
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

This brief is the first in a series. Future briefs will examine: the urgent need for data to track racial equity outcomes; and determine the impact of child support policies on children, parents, and families of color.

The importance of economically-secure and involved parents for the success of boys and young men of color is a centerpiece of President Obama's My Brother's Keeper initiative. Indeed, the My Brother's Keeper Task Force Report to the President highlights "Empowering Parents..." as one of four "Cross-Cutting Recommendations and Areas of Opportunity" that are essential to "improving educational and life outcomes for all populations."¹ Emphasizing the challenges of parents of color who are struggling to make ends meet while trying to nurture and support their children, the report also acknowledges that "economic stability..., custody arrangements and other factors exacerbated by low income make it difficult for many parents to have time for quality engagement with their children."² Indeed, the report concludes its section on Empowering Parents with a call for "removing barriers to parents'... engagement with children."³ However, one important barrier to parent engagement is not addressed by My Brother's Keeper: Court-ordered child support debt owed by low-income and/or unemployed parents.

For lower-income parents, the barrier of child support debt can grow to be insurmountable, often because courts order struggling parents to pay unaffordably high monthly child support amounts without regard to parents' actual current income and ability to pay. This may be especially true for fathers of color, who are more likely to have had their own economic ladders of opportunity stunted by several structural factors, including: racial bias and discrimination in employment, leading to longer unemployment and lower wages;⁴ and racial and gender bias by law enforcement officers and decision-makers in the justice system, increasing the risk of arrest and incarceration.⁵ Child support debt is yet another systemic barrier that often frustrates parents who are trying to provide for their daughters and sons while also struggling to survive themselves.⁶ This debt can create economic instability that may reduce parents' ability to be involved in the lives of their children—including children who live in a different household, and children who live under the same roof.

Ladders of opportunity for children and young people of color are more likely to be undermined by child support debt when parents' payments are retained by the government—instead of going to their children—in order to repay cash benefits received from the Temporary Assistance for Needy Families (TANF) program. These financial resources are drained from the parents, children, and families who can least afford it. Children of color are more than three times as likely as white children to receive TANF benefits, therefore their parents are much more likely to owe child support debt to the government—not to their daughters and sons. According to CFFPP's analysis of recent federal data:⁷

- Children of color account for **73%** of all children who receive TANF benefits.⁸
- **7%** of **all** children of color receive TANF, including more than **10%** of **all** black children, and nearly **7%** of **all** Latino children.⁹



- Black children are **nearly five times** more likely to receive TANF than white children, and Latino children are **more than three times** as likely.¹⁰
- Parents owe **\$30 billion—26%** of all child support debt—to the government, not to children.¹¹

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.¹² 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. 7, 16, and 22-25, http://www.whitehouse.gov/sites/default/files/docs/053014_mbk_report.pdf

² Ibid., p. 22.

³ Ibid., p. 23.

⁴ “Study Concludes: ‘America Is Still Racially Segregated in the Workplace’ Leading to Lower Wages for Black Men,” CFFPP Policy Briefing, April 2011, p. 4, http://www.cffpp.org/publications/PB_April_2011.pdf

⁵ For an overview of racial bias in law enforcement and criminal justice, see “My Brother’s Keeper Task Force Report to the President,” pp. 49-50.

⁶ For a recent study examining these issues in six cities, see: 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>

⁷ CFFPP’s analysis is based on HHS TANF data and U.S. Census data from 2011, and federal Office of Child Support Enforcement (OCSE) data from 2013. TANF data source: Office of Family Assistance (OFA), Administration for Children & Families (ACF), U.S. Department of Health and Human Services (HHS), “Characteristics and Financial Circumstances of TANF Recipients, Fiscal Year 2011—Appendix,” Table 35, Temporary Assistance for Needy Families - Active Cases, Percent Distribution of TANF Recipient Children by Ethnicity/Race, FY2011, p. 40, http://www.acf.hhs.gov/sites/default/files/ofa/appendix_fy2011_final_amend.pdf; U.S. Census data source: Population Division, U.S. Census Bureau, data provided by National KIDS COUNT, “Child population by race, Year(s): 2011,” <http://datacenter.kidscount.org/data/tables/103-child-population-by-race?loc=1&loct=1#detailed/2/2-52/false/867/66,67,68,69,70,71,12,72/423,424>

⁸ Children of color accounted for 47% of all children in the U.S. as of 2011.

⁹ Nearly 19% of all Native Hawaiian and Other Pacific Islander children receive TANF, largely driven by children living in California (more than 32% of all Hawaiian and Pacific Islander children receive TANF), Hawaii (21%), Texas (20%), Washington (18%), and Guam (5%). More than 5% of all Native American children receive TANF, largely driven by children living in Minnesota (18%), South Dakota (15%), North Dakota (14%), Montana (14%), and California (13%).

¹⁰ Native Hawaiian and Other Pacific Islander children are nearly nine times more likely to receive TANF than white children, and Native American children are more than two times as likely. In contrast, Asian children and multi-racial children are both somewhat less likely to receive TANF than white children, but this probably masks variations in the levels of poverty among children from different ethnic groups, particularly among Asian children.

¹¹ Office of Child Support Enforcement (OCSE), ACF, HHS, “FY2013 Preliminary Report - Table P-89: Certified Federal Offset Caseload and Arrearage Amount Totals, 2013,” source: Federal Parent Locator Services (FPLS); data as of 9/26/2013, <http://www.acf.hhs.gov/programs/css/resource/fy2013-preliminary-report-table-p-89>

¹² 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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This publication is made possible, in part, through the generous support of the Ford Foundation and through CFFPP’s membership in Community Shares of Wisconsin. Any opinions, errors or conclusions expressed herein do not necessarily represent the views or positions of CFFPP’s funders.