

Fatherhood Initiative

Problem:

- ❖ Poor and indigent fathers are being incarcerated or prohibited from working due to current child support policies.
- ❖ These policies, in effect, reduce the likelihood that poor fathers will find gainful employment, support their children financially, or be present in their children's lives.
- ❖ The incarceration of indigent fathers increases the cost of operating the prison system, increases the cost of the welfare system, exacerbates poverty, contributes to the academic failure of impoverished children, and ultimately contributes to a never ending cycle of poverty.

The Facts:

1. Non-payment of child support is the leading cause of child poverty and has been cited as the nation's greatest source of financial insecurity.¹
2. Seventy percent (70%) of national child support debt is owed by noncustodial parents who earn less than \$10,000 annually.²
3. Research shows that there is a direct correlation between income and child support compliance. According to one study, 85% of fathers earning more than \$20,000 per year paid the full amount of child support owed, while 90% of non-payers and 70% of partial payers were either incarcerated or indigent.³
4. The Supreme Court of the United States ruled that the current child support system does not appropriately consider inability to pay child support in its enforcement policies as it often subjects indigent fathers who are unable to afford court ordered payments to imprisonment without legal representation or the provision of alternatives to incarceration.⁴
5. Federal and state governments spend \$5,850,000,000 per year for child support enforcement, to collect \$1,686,000,000 in child support from noncustodial parents which equates to approximately 28 cent for every dollar spent.⁵

¹ Child Support Recovery Act: Unification or Usurpation? The CSRA in the Aftermath of United States v. Lopez. Rudenko, Dawn L. 1996, New England Law Review.

² Family Welfare Research & Training Group. Arrears Leveraging Pilot Project: Outcomes Achieved & Lessons Learned. March 2005.

³ Ha, Yoonsook, et al. Factors Associated with Nonpayment of Child Support. s.l. : Institute for Research on Poverty University of Wisconsin-Madison, September 2008.

⁴ United States Supreme Court. Brief of Center for Family Policy and Practice as Amicus Curiae in Support of Petitioner. January 11, 2011.

⁵ United States Government Accounting Office. Child Support Enforcement. January 2011.

Purpose:

Finding a solution to enforcing child support compliance without the use of incarceration is of the utmost importance to society for a number of reasons:

1. It will eliminate the practice of incarcerating indigent men for nonpayment of child support debts who would, under better circumstances, provide financial and emotional support to their children.
2. It will increase child support payments, reduce poverty and improve the quality of life for disadvantaged children and their custodial parents.
3. It will also reduce incarceration rate of men who have not committed a criminal offense.
4. It will serve to improve the effect of child support law to accomplish its intended objectives.
5. It will better serve justice as the practice of incarcerating indigent men for monetary debt has been outlawed in the United States since 1833.

Policy Solutions:

1. Eliminate incarceration for poor and indigent fathers unless individuals demonstrate willful intent to avoid supporting child by not participating in workforce development program or parenting program provided through Family Court.
2. Mandate fatherhood training and workforce development assistance for poor and indigent fathers charged with nonpayment of child support as an alternative to incarceration.
3. Eliminate the policy of suspending the driver's license of poor and indigent fathers charged with nonpayment of child support.
4. Provide the option of court appointed legal counsel for all contempt charges related to nonpayment of court ordered child support.

Outcome of policy suggestions:

1. Fathers will be able to join the workforce and be better enabled to contribute to their families, society, and the overall economy.
2. Men will learn how to be better fathers and co-parents which will have a lasting and positive effect on their children's futures.
3. Because more men will be able to provide support for their children, the cost of social welfare programs will decrease.
4. Because fewer men will have to be incarcerated and pursued by child support enforcement agencies, the cost of child support enforcement will decrease.
5. Increasing child support and employment would have positive effects that would reverberate throughout society strengthening families, bolstering the achievement of youth, reducing crime, and lowering the rate of incarceration.