increase of 257.42% from the number of paternities established in 1994. The rate of growth in West Virginia was 6.8 times greater than the growth rate nationally between 1994 and 1995. West Virginia established 10,184.15 fewer paternities, in 1995, than the national average for the same year.

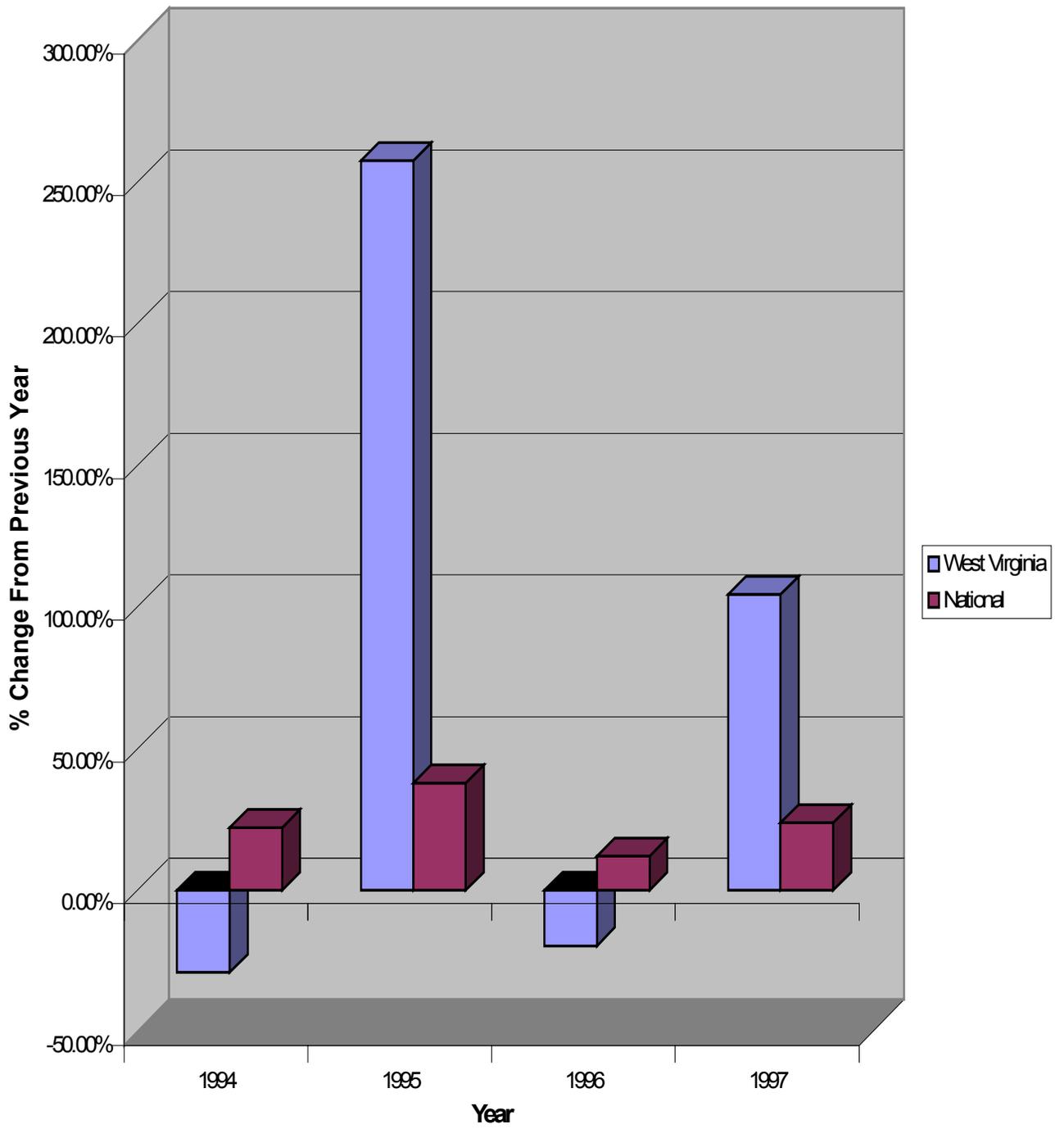
In the United States and its territories, there were 1,042,747 paternities established in 1996. This was an 11.87% increase from the total number of paternities established in the previous year. The national average for the paternities established in the United States in 1996 was 19,310.13. There were 5,687 paternities established in the state of West Virginia in 1996. This number was a 19.64% decrease from the number of paternities established in 1995. The rate of growth in West Virginia was 1.6 times greater than the growth rate nationally between 1995 and 1996. The difference between the national average and the number of paternities established in West Virginia was 13,623.13 in 1996.

In 1997, there were 1,290,055 paternities established in the United States. This shows a 23.72% increase from 1996 data. The national average of the number of

Paternalities Established



Paternities Established



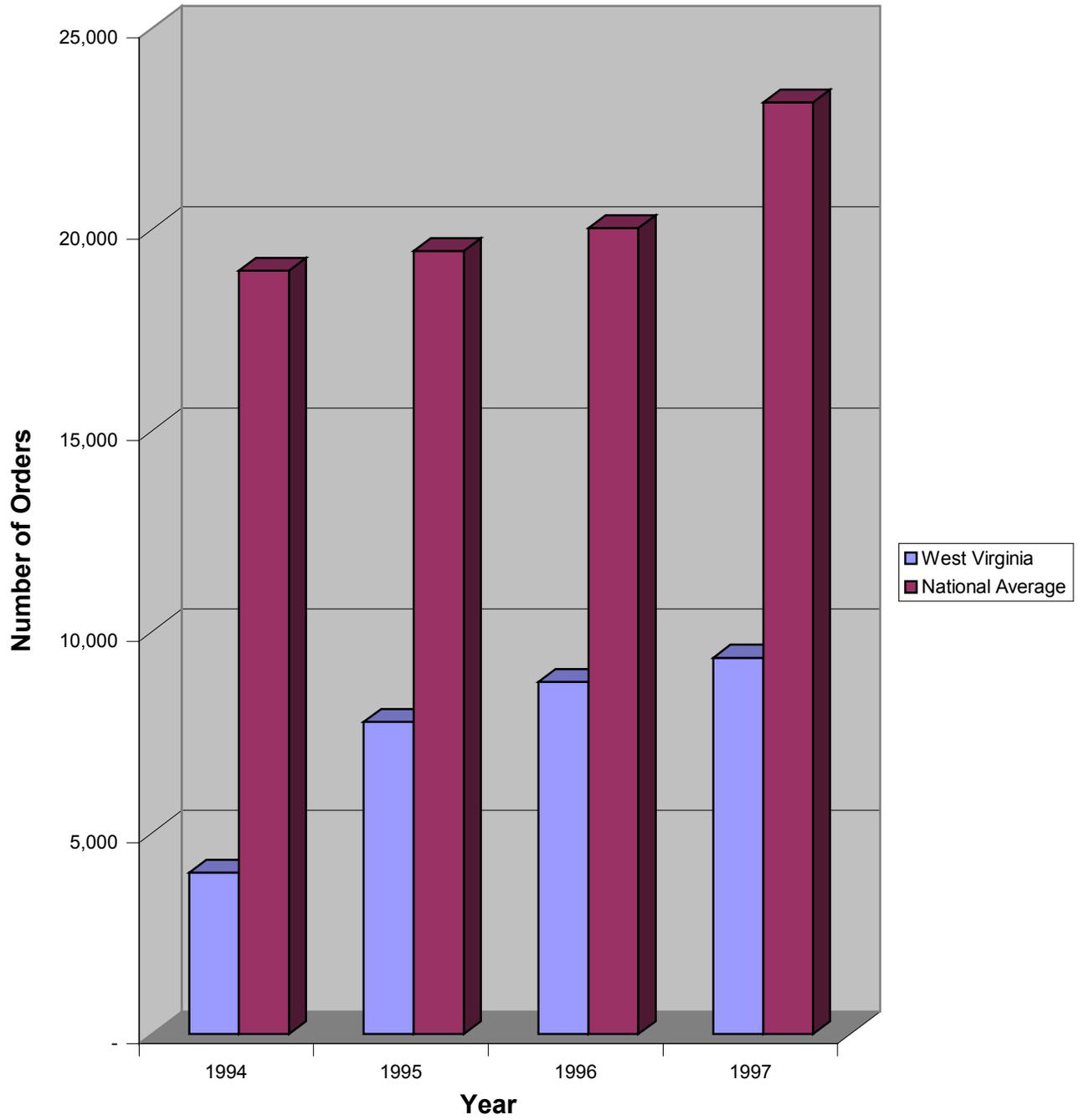
paternities established in the United States and its territories was 23,889.91 in 1997. In West Virginia there were 11,617 paternities established in 1997. This was a 104.27% increase from the number of paternities established in West Virginia in the previous year. The rate of growth in West Virginia was 4.3 times greater than the growth rate nationally between 1996 and 1997. West Virginia established 12,272.91 fewer paternities in 1997 than the national average for the same year.

Support Orders Established

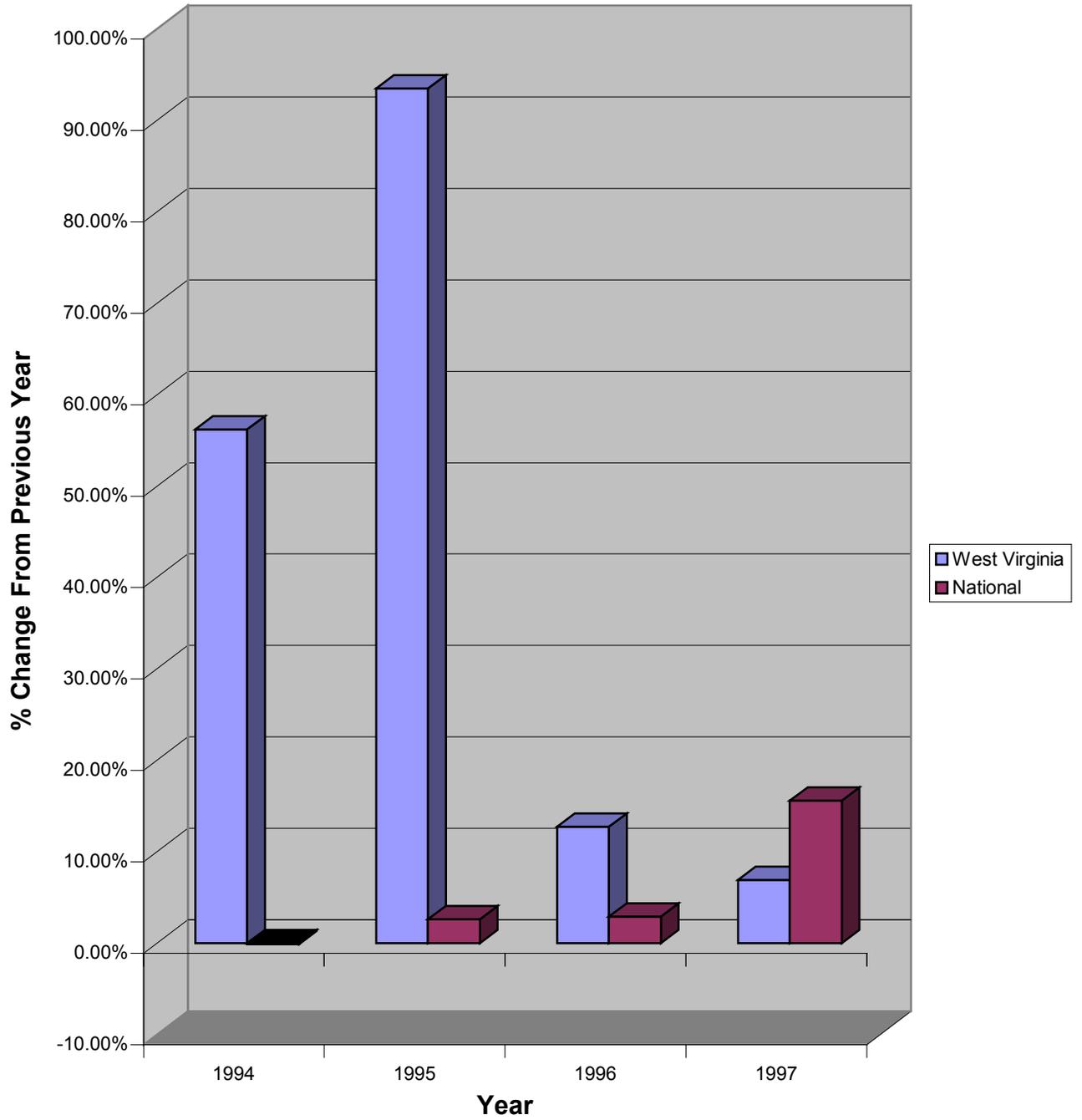
The total number of support orders established in 1994 in the United States and its territories was 1,024,675. This is a decrease of .15% from the number established in 1993. The national average of the total number of support orders established for 1994 was 18,975.46. There were 4,010 support orders established in West Virginia in 1994. The number of support orders established in West Virginia in 1994 increased 56.20% from the previous year. The rate of growth in West Virginia was 56% greater than the growth rate nationally between 1993 and 1994. In 1994, West Virginia established 14,965.46 less support orders than the national average for the same year.

In 1995, there were 1,051,336 support orders established in the United States. This shows a 2.60% increase from 1994 data. The national average of the number of support orders established in the United States and its territories was 19,469.19 in 1995. In West Virginia there were 7,759 support orders established in 1995. This was a 93.49% increase from the number of support orders established in West Virginia in the previous year. The rate of growth in West Virginia was 35.9 times greater than the growth rate

Support Orders Established



Support Orders Established



nationally between 1994 and 1995. West Virginia established 11,710.19 fewer support orders in 1995 than the national average for the same year.

The total number of support orders established in the United States in 1996 was 1,081,981. This total is a 2.91% increase over total support orders established nationally in 1995. The national average of the total support orders established for 1996 was 20,036.69. The total number of support orders established in West Virginia in 1996 was 8,748. This showed an increase of 12.75% between the years of 1995 and 1996. The rate of growth in West Virginia was 4.4 times greater than the growth rate nationally between 1995 and 1996. The total support orders established in West Virginia in 1996 was 11,288.69 less than the national average for the same year.

The total number of support orders established in 1997 in the United States and its territories was 1,250,470. This is an increase of 15.57% from the number established in 1996. The national average of the total number of support orders established for 1997 was 23,156.85. There were 9,354 support orders established in West Virginia in 1997. The number of paternities established in West Virginia in 1997 slightly increased by 6.93% from the previous year. The national growth rate was 2.2 times greater than the growth rate in West Virginia between 1996 and 1997. In 1997, West Virginia established 13,802.85 less paternities than the national average for the same year.

Absent Parents Located

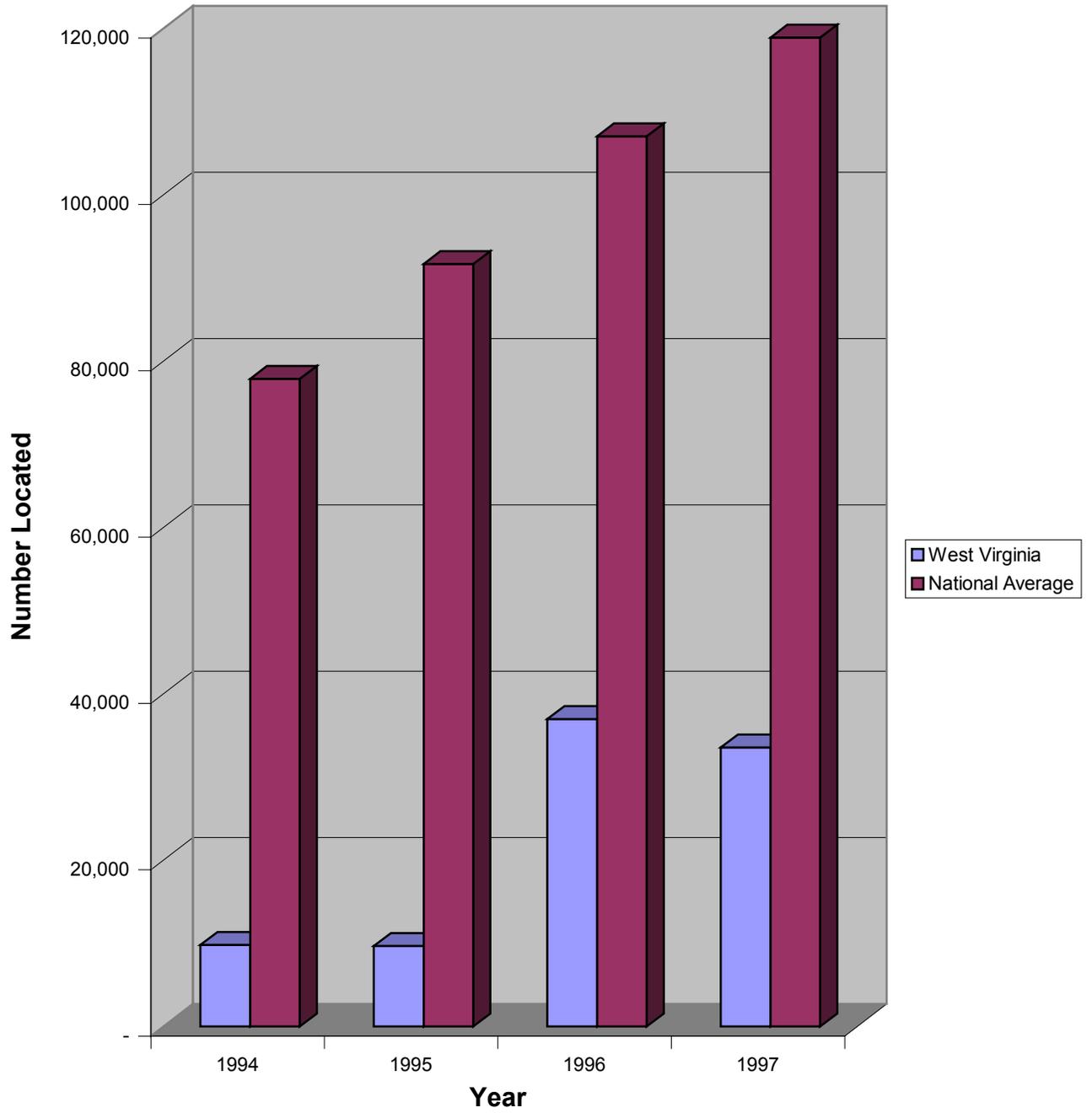
The total number of absent parents located in 1994 in the United States and its territories was 4,204,004. This is an increase of 11.30% from the number established in 1993. The national average of the total number of absent parents located for 1994 was

77,851.93. There were 9,819 absent parents located in West Virginia in 1994. The number of absent parents located in West Virginia in 1994 decreased by 45.5% from the previous year. The growth rate in West Virginia was four times greater than the national growth rate between 1993 and 1994. In 1994, West Virginia located 68,032.93 less absent parents than the national average for the same year.

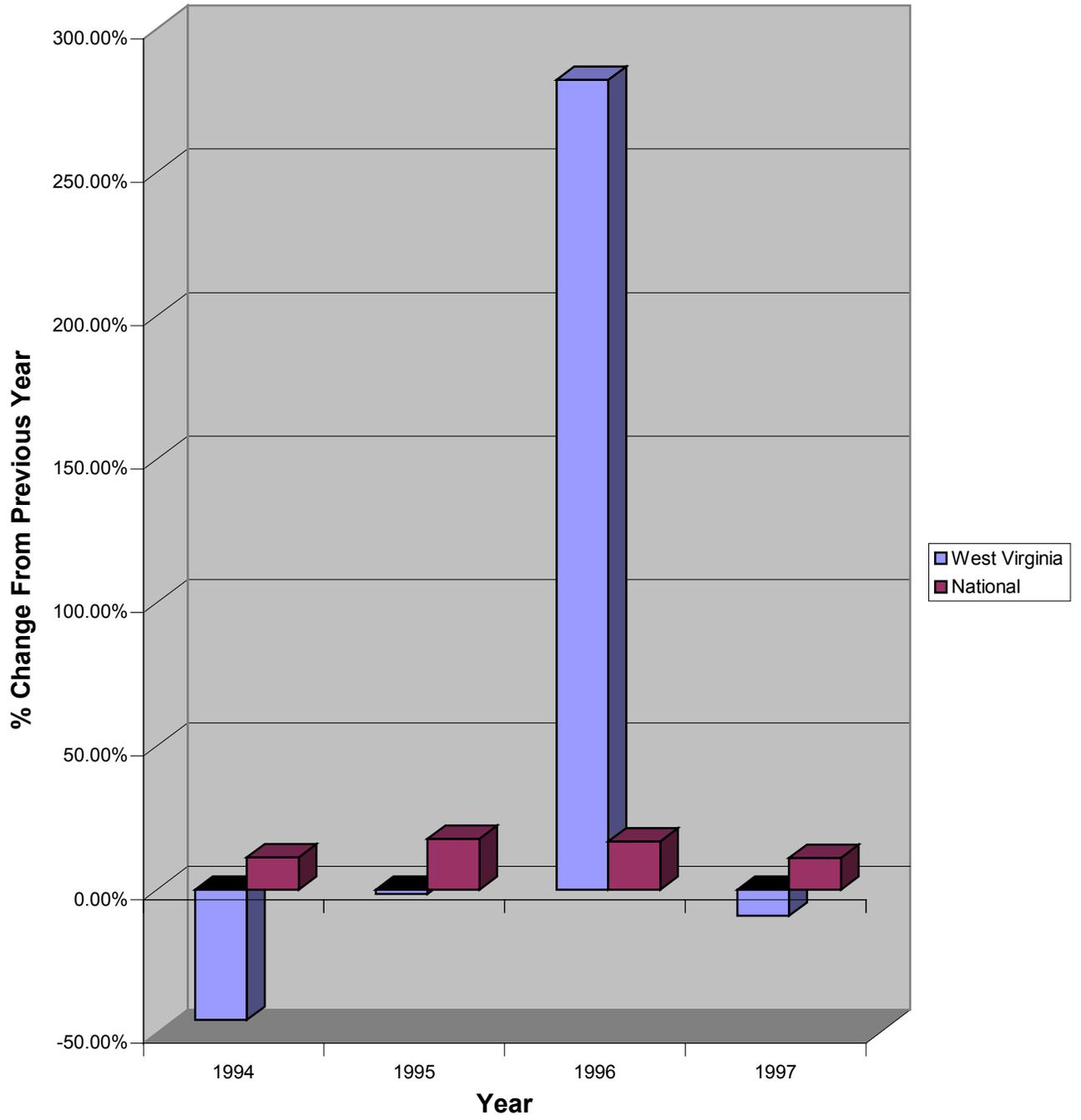
In 1995, there were 4,949,912 absent parents located in the United States. This shows a 17.74% increase from 1994 data. The national average of the number of absent parents located in the United States and its territories was 91,665.04 in 1995. In West Virginia there were 9,669 absent parents located in 1995. This was a 1.53% decrease from the number of absent parents located in West Virginia in the previous year. The national growth rate was 11.6 times greater than the growth rate in West Virginia between 1994 and 1995.. West Virginia located 81,996.04 fewer absent parents in 1995 than the national average for the same year.

There were 5,779,489 absent parents located in the United States in 1996. Total number of absent parents located in the United States in 1996 increased by 13.76% from 1995. This computes to an average of 107,027.57 per state/territory. The total number of absent parents located in the state of West Virginia in 1996 was 36,968. This was an increase of 282.34% over the total number of absent parents located in the state in the previous year. The growth rate in West Virginia was 20.5 times greater than the national growth rate between 1995 and 1995. The national average of total number of absent parents located in 1996 is 70,059.57 more than the total number of absent parents located in West Virginia in the same year.

Absent Parents Located



Absent Parents Located



In 1997, there were 6,419,870 absent parents located in the United States. This shows an 11.08% increase from 1996 data. The national average of the number of absent parents located in the United States and its territories was 118,886.48 in 1997. In West Virginia there were 33,558 absent parents located in 1997. This was a 9.22% decrease from the number of absent parents located in West Virginia in the previous year. The national growth rate was 1.2 times greater than the growth rate in West Virginia between 1996 and 1997. West Virginia located 85,328.48 fewer absent parents in 1997 than the national average for the same year.

Total Caseload

In 1994, the total caseload in the United States was 18,609,805 with collections being made for 3,403,287 cases. This is 18.3% of cases receiving their child support payments. The total caseload increased 8.67% from the year 1993. The national average of total caseload is 344,626.02 per state/territory. In West Virginia, 91,050 cases were carried and 24,548 of these actually received payments. This shows an increase of 14.30% from the total caseload of West Virginia for 1993. The growth rate in West Virginia was 1.7 times greater than the growth rate nationally between 1993 and 1994. West Virginia carried 253,576.02 fewer cases than that of the national average.

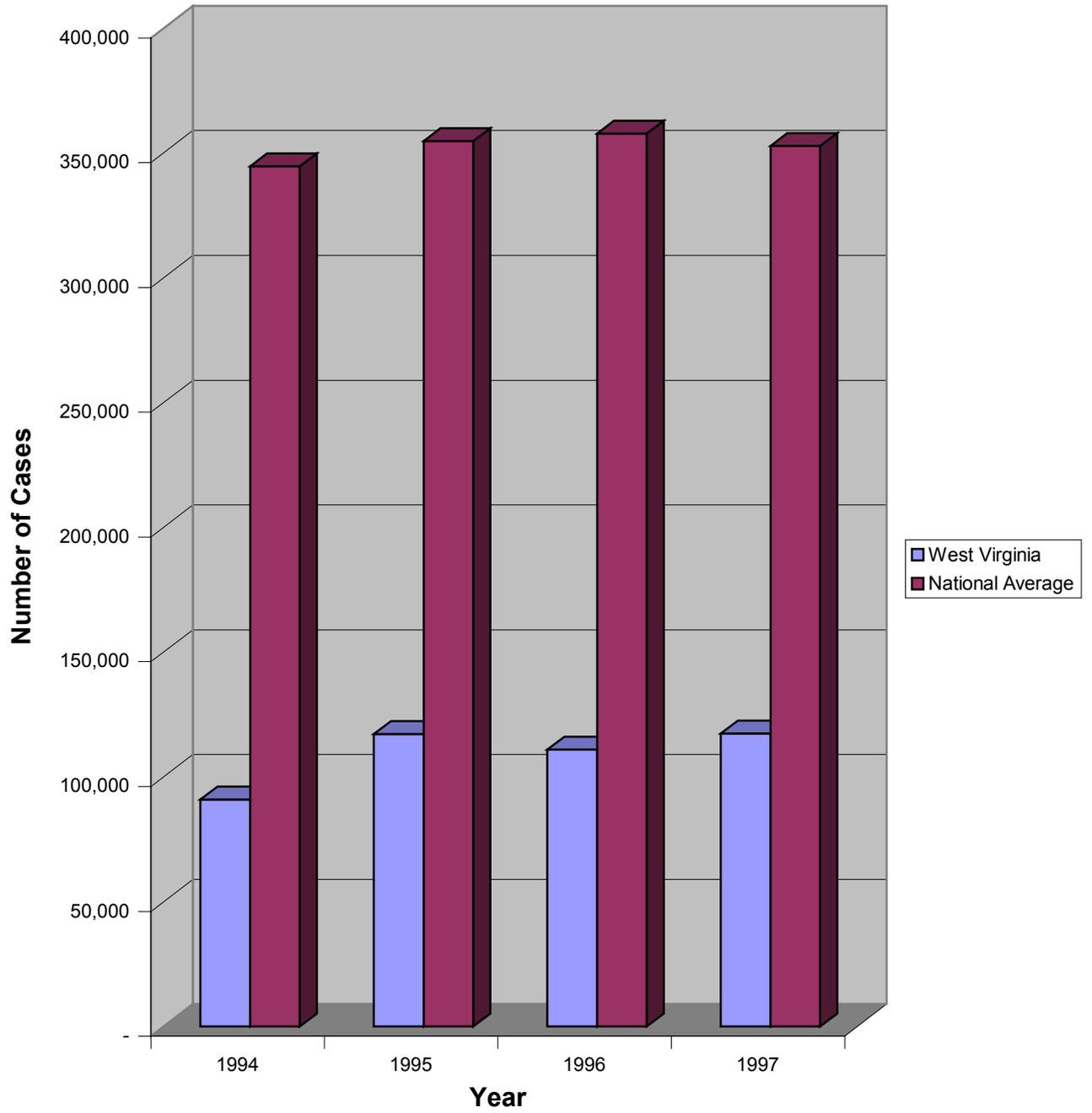
In 1995, 3,727,516 of a 19,162,137 total caseload received child support payments. This is a 19.5% success rate. The total caseload of 1995 increased a slight 2.97% from the total caseload of 1994. The national average of total caseload in 1995 was 354,854.39 per state/territory. In the state of West Virginia, there were 117,204 total cases, which is an increase of 28.72% from the previous year. The growth rate in West

Virginia was 9.7 times greater than the national growth rate between 1994 and 1995. Of this total caseload, 28,453 cases received payment. The national average was 237,650.39 more cases per state/territory than the total caseload in the state of West Virginia.

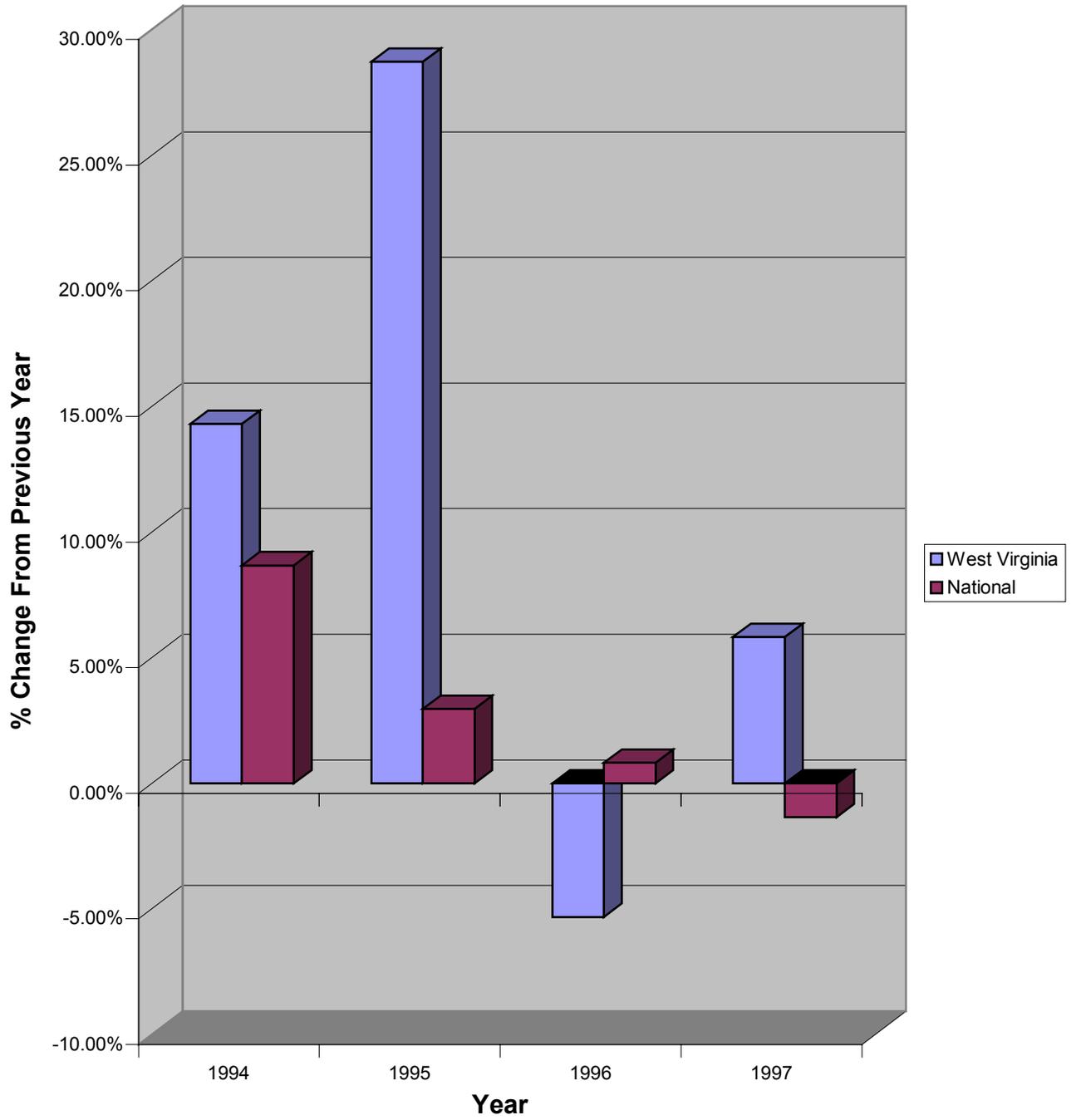
In 1996, the total caseload in the United States was 19,318,691 with collections being made for 3,953,492 cases. This is 20.5% of cases receiving their child support payments. The total caseload increased .82% from the year 1995. The national average of total caseload is 357,753.54 per state/territory. In West Virginia, 110,966 cases were carried with 40,061 cases receiving some sort of child support payment. This shows a decrease of 5.32% from the total caseload of West Virginia for 1996. The national growth rate was 6.5 times greater than the growth rate in West Virginia between 1995 and 1996. West Virginia carried 246,787.54 fewer cases than that of the national average.

In 1997, 4,207,869 of a 19,056,860 total caseload received child support payments. This is a 22.1% success rate. The total caseload of 1997 decreased a slight 1.36% from the total caseload of 1996. The national average of total caseload in 1997 was 352,904.81 per state/territory. In the state of West Virginia, there were 117,423 total cases, which is an increase of 5.82% from the previous year. The West Virginia growth rate was 6.3 times greater than the national growth rate between 1996 and 1997. Of this total caseload, 45,203 cases received child support payments. The national average was 235,481.81 more cases per state/territory than the total caseload in the state of West Virginia.

Total Caseload



Total Caseload



Discussion

Overall, child support enforcement has increased steadily on a year-to-year basis due to an increase in population and birth rate. The majority of the variables showed between a ten and thirty-five percent change from the previous year. The mean increase is approximately twenty-five percent. In this study, a fifty percent increase is considered significant since it is double the normal increase rate. An increase of fifty percent or higher from the previous year cannot be attributed to a normal annual increase and therefore must be a result of an additional factor such as child support enforcement laws.

Child support enforcement policies have a goal of improving total money distributed, paternities established, support orders established, absent parents located and total caseload no matter how small or large the improvement. No data is available on what the administrative policies consider a significant change.

In the four years of data examined in this study, five significant changes were found. All significant factors exist in the West Virginia data only. In 1994, West Virginia had a 56.20 percent increase in the number of **support orders established** from the number of **support orders established** in 1993. 1995 showed an additional 93.49 percent increase in the total number of **support orders established** from the previous year. These significant changes are most likely due to the Full Faith and Credit for Child Support Orders Act of 1994. This act required each state to enforce a child support order by a court of another state according to its terms with conditions and specifications for resolving issues of jurisdiction (OCSE, 1996).

The third significant factor found concerns **paternities established**. In 1995, the state of West Virginia had a 257.42 percent increase in the total number of **paternities established** compared to the total number of paternities established in 1994. This huge increase could be the result of the Clinton Administration's in-hospital voluntary paternity establishment program begun in 1994. This program was an incentive for fathers to claim their children upon birth. For those receiving TANF who refused to establish paternity without good cause, a twenty-five percent reduction in monthly assistance occurred (OCSE, 1996).

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 has brought forth very significant changes concerning the variables **Absent Parents Located** and **Paternities Established**. In 1996, the total number of **absent parents located** increased 282.34 percent from the total number located in the previous year. In 1995, 9,669 absent parents were located compared to 36,968 in the following year after the implementation of the PRWORA in 1996.

The second significant factor that was witnessed after the implementation of the PRWORA was the 104.27 percent increase in **paternities established**. In West Virginia, 5,687 paternities were established in 1996 while 11,617 were established in the year 1997.

Conclusions

Although all five measures of child support enforcement have increased steadily at the national level, no significant increases or decreases exist to report. The national data show an incremental increase on a year to year basis but does not show any significant improvement in child support enforcement as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The state of West Virginia has improved several measures of child support enforcement in the years looked at in this study. The number of **support orders established** increased significantly in both 1994 and 1995 most likely as a result of the Full Faith and Credit for Child Support Orders Act of 1994 which was a major step in the area of interstate child support enforcement. This act most likely impacted West Virginia differently than the nation as a whole because it required the state to establish its own statewide system instead of relying on a national system. In 1995, the number of **paternities established** in West Virginia increased seven-fold from 1994 mostly in part due to an in-hospital voluntary paternity establishment program which was implemented in 1994 by the Clinton Administration.

This study found that the PRWORA of 1996 improved the variables of child support enforcement, **absent parents located** and **paternities established** in the state of West Virginia. In 1996, the total number of **absent parents located** increased 282.34 percent from the 1995 data. This is a very significant change from the previous year. West Virginia also has seen a 104.27 percent increase in the number of **paternities established** in 1997 compared to the number of **paternities established** in 1996. In 1996,

both **paternities established** and **total caseload** in West Virginia decreased slightly from the data of 1995 but increased between 1996 and 1997. The other remaining variables show an increase in the state of West Virginia but the increase is not significant.

According to the data, West Virginia is not comparable to the national average of child support enforcement. West Virginia is lagging behind the national average in all variables examined in this study. There are several explanations that could explain the negative difference between the national average and the West Virginia data. One, West Virginia has a smaller population than the national average population. In 1997, the national average of the United States population was approximately 5,249,882 people per state. For the same year, West Virginia's population was approximately 1,815,000. This difference remained constant throughout all years studied. Two, the per capita income in West Virginia is \$6,564 less than the average per capita income of the United States. Three, the unemployment rate in West Virginia was approximately two percent greater than the national unemployment rate for all years examined. With more unemployment and less income than the national average, there are probably more absent parents in West Virginia than in the national average who cannot afford to pay child support payments.

Although West Virginia was not comparable to the national average of all variables, the rate of growth from year to year in West Virginia was greater than the national rate of growth for most variables. This is true for all variables except **support orders established** in 1997, **absent parents located** in 1995 and 1997, and **total caseload** in 1996.

In addition, the PRWORA of 1996 placed the moral issue of responsibility with the absent parent and this study has shown that this is being enforced. The two variables, which enforce the moral issue of responsibility of providing child support, are **paternities established** and **absent parents located**. These are the two variables that have significantly increased since the implementation of the PRWORA of 1996.

The issue of responsibility remains to be a special concern with the Clinton Administration. In January 2000, the White House unveiled the New Responsible Fatherhood Initiative to promote work and boost child support payments. Health and Human Services Secretary Donna Shalala notes that they make no apologies for using tough measures but are also helping the parents who cannot afford to make child support payments. She states that “every child deserves the financial and emotional support of both parents (U.S. DHHS, 2000).”

Concerning limitations of this study, the 1998 data were not yet available therefore limiting other possible significant changes. This study is an exploratory study that sets the groundwork for future studies. Also, United States totals do not always reflect the same number of reporting states/territories as not all states have reported all data. State data may also deviate between years because of variance in the number of counties reporting or because of estimated data. Another limitation to this study was that no data could be found on what the child support enforcement policies consider to be significant. The policies consider any change significant no matter how small or large.

As for improving future studies of child support enforcement in the state of West Virginia, several things need to be considered. One, studies need to look at more years of data including another year or two after the Personal Responsibility and Work

Opportunity Reconciliation Act of 1996. Second, studies need to focus on why absent parents in West Virginia are not paying the child support that is owed to these children. Third, studies would benefit at looking at data from surrounding states and states with similar demographics. One major flaw in child support enforcement is that the sanctions that are in place are not being enforced. If a family is not on welfare then that family is not a number one priority in enforcing child support. This suggests that enforcement is a response to the demands of welfare reform. Is this the case? Finally, future studies need to take into consideration that West Virginia has been trying to “catch up” since 1994 to meet the guidelines. Could this explain the tremendous growth rates in West Virginia, and if so, how much of the growth can it explain?

To conclude, this analysis has shown that the implementation of the Full Faith and Credit for Child Support Orders Act of 1994 and President Clinton’s in-hospital voluntary paternity establishment program have improved child support enforcement in West Virginia. This analysis has also shown that the PRWORA of 1996 has improved two variables of child support enforcement in West Virginia: **absent parents located** and **paternities established**. These two variables reflect the moral issue that responsibility belongs to the parents of the children in question. Whereas this analysis is an adequate study, it is also an exploratory study, which calls for a more focused analysis. This new analysis should focus more on the demographics of West Virginia over a longer period of time.

Works Cited

- Beller, Andrea H. and John W. Graham. 1993. Small Change; The Economics of Child Support. New Haven: Yale University Press.
- Boumil, Marcia Mobilia and Joel Friedman. 1996. Deadbeat Dads: A National Child Support Scandal. Westport, Connecticut: Praeger Publishers.
- Garfinkel, Irwin. 1992. Assuring Child Support: An Extension of Social Security. New York: Russel Sage Foundation.
- Garfinkel, Irwin, Sara S. McLanahan and Philip K. Robins. 1994. Child Support and Child Well-Being. Washington D.C.: The Urban Institute Press.
- Garfinkel, Irwin, Sara S. McLanahan, Daniel R. Meyer and Judith A. Seltzer. 1998. Fathers Under Fire: The Revolution in Child Support Enforcement. New York: Russell Sage Foundation.
- Hu, Mei-Chen. 1999. "The Effects of Child Support on Welfare Participation and Labor Supply." The Journal of Human Resources 34:71-103.
- Meyer, Daniel R. and Judi Bartfeld. 1996. "Compliance with Child Support Orders in Divorce Case." Journal of Marriage and the Family 58:201-212.
- Meyer, Daniel R. and Mei-Chen Hu. 1999. "A Note on the Antipoverty Effectiveness of Child Support among Mother-Only Families." The Journal of Human Resources 34:225-234.
- Office of Child Support Enforcement. 1994. "Nineteenth Annual Report to Congress."
- Office of Child Support Enforcement. 1995. "Twentieth Annual Report to Congress."
- Office of Child Support Enforcement. 1996. "Twenty-First Annual Report to Congress."
- Office of Child Support Enforcement. 1997. "Twenty-Second Annual Report to Congress."
- Sorensen, Elaine. 1997. "A National Profile of Nonresident Fathers and their Ability to Pay Child Support." Journal of Marriage and the Family 59:785-797.
- The Annie E. Casey Foundation. 1999. Kids Count.
- U.S Department of Health and Human Services. "Child Support Collections Reach New Records." Press Release: Dec. 28, 1998.

U.S. Department of Health and Human Services. "White House Unveils New Responsible Fatherhood Initiative to Promote Work and Boost Child Support Payments." Press Release: Jan. 26, 2000.

Watnik, Webster. 1998. Child Custody Made Simple: Understanding the Laws of Child Custody and Child Support. California: Single Parent Press.

Appendix A

Background of Child Support Enforcement

The beginning of federal legislative history of child support enforcement dates back to 1950 with Section 402(a)(11) of the Social Security Act. This legislation required each state welfare agency to notify law enforcement officials upon providing Aid to Families with Dependent Children concerning a child who was abandoned by a parent.

In 1965, Public Law 89-97, amendments of the Social Security Act, was created allowing states and local welfare agencies to obtain the address and place of employment of an absent parent who had a court ordered child support order. This information was obtained from the Secretary of Health, Education and Welfare.

Public Law 90-248, the Social Security amendments of 1967, extended the procurement of absent parent addresses allowing states to obtain this information from the Internal Revenue Service. With this amendment, every state was required to create a single agency in charge of establishing paternity and collecting child support for abandoned children receiving AFDC. States were also required to work together in a cooperative manner when concerning child support enforcement.

In 1975, Part D of Title IV of the Social Security Act was passed, which created the Child Support Enforcement Program whose sole purpose was to establish and enforce the support owed by absent parents to their children. The responsibility of running this program was given to individual states. Procedures were developed in helping distribute child support collections received on behalf of AFDC families and states received

incentives for collections made on AFDC cases. Wages due to federal employees became garnishment for child support collection (Office of Child Support Enforcement, 1997).

New requirements were added to the AFDC eligibility criteria, now requiring each AFDC applicant and recipient to cooperate in establishing paternity and securing support. This new law made this requirement less difficult when such cooperation would not be in the best interest of the child. In 1976, state employment agencies were required to provide state child support enforcement agencies with the addresses of absent parents.

In 1977, several amendments to Title IV-D were added. Garnishment of federal employee's wages were expanded to cover those employees of the District of Columbia and specified the conditions under which to serve garnishments on federal agencies. Another amendment required the state plan to provide bonding for those individuals who receive and disburse cash. The accounting and collection procedures were to be performed by different individuals.

The Medicare-Medicaid Antifraud and Abuse Amendments of 1977 established a medical support enforcement program. This program made it possible for states to require Medicaid recipients and applicants to assign their rights to medical support over to the state. Medicaid agencies were permitted to seek help from any state agency, including the IV-D agency, in order to enforce and collect medical support orders. Incentives were also made available for states securing child support collections on behalf of other states (Office of Child Support Enforcement, 1996).

Public Law 95-598, also known as the Bankruptcy Reform Act of 1978, repealed the section of the Social Security Act, lifting the bar against the discharge in bankruptcy of assigned child support debts. The section was readmitted in 1981.

The Social Security Disability Amendments of 1980 increased federal matching funds to ninety percent, which was to be used to develop an automated child support management information system. Funds were also available for child support enforcement procedures carried out by certain court personnel. The law also allowed for the collection of child support arrearages for non-AFDC families by the IRS.

The Adoption Assistance and Child Welfare Act of 1980 consisted of four amendments to Title IV-D. One, Federal Financial Participation was made available on a permanent basis for non-AFDC families. Two, states received incentive payments for all AFDC collections and interstate collections. Three, states were required to claim reimbursement for expenditures within two years. And four, postponed the five percent penalty for states' AFDC reimbursement for not having effective child support enforcement programs.

The Omnibus Reconciliation Act of 1981 added another five amendments to Title IV-D. One, child support obligations were to be withheld by the IRS via federal income tax returns. Two, agencies were required to collect not only child support for AFDC families but also spousal support. Three, non-AFDC parents late in paying child support were charged a special fee. Four, child support obligations assigned to the state could no longer be discharged in bankruptcy. And five, states were required to withhold part of unemployment benefits from parents delinquent in paying child support.

The Tax Equity and Fiscal Responsibility Act of 1982 affected the IV-D program in the following ways: Federal Financial Participation was reduced from 75 to 70 percent and incentives were reduced from fifteen to twelve percent; the non-AFDC collection fee imposed in 1981 was repealed; members of the armed forces on active duty were required

to make payments from their pay when support orders were at least two months late; states were permitted to reimburse themselves for AFDC grants paid to families for the first month in which collection of child support payments is enough to make a family ineligible for AFDC.

Also in 1982, the Omnibus Budget Reconciliation Act allowed for the obtainment of information by state child support enforcement agencies from the Food Stamp Act of 1977. The Uniformed Services Former Spouses' Protection Act permitted military retirement or retainer pay to become property to be divided in connection with divorce, dissolution or legal separation proceedings.

The Child Support Enforcement Amendments of 1984 introduced several amendments that required major improvements in state and local child support enforcement programs. It required all states to enact laws providing for the use of improved enforcement procedures such as mandatory income withholding procedures, state income tax refund interceptions, liens against real and personal property and reports of support delinquency information to consumer reporting agencies. All support orders were to include a provision for wage withholding. All techniques must be applied to interstate cases, allowing both states involved to take credit when reporting total collections for the year.

Federal matching funds were to be reduced to 66 percent by 1990 encouraging reliance on performance based incentives but federal matching funds of ninety percent were made available to develop automated systems. State incentive payments were set at six percent for both AFDC and non-AFDC child support collections. Audits were to be conducted every three years to evaluate states' effectiveness in collecting support orders.

Penalties could range from one to five percent of the federal share of the state's AFDC funds.

To show that child support enforcement is available to both AFDC and non-AFDC cases, all mandatory practices were required to be made available for both kinds of cases. Garnishing of tax refunds was extended to non-welfare cases as well as incentive payments. When a family is terminated from welfare, they automatically receive non-welfare child support services, which states are required to publicize, without having to pay a separate fee.

This act also required states to:

- collect support in certain foster care cases
- collect spousal support in appropriate cases
- notify AFDC cases of payments collected in their specific case
- establish state commissions to evaluate and report programs' findings
- formulate guidelines to determine child support amounts
- charge appropriate fees to non-welfare cases and delinquent parents to offset the cost of the program
- seek medical support orders as well as child support orders.

The Omnibus Budget Reconciliation Act of 1986 prohibited the retroactive modification of child support awards. State laws must allow for either parent to apply for modification of an existing order with the other parent receiving notification. The Omnibus Budget Reconciliation Act of 1987 required states to provide child support enforcement services to all families who receive Medicaid, having signed their support rights over to the state, whether they are receiving AFDC or not.

The Family Support Act of 1988 emphasized child support enforcement as the best defense against welfare dependence. State guidelines were required to be used for child support awards unless the guidelines were proven to be inappropriate in a particular case. Individual cases of AFDC cases must be reviewed and adjusted every three years. States were also required to meet federal standards for the establishment of paternity, requiring all parties in a contested paternity suit to be tested genetically. Federal funds would match ninety percent for lab testing.

Several other provisions were made. Every state that does not have an automated monitoring system by this time must have a plan by 1991 and a system implemented by 1995. A Commission on Interstate Child Support was created to evaluate and suggest improvements on interstate cases. The money spent by states on interstate projects was to be excluded from calculating the states' incentive payments.

Immediate wage withholding must be provided by each state unless the court finds there is good cause not to require it or there is a written agreement between both parties relying on an alternative agreement. Each state is also required to mandate that each parent furnish his or her social security number and to inform AFDC families of the amount of support collected on their behalf on a monthly basis. State-by-state statistics are to be collected concerning paternity establishment and location of absent parents in order to improve child support enforcement.

In 1989, the Omnibus Budget Reconciliation Act made permanent continued Medicaid benefits for four months after a family is terminated from AFDC due to child support collections. In 1990, this act extended the Interstate Child Support Commission for another year allowing it to hire its own staff.

The Child Support Recovery Act of 1992 made the failure to pay an order to a child in another state, that has remained unpaid for longer than a year or is greater than \$5000, a federal crime. A first offense includes a fine of up to \$5000 and/or imprisonment for no more than six months while a second offense can be not more than \$250,000 and/or up to two years imprisonment.

The Ted Weiss Child Support Enforcement Act of 1992 required consumer credit reporting agencies to include information on child support delinquents in any consumer reports.

The Omnibus Budget Reconciliation Act of 1993 increased the number of children that states' must establish paternity for. It also required states to adopt laws requiring civil procedures to voluntarily establish paternity such as hospital-based programs. Laws were also adopted to assure medical support for children not living with the covered individual.

1994 brought forth several acts, all containing their own provisions concerning child support. The Full Faith and Credit for Child Support Orders Act requires states to enforce child support orders by a court of another state. The Bankruptcy Reform Act of 1994 was created to protect child support from being discharged in bankruptcy cases. The Small Business Administration Reauthorization and Amendments Act requires all applicants of financial assistance be no more than sixty days late in paying child support payments. The Social Security Amendments of 1994 requires state agencies to report delinquent parents who are at least two months late in child support payments to credit bureaus.

In 1996, President William Clinton signed into law The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which contains comprehensive child support enforcement. Under the new reform, each state must operate a child support enforcement program that complies with Federal requirements. If this provision is not met then TANF (Temporary Assistance to Needy Families) block grants are not available. If, after establishment of the program, child support enforcement is poor then penalties will be given to those states.

By establishing new hire reporting and other enforcement tools, the reform allows more information to be obtained by the child support enforcement program in order to help locate absent parents. This information includes physical location and the location and type of assets owned by these absent parents.

Every state must develop Case and Order Registries which will be linked to a Federal Case and Order Registry in which all employers will report newly hired employees in order to establish wage withholding in appropriate cases. This also allows states to access information maintained by public and private entities.

Other improvements of the welfare act include:

- a single disbursement unit for the distribution of payments;
- states must handle interstate cases with the same priority of in state cases;
- improvements to assist states in collecting support payments from employees of the federal government;
- an easier process for review and adjustment of child support orders;
- an expansion of credit bureau reporting;
- streamlining the process of paternity establishment;

- enables states to seize assets, revoke drivers and professional licenses and require community service for past support;
- one percent of the federal share of support collection is to be used for technical assistance, projects, research and demonstrations concerning child support enforcement.

Key child support provisions of the 1996 reform include the National New Hire Reporting System, Paternity Establishment, and Incentive Funding.

The Federal Parent Locator Service is a computerized national network established to provide social security numbers, addresses, and employer and wage information to state and local child support enforcement agencies. The service obtains information from the IRS, SSA, Department of Defense, Department of Veterans Affairs, and State Employment Security Agencies in order to enforce child support orders. The reform expanded the Federal Parent Locator Service to include the National Directory of New Hires as a new source of information.

The NDNH (National Directory of New Hires) is noted to be the largest and most current database of newly hired employee information dedicated to locating absent parents and collecting child support orders. This is an especially powerful tool in those cases where the absent parent resides and/or works across state lines. More than thirty percent of child support cases involve more than one state.

All employers will be required to report information about newly hired employees to a State Directory of New Hires, which in turn will send the information to the NDNH. The information will then be matched against all state child support enforcement data. If

a match is made, then it will be reported to the state agency responsible for child support collection.

The act allows for easier and quicker legal processes for establishing paternity. The act expands the in-hospital voluntary paternity establishment program of 1993. It also requires states to publicize and encourage the use of voluntary paternity processes. For those receiving TANF who refuse to establish paternity without good cause, a twenty-five percent reduction in monthly assistance will occur.

Finally, the 1996 act allowed state and federal agencies to establish a new incentive funding system for the child support enforcement program. This system is cost neutral and performance-based depending on establishments of paternitys, establishment of support orders, collections on current support and past due support, and cost effectiveness (Office of Child Support Enforcement, 1997).