



Short Takes on Welfare Policy

Number 3

Helping Poor Nonresident Dads Do More

Greater job services, better health care access, and realistic support expectations will help more poor nonresident fathers become equal partners in their children's upbringing.

Elaine Sorensen

Welfare reform endorsed the notion that both parents should support their children financially, regardless of which parent a child lives with. Accordingly, the reforms emphasized work for custodial parents and strengthened states' ability to enforce child support laws. This approach has increased the number of working single mothers and raised child support payments. It has done less, however, for the children of the 2.5 million nonresident fathers who are poor and do not pay child support.¹

To ensure support for these children—many of whom receive welfare—reformers must view nonresident fathers' challenges as equally important as those of custodial parents. Despite the 1996 reforms, poor nonresident fathers receive fewer employment-support services and less health care than do poor mothers living with their children. And in many cases, the court system sets child support payments higher than poor fathers can pay, leaving them little hope of ever meeting their financial obligations.

FULLER PARTNERING IN THE WELFARE CONTRACT

Poor nonresident fathers and poor custodial mothers face many of the same employment barriers and economic hardships, including limited education, joblessness, and health worries (see figure). In 1999, 40 percent of poor fathers and 38 percent of poor mothers did not finish high school. More than 40 percent of poor fathers and 35 percent of poor mothers were jobless for at least a year. And for a quarter of poor nonresident fathers and one-fifth of poor custodial mothers, a health condition limited their ability to work.

Congress took steps in 1996 to provide work-oriented services to noncustodial parents behind in child support, but did not go far enough. Before welfare reform, all states allowed courts to order delinquent noncustodial parents to seek work if they reported unemployment as the reason for failing to pay. The courts, however, lacked a way to verify the fathers' compliance and the authority to order more comprehensive employment services. Under welfare reform, a congressional mandate authorized states to allow courts to order nonpaying noncustodial parents with children on welfare into work activities speci-

fied under Temporary Assistance for Needy Families (e.g., getting on-the-job training or job search assistance).

Some states have successfully implemented Congress's 1996 mandate. In Georgia, for example, the Child Support Enforcement offices coordinate with the superior courts to enroll noncustodial parents not paying child support in training and employment-service programs provided by the state Department of Technical and Adult Education.² Most states, however, have made little progress because Congress did not provide funds for states to implement the mandate (State and Local Initiatives Database 2002).

In 1997, Congress established the Welfare-to-Work initiative for hard-to-serve welfare recipients and noncustodial parents. But this program, the first explicitly targeting work-related services to noncustodial parents, is scheduled to end in 2004 and has not reached its intended number of noncustodial parents. Notably, in 1999 only 6 percent of poor nonresident fathers received job training or job search assistance, compared with 20 percent of poor custodial mothers.

A significant share of poor nonresident fathers also do not have access to health care. In 1999, more than half were uninsured, and only 15 percent were covered by Medicaid. Under current law, only poor nonresident fathers who are disabled can receive Medicaid. Yet nondisabled custodial parents can receive Medicaid as long as they meet income-based eligibility criteria. In 1999, nearly half of all poor custodial mothers received Medicaid.

REALISTIC PAYMENT EXPECTATIONS

In addition to limited access to work-related programs and health care, many poor nonresident fathers face unaffordable support payments. Of the 1 million poor nonresident fathers paying child support, a quarter pay more than 50 percent of their gross income in support, while only 2 percent of nonpoor fathers pay that share. It's difficult to identify all the reasons for high child support orders relative to poor fathers' income, but high default orders appear to be one important factor.

A court issues a default order if a father does not appear for a child support hearing. Federal law requires child support orders to reflect the earnings capacity of the noncustodial parent. However, when a father does not show up, many states allow courts to set default orders at the minimum basic standard of adequate care, a measure based on the needs of the custodial family, not the nonresident father's income. For example, in California, if a noncustodial parent's income is unknown, the courts presume the standard care amount—\$423 a month for a single child in 2001.³ In contrast, a father who appeared in court and had a net disposable income of \$1,000 per month would

have had to pay at most \$250 per month for a single child (Judicial Council 2001).

The amounts accruing under default orders are due in full and can result in large arrearages. Many poor fathers have no hope of ever paying their support obligations. Courts can lower the ordered support, but the legal action required takes time and money. Currently, child support arrears total more than \$84 billion, with the average arrears case owing \$8,487. Because support payments for children receiving welfare go to the state, most of this money is owed to the government.

RECOMMENDATIONS

The 1996 reforms narrowed the gap in expectations for non-custodial and custodial parents only slightly. The following measures would help states provide more nonresident fathers with much-needed work-related services and other supports:

- Establishing a state block grant for work-related programs for noncustodial parents would allow states to target aid to this group.
- Encouraging states to examine why child support orders tend to exceed poor nonresident fathers' income could lead to more realistic policies. In particular, default orders, although necessary, should better reflect a noncustodial parent's ability to pay.
- Giving states the option to extend Medicaid coverage to poor nonresident fathers who pay child support would help prevent employment interruptions due to illness and send a positive message to these parents.

Notes

1. Data on and descriptions of nonresident fathers and custodial mothers are from Sorensen and Oliver (2002). We use the terms "noncustodial parent" and "nonresident parent" interchangeably.
2. For more information on Georgia's Fatherhood Program, see <http://www.cse.dhr.state.ga.us>.
3. California Family Code, Section 17400 (d) (2).

References

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