
My Brother's Keeper, or My Brother's Creditor?

Part Two: An Urgent Need for Data to Track Racial Equity Outcomes In Child Support Debt Collection and Government Reimbursement

This brief is second in a series. Others examine how child support owed to the government undermines ladders of opportunity, and can financially harm young people of color and their parents and families.

President Obama's My Brother's Keeper initiative calls for striking down barriers to parents' engagement with their children as part of its strategy to improve family economic security for young people of color.¹ However, one important barrier that My Brother's Keeper does not address is child support debt that parents owe to the government to reimburse the cash benefits that their children have received.

There is currently no publicly-available, national-level data that can be used to accurately determine the disproportionate financial harm to children and families of color caused by the policy of government retaining parents' child support payments to reimburse TANF cash assistance. The data presented in the first brief in this series strongly suggests that this harm occurs: children of color are more than three times as likely as white children to receive TANF benefits, and black children are nearly five times more likely; and low-income parents are over-represented among parents who are court-ordered to pay \$30 billion in child support debt to the government to reimburse TANF costs.² But without accurate and comprehensive demographic, financial and case-management data about all the children and parents who are connected to both TANF and the child support enforcement system, it is impossible to say.

Another major "Cross-Cutting Recommendation" in the My Brother's Keeper Task Force Report to the President is the call for improved collection, reporting, and transparency of data about "critical indicators" of the status, progress, and life outcomes of boys and young men of color—"and their peers," perhaps implying girls and young women of color as well.³ Specifically, data collection and reporting must at minimum be disaggregated by gender, race, ethnicity, and age. The report states:

- "Uncollected data and data that are not calculated currently mask disparities in outcomes between subpopulations, leaving whole groups invisible."⁴
- "The Federal government must...close gaps in data collection for currently invisible populations."⁵

The My Brother's Keeper report also specifically states that the Task Force will work with state and local agencies to make sure that local data informs the initiative's strategies.⁶ This point was reiterated in a White House press release stating that the Task Force will "determine ways the Federal Government can... better involve State and local officials."⁷

To assess the financial impact of child support and TANF policies on children, parents and families of color, it is critical that data from all levels of government—including national, state, and local—be made publicly available for research and analysis. This is especially important regarding the child support enforcement system because it is a partnership between the federal and state governments, and local child support enforcement programs are often administered and run by either state-wide or county-level human services agencies.

President Obama has called on all federal agencies “to make sure that we’ve got the best data possible,”⁸ however it is not clear how the federal Office of Child Support Enforcement (OCSE) will contribute to My Brother’s Keeper’s data efforts. The Task Force Report only mentions “child support obligations” once in passing, but court-ordered child support debt is not discussed at all—much less parents’ child support payments that are retained by the government for TANF reimbursement. To date, the federal Office of Child Support Enforcement has not publicly released sufficient demographic, financial, or case-management data to enable an analysis of how children and parents of color, and parents of different income levels, are impacted by the overlap of child support enforcement and welfare reimbursement policies—let alone any negative, or racially inequitable, consequences for children, parents, and families.

Specifically, the comprehensive information to be collected and published should include the following data, in a format that allows for disaggregation and analysis:

- Demographic data about all children and parents connected to both child support enforcement and TANF programs, including both mothers and fathers, custodial parents and noncustodial parents. Demographic data should include at minimum: race and ethnicity, gender, age, reported household income, and residence (by Census tract, if not actual address).
- Financial data related to child support enforcement, including: the dollar amount of each child support order; the amount of parent-owed arrears; the amount of state-owed arrears for TANF reimbursement; and the amount of child support payments actually retained by the government for TANF reimbursement.
- Case-management data regarding child support enforcement actions, including, but not limited to: garnishment of tax refunds (such as EITC); driver’s and other license suspensions; charges of contempt of court for nonpayment; jail time served for contempt of court.

In the context of My Brother’s Keeper, the comprehensive data described above should be collected and published in a manner that facilitates determining whether similarly situated children and parents have similar outcomes related to child support enforcement, or if there are disparities among people with federally protected characteristics, such as race, ethnicity, gender and age. Specifically, the preceding data should be used to determine the financial effect of welfare reimbursement policies on children and parents of color, and whether noncustodial parents of color—and by extension their children, and custodial parents—are affected by different degrees of enforcement activities compared to others.

Analysis of the preceding data according to where children and parents live can also be used to determine whether families in different neighborhoods, communities, cities and counties, face different impacts from child support enforcement and welfare reimbursement policies. This would be similar to how geographic data on the financial costs of mass incarceration has been used in the past decade to identify “million dollar blocks” in specific communities.⁹ Geographic data regarding child support enforcement could be used to identify the blocks and communities most affected by an array of child support policies, including government using parents’ child support payments to reimburse TANF expenditures.



Recommendations for State and Federal Policymakers

For children and young people of color to successfully climb ladders of opportunity, these ladders must be placed on a solid foundation of family economic security—not undermined by government policies that drain resources from parents, families and communities. Policymakers across the country have recognized that other financial drains—for example, predatory payday loans—are a threat to the economic security of children and families, particularly in low-income communities of color. However, parents working hard to achieve basic economic security continue to have financial resources drained from themselves, and their children and families, in order to pay child support debt that is owed to and will be kept by the government.

Bold and comprehensive solutions that policymakers can pursue have been proposed in CFFPP's recent study "What We Want to Give Our Kids," researched and produced in collaboration with the Insight Center for Community Economic Development.¹⁰ Among several policy recommendations, the following is a brief summary of the solutions that are most relevant for providing today's young people of color with a solid foundation for pursuing opportunity into the future:

- **Revoke the legal requirement that parents reimburse the state and federal governments for TANF cash assistance provided to their children's households.** Additionally, state agencies should forgive existing child support debt that is owed to the state—rather than to parent's children.
- **Remove low-income parents from child support enforcement during any times that they have no ability to both financially sustain themselves and to pay child support.** Such parents should be placed in income support, employment support, and other social welfare programs.
- **Stop the practice of family court judges incarcerating poor and/or unemployed parents who are unable to pay their court-ordered child support debt.** When low-income parents—and particularly fathers of color—are incarcerated for nonpayment of child support, the resulting arrest and incarceration record can limit future employment prospects, and lead to reduced wages.
- **Base child support orders on reasonable evidence of a parent's actual income and assets.** Some child support orders are based on the presumed earning capacity of parents who are poor and/or jobless. Such orders do not reflect low-income parents' actual ability to pay and only serve to increase debt and further destabilize economic security for their children, families and communities.

All children deserve a solid foundation from which to pursue their dreams, including parents who are engaged and supportive, and a secure economic base. The above policy recommendations can help build a more equitable foundation for low-income children of color and their parents. Constructing this foundation is essential to the success of President Obama's My Brother's Keeper initiative.



Endnotes:

¹ “My Brother’s Keeper Task Force Report to the President,” May 2014, pp. 22-23, http://www.whitehouse.gov/sites/default/files/docs/053014_mbk_report.pdf

² Rodriguez, Nino, “My Brother’s Keeper, or My Brother’s Creditor? How Child Support Debt and Government Reimbursement Can Undermine Ladders of Opportunity for Young People of Color,” CFFPP, September 2014, http://cffpp.org/publications/MBC_Part1.pdf

³ “My Brother’s Keeper Task Force Report to the President,” pp. 7, 16, and 18-22.

⁴ Ibid., p. 22.

⁵ Ibid., p. 7.

⁶ Ibid., p. 18.

⁷ The White House, Office of the Press Secretary, “FACT SHEET: President Obama Applauds New Commitments in Support of the My Brother’s Keeper Initiative,” July 21, 2014, <http://www.whitehouse.gov/the-press-office/2014/07/21/fact-sheet-president-obama-applauds-new-commitments-support-my-brother-s>

⁸ The White House, Office of the Press Secretary, “Remarks by the President with the ‘My Brother’s Keeper’ Task Force,” May 30, 2014, <http://www.whitehouse.gov/the-press-office/2014/05/30/remarks-president-my-brothers-keeper-task-force>

⁹ Gonnerman, Jennifer, “Million-Dollar Blocks: The neighborhood costs of America’s prison boom,” *The Village Voice* (New York), November 9, 2004, <http://www.villagevoice.com/2004-11-09/news/million-dollar-blocks/>

¹⁰ Boggess, Jacquelyn, Anne Price, and Nino Rodriguez, “What We Want to Give Our Kids: How Child Support Debt Can Diminish Wealth-Building Opportunities for Struggling Black Fathers and Their Families,” CFFPP and the Insight Center for Community Economic Development, April 2014, <http://cffpp.org/publications/whatwewanttogiveourkids.pdf>

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.

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