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POLICY BRIEFING

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**Collaboration Publishes
Recommendations on Child Support Policy**

The Common Ground project has released its second report, *Dollars and Sense: Improving the Determination of Child Support Obligations for Low-Income*

Mothers, Fathers and Children. The project was a collaboration between the National Women's Law Center and the Center on Fathers, Families and Public Policy that brought together policy advocates, practitioners and researchers who work on behalf of low-income mothers and fathers to find areas of consensus on child support policy issues. For this report, participants addressed the setting of child support orders. Among the report's recommendations:

- Child support collections should go to children to increase their well-being, and not to the government as repayment for welfare costs.
- All parents, including those who receive public assistance, should be able to choose whether to establish and enforce a child support award through the formal child support system. This would be accomplished by the recommended elimination of the cooperation requirement for custodial parents, in combination with the elimination of the child support assignment (recommended in the first Common Ground report) that are currently conditions of receiving public assistance.
- States should avoid or minimize using imputed income to set child support awards by requiring child support agencies to make greater efforts to obtain information about parents' actual income and work histories, including in default cases.
- When private health coverage is not available at reasonable cost, state child support agencies should enroll eligible children in public health insurance programs such as Medicaid and the State Children's Health Insurance Program.
- States should eliminate the practice of imposing on low-income parents a retroactive child support obligation owed to the state for the reimbursement of public assistance costs.
- States should not seek reimbursement of Medicaid costs related to pregnancy and childbirth from low-income fathers.
- For low-income incarcerated fathers, states should suspend the child support obligation, or reduce it to a minimum, during the period of incarceration if it is not due to nonpayment of child support. Custodial parents should receive notice of the presumptive suspension and be given an opportunity to rebut the presumption.
- Interest should not be charged on child support debt that is owed to the state and states should limit the amount of child support arrears that can accrue to the state while a noncustodial parent is receiving public assistance, is incarcerated or is institutionalized.
- A debt-reduction approach to the compromise of arrears owed to the state should be adopted that allows low-income noncustodial parents to reduce their arrears as they make payments, rather than an all-or-nothing amnesty policy that reinstates the arrears in full if a child support payment is missed.

The report, with a complete list of Common Ground participants, is available at www.nwlc.org or www.cffpp.org.

Senate and House Fatherhood Provisions Compared
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Both the House TANF reauthorization bill (H.R. 4737, or the *Personal Responsibility, Work, and Family Promotion Act of 2002*) and the Senate

Finance Committee proposal of June 26, contain funding and provisions related to fatherhood programs and services. Below are brief summaries of the fatherhood provisions contained in each proposal (for summaries of other provisions, such as child support and marriage, see CFFPP Policy Briefings from April and May available at www.cffpp.org). Detailed summaries are available in chart form from the Center on Law and Social Policy at www.clasp.org.

The Senate Finance Committee bill would approach services to fathers from the vantage point of employment and is aimed at getting noncustodial parents who are behind in child support to increase child support payments. The proposal would:

- Provide \$25 million to states each year from 2004 to 2007 (subject to availability of funding appropriations) to support programs for noncustodial parents who are determined by a court or child support agency to have a history of nonpayment or irregular payment.
- The goals of the program would be to: 1) establish a pattern of regular child support payments; 2) increase the dollar amount and the total number of orders with collections, and 3) help fathers improve relationships with their children.
- A provision in the proposal provides that a funded program “shall not permit a noncustodial parent placed in the program to graduate from the program and avoid penalties for failure to pay a child support obligation until the noncustodial parent completes at least 6 months of continuous timely payment.” While the provision will likely be clarified further as the proposal moves through the legislative process, advocates should be aware that as currently written, this provision could have unintended negative consequences for many noncustodial parents.
- Authorize a total of \$50 million in grants to states to conduct policy reviews and develop recommendations related to the goals of the program (above) and to coordination among TANF, child support, job training and employment and criminal justice systems.

The House bill (H.R. 4737) would create Title IV-C of the Social Security Act. This legislation is devoted to the promotion of responsible fatherhood and healthy marriages. The bill would focus on relationships and families, and on encouraging married fatherhood. Among its provisions:

- \$20 million each year from 2003 to 2007, with grants awarded by the federal government and with a preference for a diversity of projects and for projects serving low-income fathers.
- The purposes of the program would be to: 1) promote responsible, caring, and effective parenthood; 2) enhance the abilities and commitment of unemployed or low-income fathers to provide material support for their families, encourage and support of timely payment of current child support and regular payment toward past due child support obligations; 3) improve the father’s ability to effectively manage family business affairs, and to 4) encourage and support healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, and relationship skills enhancement.
- The bill also requires that funded programs, at the discretion of the Secretary of Health and Human Services, conduct random assignment of clients to service recipient groups and control groups (who would be excluded from some or all services regardless of their

circumstances, need for services or motivation to receive services). Programs would also be required to afford the Secretary access to the project and its records, staff and clients. This could allow the child support agency or any other federal agency access to program participants for purposes of child support enforcement, immigration, or any other purposes deemed necessary by the Secretary.

The Senate Finance Committee proposal has not yet come to the Senate floor, and the chances of Congress reauthorizing TANF this session are increasingly in doubt. If no consensus is reached by the end of the session, the program would be funded at its current levels with current law extended until next session.

Newspapers Tell Stories of Welfare Time Limits' Impact across States

The following collection of articles from around the country illustrates the hardship faced by welfare recipients and state governments as they reach the five-year lifetime limit on welfare benefits that was instituted with the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PROWRA), which authorized the implementation of the Temporary Assistance to Needy Families (TANF) program.

The actual date that families reach their lifetime time limit varies depending on the state's chosen TANF start date and the state's policy and chosen time limit, which ranges from 2 to 5 years. Although states are allowed to exempt up to 20% of their caseload from time limits, only 11% of the TANF families with an adult receiving benefits were exempted in fiscal year 2000. Exemptions most often were granted to families considered the hardest to employ or who were considered to be complying with work requirements but earning too little to move off of TANF. A recent GAO report, *Welfare Reform: With TANF Flexibility, States Vary in How They Implement Work Requirements and Time Limits* (GAO-02-770 July 2002) summarizes states' implementation of time limits, and is available at www.gao.gov. For a list of time limit policies by state, see www.spdp.org.

- By year's end, more than 100,000 welfare families in **California** will have the adult portion of their welfare grant cut due to time limits regardless of whether or not the adult is working or complying with program rules. Beginning next year, approximately 1,800 families will reach the time limit each month. More than half of the families expected to be cut off did get jobs while on TANF, but at wages low enough that they still qualified for benefits. See *"Welfare clock running out: As 5-year limit on benefits approaches, poor parents need financial help despite finding new jobs."* By Zachary Coile. San Francisco Chronicle, July 7, 2002. <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/07/07/MN208911.DTL>

In **Los Angeles County** alone, approximately 43,000 welfare recipients are expected to be cut from the welfare program because of time limits by January 2003. The Children's Planning Council surveyed more than 8,500 current or former welfare recipients, and 44 percent reported that their biggest problem in finding a full-time job was affordable child care.

- **Colorado** had its first group of recipients reach the state's five-year time limit on June 30. Although families who reach the time limit can apply for a hardship exemption and the state is allowed to grant such exemptions to 20% of its caseload, very few of the potentially eligible families have applied. Advocacy groups in the state are currently lobbying for a change to federal guidelines that would eliminate the time limit and for state flexibility to

grant more extensions. See *"Welfare benefits drying up. Five-year reform plan passed in 1997 ends cash payments."* By Jeremy Meyer. Colorado Springs Gazette, July 22, 2002.

- In **West Virginia**, a class action suit has been filed against the State Department of Health and Human Resources, alleging that the time limit policy violates the state's constitution and that state grievance and notification policies are improper. Plaintiffs contend that families are not adequately informed of the process for asking for an extension of benefits, and grievance procedures are ineffective because hearing examiners are not empowered to change decisions made by state workers. For a recent article on the lawsuit, see *"Lawyers summarize arguments in welfare suit."* By Dawn Miller. Charleston Gazette, July 10, 2002. <http://www.wvgazette.com/news/Other+News/2002070910/>
- On July 1, the first 414 TANF families reached their time limit in **Missouri**, losing their entire grant, which averages \$245 per month. Private social service agencies are concerned that they will not be able to meet the increased need of families losing benefits. See *"Five-year limit on cash welfare benefits runs out for some families."* By Matt Merkel-Hess. Kansas City Star, July 2, 2002. <http://www.kansascity.com/mld/kansascity/news/3582763.htm>
- In **New Mexico** 208 families were the first to reach their five-year time limit on July 1. The state's Welfare Reform Oversight Committee is looking for ways to extend the cut-off date, based on a delay in initial implementation of a legislatively approved TANF program, to April 2003, allowing 1,700 families who would otherwise lose benefits to remain eligible until that date. One client facing the time limit is quoted as saying, "The state should help clients find a way to survive rather than just count down your time left. There's a lot who are not going to make it out there because they have no job skills, no education or the mental well being." See *"Santa Feans struggle with reality of life after welfare."* By Deborah Davis. Santa Fe New Mexican, June 30, 2002. <http://www.sfnwmexican.com>. You will need to search the archives.
- **Washington** state is preparing to continue benefits for 1,150 families in spite of their having reached the five-year time limit. The state will extend eligibility for these families under the TANF 20% exemption from lifetime time limits. The state's exemption categories include individuals with disabilities, individuals who are taking care of a disabled child or relative, and those who are meeting work requirements but are not yet able to obtain full-time employment. Another 250 families will have their benefits reduced when the adult reaches the time limit and is not meeting work requirements. Washington has an adult-only sanction policy, but this state law is threatened by the House TANF reauthorization bill which would require states to sanction the full family for noncompliance with program rules. See *"Time's up for some families still on welfare."* By Joseph Turner. Tacoma News Tribune, July 29, 2002. <http://www.tribnet.com/news/story/1501563p-1619218c.html>
- Several thousand welfare recipients in **Minnesota** reach the five-year time limit this summer. While half of those reaching the limit are expected to receive an extension, it is not clear how long the extension will last. Legal services staff report a sharp increase in calls from confused and anxious welfare recipients who have gotten notices of the time limit. Private service providers are preparing for increased demand for services, particularly as winter approaches. One legal services attorney asks, "What happens if families lose an extension? One wrong action could screw everything up. The stakes are really high – and high for the category of families least able to perform perfectly." See *"Thousands of*

Minnesotans hit their welfare deadline." By Jean Hopfensperger. Minneapolis Star Tribune, July 1, 2002. <http://www.startribune.com>. You will need to access their archives.

Disparity in Arrests of Minority Youth Offenders Documented

A new report and a budget proposal in Wisconsin both provide further evidence of the disparities faced by minority youth in the criminal justice system.

A national study released this month, *"Donde Esta La Justicia?" (July 2002)*, by Building Blocks for Youth, a collaboration of children's advocates, law enforcement officials and community organizers, finds that the criminal justice system disproportionately arrests Latino youth and subsequently confers harsher sentences on them than is true for white youth. Among the study's findings:

- Latino youth are significantly overrepresented in the U.S. justice system and receive harsher treatment than white youth even when charged with the same types of offenses.
- For youth charged with drug offenses, the admission rate for Latino youth was 13 times the rate for white youth.
- In every offense category, the average length of incarceration was longer for Latino youth than for any other racial or ethnic group. The average length of incarceration is 34.3 months for Latino youth compared to 30.5 months for white youth.
- Latino youths from Los Angeles were arrested 2.3 times more often than white youth, were tried as adults 2.4 times more often, and were imprisoned as adults 7.3 times more often than white youth from 1996 to 1998.
- Findings from the report include that the system fails to provide adequate bilingual services to Latino youth, and fails to ensure cultural competency of staff working with Latino youth in the system, and that anti-gang laws result in harsh and unfair consequences for Latino youth.

The report is available at www.buildingblocksforyouth.org.

In Wisconsin, a Milwaukee County budget proposal would reduce the number of probation officers, increasing caseloads by almost a third, reduce funds for a court-diversionary program for first-time offenders, and eliminate two programs that provide less restrictive setting for children than secure detention while their cases are pending. The cuts would result in higher incarceration rates, since judges would have fewer choices outside of incarceration and would have less trust in the probation system once caseloads increase. The cuts come at a time when the County has acknowledged that low-income African-Americans account for the majority of detained youth, and has initiated a project to address the disparity. With fewer options to incarceration available, the budget proposal would undermine this initiative. The Milwaukee County Children's Court points out that the proposal will also end up costing the County in increased costs for incarceration compared to other alternatives. See "Cuts may mean more jailed kids," Milwaukee Journal Sentinel, July 30, 2002. www.jsonline.com.

Please Note: The next issue of the CFPP Policy Briefing will be available in September 2002.