



CENTER FOR FAMILY POLICY AND PRACTICE

~New Thinking

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BEST Incomes for Noncustodial Parents Paying Child Support

The Basic Economic Security Tables Index, or BEST, is a new benchmark of the income levels that working people need in order to both pay for basic needs as well as build assets for economic security over a lifetime. The monthly BEST budget includes essentials such as housing, food, and transportation, as well as child care for working parents, out of pocket costs for health care, and savings for retirement and emergencies such as unemployment. The BEST index was developed by Wider Opportunities for Women (WOW) in collaboration with the Center for Social Development at Washington University in St. Louis.

The hourly wage needed to earn a BEST income is much higher than the federal minimum wage of \$7.25 per hour. For example, the BEST income for a childless person living alone is \$14.21, or about \$30,012 per year. BEST incomes have also been calculated for more than 400 different family combinations of one or two working parents with up to six children of different ages. As stated in “The Basic Economic Security Tables for the United States”: “The BEST Index is a measure of what a family needs, not what American families currently have and owe. There is no debt included within the Index.”

Child support is a significant financial obligation that many noncustodial parents owe, and it can become debt, or arrears, if it is not paid in full every month. For example, in Wisconsin, a child support order for two children living in the same household is typically 25% of pre-tax income. For a noncustodial parent earning the BEST income of \$30,012, the child support order would be \$625 per month.

Noncustodial fathers and mothers paying child support face extremely difficult choices about which economic security budget items to cut from the BEST monthly expenses (see table at right). Eliminating emergency and retirement savings leaves another \$477 to be cut. Health

Basic Economic Security Table, 2010 (1 worker with employment-based benefits)	
Monthly expenses:	
Housing (rent)	\$688
Utilities	\$149
Food	\$244
Transportation	\$495
Personal & Household Items	\$291
Health Care	\$136
Emergency Savings	\$75
Retirement Savings	\$73
Taxes (net of credits)	\$350
Monthly Total	\$2,501
Annual Total	\$30,012
Hourly Wage	\$14.21

Source: WOW

Child Support \$625
(Wisconsin: two children, order of 25%)

Income Needed to Pay 25% Child Support and Have a BEST Income Remaining

Monthly Total	\$3,335
Annual Total	\$40,016
Hourly Wage	\$18.95

insurance could be cancelled, but this would likely lead to emergency room bills and other out-of-pocket expenses. A working parent might sell their car and attempt to rely on public transportation, but according to WOW, “fewer than 5% of the nation’s commuters” use it to get to work. Housing and utility costs could be reduced by moving to a smaller and/or lower quality apartment, doubling up, or finding other unstable housing arrangements. WOW’s report acknowledges these challenges:

...the BEST suggests the trade-offs families face when incomes fall short of the BEST Index. Because the BEST is a conservative estimate of need, if families spend significantly less on an expense than the BEST suggests, they risk consuming at substandard levels or consuming goods and services (housing, food, child care, etc.) of substandard quality.

Noncustodial parents need to earn incomes that are much higher than the BEST guideline in order to both pay child support and maintain their own economic security. To still have a BEST income of \$30,012 per year remaining after paying child support, a noncustodial parent with an order of 25% would need to earn \$40,016 per year, \$3,335 per month, or \$18.95 per hour—more than two and a half times the federal minimum wage.

In a report titled “Coming Up Short: Wages, Public Assistance and Economic Security Across America,” WOW makes several policy recommendations that are relevant to increasing the economic security of noncustodial parents paying child support:

- “Re-tool federal-level programs to offer states incentives to provide comprehensive services to low- and middle-income residents as they pursue economic security.”
- “Increase the minimum wage, and index the wage to inflation.”
- “Expand access to education and training programs to prepare workers for jobs that pay a large proportion of local economic security wages.”
- “Promote private development of affordable housing.”

To learn more about Wider Opportunities for Women’s Basic Economic Security Tables initiative, and to read the reports cited above, please visit WOW’s website at:

<http://www.wowonline.org/usbest/>

Black Unemployment Two to Nearly Three Times Higher Than White Unemployment in Some Southern States

The unemployment rate among black workers was two to nearly three times greater than that of white workers during 2010 in four of the states that the Economic Policy Institute (EPI) examined in a series of “Distressed States” briefs. Three of the states that had significant disparities between the unemployment rates of black and white workers were in the south, including Mississippi, Texas and North Carolina. In “Distressed Mississippi,” Douglas Hall and Algernon Austin emphasized that “the pain of joblessness in Mississippi is most severe among its African American workers.” Unemployment among black workers in Mississippi peaked at 20% in the first quarter of 2010, a rate that was more than three times the 6% rate of white workers. The following table shows the disparities between black and white unemployment in these states during 2010:

Unemployment Rates, 2010 Average			
	Black	White	Ratio
Mississippi	18.0%	6.4%	2.8
Texas	13.6%	6.0%	2.3
Michigan	23.4%	10.8%	2.2
North Carolina	17.2%	8.6%	2.0

Source: EPI

In several of the states that EPI analyzed, while overall unemployment rates have dramatically increased since the beginning of the recession, there are striking differences in the changing unemployment rates of whites and blacks in specific states. For example, in Mississippi, reductions in the unemployment rate of whites are accompanied by increases in the unemployment rates of blacks. In correspondence with CFFPP, Algernon Austin, one of the co-authors of the EPI briefs, provided a national context for the variations observed between states:

“Looking nationally, one sees a slight divergence in the unemployment trends for blacks and for whites. The black-white unemployment rate ratio dipped over this recession from the usual ratio of 2 to about 1.7. The ratio typically declines over recessions, and now it appears to be bouncing back. These national trends may be visible in some of the state data. For a while, blacks will probably lag in recovering employment relative to whites, until the black-white unemployment rate ratio returns to about 2.”

Only four other states had higher rates of black unemployment than Mississippi in 2010 according to EPI: “Michigan (23.4%), California (18.8%), South Carolina (18.6%), and Illinois (18.0%).” Given “the severe jobs crisis that Mississippi and other states continue to face,” EPI made the following conclusion:

- “...there is a continued need for strong, direct job creation efforts by the federal government.”

To read the Economic Policy Institute’s series of six “Distressed States” briefs, please visit the EPI website at:

http://www.epi.org/publications/entry/distressed_states

Sexual Trauma Affects Fathers' Involvement in Child Protection Services and Access to Their Children

A new study of men in a fatherhood program found that having had a sexually traumatic experience as a child predicted much higher risks for court-ordered restrictions on contact with their children as well as child protective system involvement as an adult. Titled “Promoting Responsible Fatherhood Programming: Factors Affecting Low-Income Fathers’ Involvement in Child Protection Services and Court-Restricted Access to Their Children,” the lead author is Derrick Gordon, a professor at the Yale University School of Medicine.

The men in the study were all participants in Connecticut’s fatherhood initiative program. These fathers were disproportionately men of color from low-income communities: 43% were black, 30% were Latino or Hispanic, 76% were unemployed, 76% had a criminal conviction, 48% had been incarcerated for a “non-child-support-related offense,” and 88% did not live with their children.

The study found that men who reported having traumatic sexual experiences in their own childhoods were 10 times more likely to be involved with child protective services as an adult and nearly 6 times more likely to have court-ordered restrictions on contact with their children. Given these results, the authors make several recommendations:

- “Observations from this study call for fatherhood programs to explore with men how their past sexually traumatic experience impacts their ability to parent and coparent.”
- “It may be in the best interest of fatherhood programs and/or clinicians to help men process their traumatic experiences, and increase their active coping strategies.”
- “...programs may consider engaging men and fathers in proven psychoeducational trainings to help them mitigate the effects of their past trauma.”
- “Our findings lend additional support for Alaggia and Millington’s (2008) recommendation that sexual victimization be a part of a regular assessment used by clinicians and caseworkers who serve these men.”

For more information or to obtain a copy of “Promoting Responsible Fatherhood Programming...”, access the Journal of Poverty at the link below, or contact the authors directly by email:

<http://www.informaworld.com/smpp/content~content=a936680218>

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Wisconsin Supreme Court Rules on State Termination of Parental Rights Statute

In a recent Wisconsin Supreme Court ruling, the majority interpreted Wisconsin Statute § 48.415(6) regarding “Failure to assume parental responsibility” as a “Grounds for involuntary termination of parental rights.” The court concluded that judicial fact-finders should consider both the “support or care” that the parent provided as well as any “lack” of support or care over the “child’s entire life.”

The decision changes the scope of the court’s or jury’s inquiry to include periods over the course of the child’s lifetime where the parent provided substantial support or care as well as periods where the parent was unable to provide support or care, for example due to unemployment, geographical separation, or incarceration. This new interpretation of the fact-finding requirements may affect noncustodial parents who are at risk of involuntary termination of parental rights.

In the case of *Tammy W-G. v. Jacob T.*, the majority’s opinion concluded that Wisconsin law requires the fact-finder to examine the “totality-of-the-circumstances” when deciding whether or not a person has established a “substantial parental relationship” that is protected by the US Constitution’s Fourteenth Amendment due process clause. Additionally, “the fact-finder should consider any support or care, or lack thereof, the parent provided the child throughout the child’s entire life.”

This statute has been previously interpreted to allow the court or jury to focus on a particular time period in the child’s life. Under the previous interpretation, the fact-finder could limit the inquiry to only those periods where the person was in fact providing support or care to the child, and then use these facts to determine if a constitutionally protected substantial parenting relationship was established.

Following this decision, under the statute, the judicial fact-finder should consider periods where there was a lack of support or care. In cases where there are both periods of parental support and care, and periods where such care is lacking, the fact-finder may be able to conclude that the “totality” of the parental relationship is not substantial enough to merit constitutional protection of the person’s parental rights.

Two justices dissented from the majority opinion: Justice Ann Walsh Bradley and Chief Justice Shirley Abrahamson. In her dissent, Justice Bradley concluded that:

“Once a parent has assumed a substantial parental relationship with the child, failure to maintain that parental relationship is not grounds for termination under [Wisconsin law]. Rather, due process requires that other grounds for termination, such as abandonment, be proven before parental rights can be involuntarily terminated.”

Justice Bradley criticized the majority’s analysis as “flawed because it appears to conceive of the existence of a protected liberty interest that is in constant flux depending on the totality of the circumstances at any given moment. As a result the majority provides unclear guidance to fact-finders and undermines constitutional protections.” Justice Bradley further emphasized that the US Supreme Court has “concluded that a parent who has borne that responsibility at one point in the child’s life has established a substantial parental relationship with his child, and that relationship is entitled to constitutional protection under the due process clause.”

Under Wisconsin law, there are ten grounds for involuntary termination of a person’s parental rights. “Failure to assume parental responsibility,” the ground under examination in *Tammy W-G. v. Jacob T.*, is not a determination of whether a parent is unfit, but of whether the person has a constitutionally protected liberty interest in his or her parental rights. At issue is not whether the person is a good or bad parent, but whether they are a parent at all in the eyes of the law. In contrast, the other nine grounds concern a determination of whether or not a person whose parental rights are constitutionally protected is unfit to continue being a parent, for example in cases of abandonment, child abuse, or incestuous parenthood. If one of these ten grounds has been proven, including failure to assume parental responsibilities, the court can then find the parent unfit. Once a parent is determined to be unfit, the court can examine what is in the child’s best interest, and then order a termination of parental rights.

The case of Tammy W-G. v. Jacob T.

Jacob and Tammy were an unmarried couple who lived together while she was pregnant. After their daughter was born, they shared parenting responsibilities for four months. Jacob then moved away and, over the next four years, had four to six brief contacts with his daughter. Tammy married another man, and later petitioned the court to terminate Jacob’s parental rights so that her new husband could adopt Jacob’s daughter.

The Wisconsin Supreme Court’s decision in this case is of special concern to low-income noncustodial parents whose ability to provide support and care over the entire lifetime of their child may be reduced by several circumstances. These might include periods of unemployment or underemployment, the custodial parent blocking access to the children, the cost of travelling to visit if geographically separated, or time in jail or prison. Although this decision only directly affects similarly situated parents in Wisconsin who are at risk of involuntary termination of parental rights, the ruling could influence policy in other states.

The Wisconsin Supreme Court’s decision in *Tammy W-G. v. Jacob T.* can be read at court’s website:

<http://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=64253>

Mission Statement

The mission of the **CENTER FOR FAMILY POLICY AND PRACTICE (CFFPP)** is to strengthen society through the expansion of opportunities for low-income parents – mothers and fathers – to protect and support their children. CFFPP operates as a policy think tank to remove the unique barriers and negative public perceptions that affect low-income men of color. Through technical assistance, policy research and analysis, and public education and outreach, CFFPP works to support low-income families and develop public awareness of their needs.

Contact Us: If you would like to share comments, questions, ideas for future briefing topics, or to sign up for our email list, please contact Nino Rodriguez, Program and Policy Specialist, at nrodriguez@cffpp.org, or visit the CFFPP website at: <http://www.cffpp.org/emailupdates.php>

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