

Fathers Under Fire: The Revolution in Child Support Enforcement in the USA

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Editorial Note

Irwin Garfinkel is the Mitchell I Ginsberg Professor of Contemporary Urban Problems at the Columbia University School of Social Work, Sara McLanahan is Professor of Sociology and Public Affairs at Princeton University, Daniel Meyer is Professor of Social Work at the University of Wisconsin at Madison, and Judith Seltzer is Professor of Sociology at the University of California at Los Angeles. Professors Garfinkel and McLanahan were visitors at CASE from January to June 1998 and Professor Meyer was a visitor at York University from September 1997 to July 1998. This paper presents summaries and conclusions from a conference on “The Effects of Child Support Enforcement on Nonresident Fathers,” Princeton University, September 13-15, 1995. A full version of the findings will be published as a book *Fathers Under Fire: The Revolution in Child Support Enforcement* to be published by the Russell Sage Foundation in November, 1998, of which this paper will be a part.

During their visits to Great Britain, Professors Garfinkel, McLanahan, and Meyer gave a number of seminars on the findings described in this paper at the LSE, the University of Bath, the University of Essex, City University, Oxford University, York University, and the Family Policy Studies Centre. In addition to receiving substantial feedback on their work which is incorporated in this paper, they learned about some of the seminal research on non-resident fathers being conducted in Great Britain (Bradshaw et al, 1997; Burghes, et. al., 1997; MacLean and Eccalar, 1997). They plan to incorporate this research in future comparative analyses

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Abstract

In the shadow of rising divorce and non-marital birth rates, nearly two-thirds of all American children today will live apart from at least one of their parents, usually the father. Clearly this astonishing proportion of non-resident fathers has serious implications for the economic, employment, and educational status of mothers and the development and wellbeing of children. But according to the authors of *Fathers Under Fire*, a more comprehensive perspective on non-resident fathers – *understanding* their capacities and circumstances, *acknowledging* their responses to policy changes, and *recognising* their needs -- is essential in order to derive value from the past twenty years of policy change, and to design more effective policies for the future. *Fathers Under Fire* is intended as a first step toward public policy that reflects the interests of children, families, and society as a whole – by including the diverse perspectives and potential of non-resident fathers.

The book traces the recent evolution of child support policy which is shifting the burden of supporting children in single parent families from the public and mothers to non-resident fathers. *Fathers Under Fire* argues that, as yet, the shift has neither improved the standard of living for mothers and children, nor helped the fathers to be able to meet their obligations.

The authors explore the various “side effects” of rigorous enforcement, especially for low-income fathers, finding that 1) a “proportional standard” of support determination would improve compliance without economically crippling those fathers who are already hovering in or near poverty; 2) child support enforcement does seem to reduce the likelihood of both remarriage and subsequent out-of-wedlock births for low-income non-resident fathers; 3) payment of support does tend to coincide (for better and worse) with seeing the children more often, and having more influence in child-rearing decisions.

Several research databases are used to analyse and identify promising strategies to improve non-resident fathers’ access to their children. The ethics of various approaches to child support – and the moral complexity of the issues – are discussed by a legal theorist who argues for a legislative process that is “informed by public attitudes and beliefs” about family behaviour. In this spirit, another pair of authors present the voices of fathers themselves, offering their perceptions of

what the child support system values (and does not value), and the shame, fear, and resentment that they experience within this system.

Beyond policy recommendations for stronger but more reasonable enforcement; incentives for compliance, and strengthened access with preventive services for fathers; the authors also identify several limitations in research that must be remedied, including undercounting or misclassification of a substantial portion of low-income, non-resident fathers, lack of information about the characteristics of non-resident fathers, and a paucity of longitudinal and couple data.

In sum, *Fathers Under Fire* attempts to widen the lens fixed on child support enforcement as a public policy concern. Of course, the interests of mothers and children figure prominently. But the image is only complete if the fathers' perspectives are also a part of the picture. While the issue has often been cast in black and white – a purely private or wholly public responsibility – this book finds the truth in subtler shades of grey, where the two realms complement each other and “reinforce the social norm that raising healthy and secure children is a shared responsibility.”

1. Introduction

The Growing Importance of Non-resident Fathers

The American family has undergone a dramatic restructuring during the past four decades. At the beginning of the 1950s, a large majority of children in the United States lived with both of their biological parents from the time they were born to the age of maturity. Only 33% percent were expected to ever experience the loss of a biological parent (Bumpass 1984). Today, the picture is dramatically different. Nearly 60% of children will live apart from at least one of their parents, usually the father¹, before reaching adulthood (Bumpass and Sweet 1989)². These changes represent a fundamental shift in the living arrangements of both children and parents.

Although a significant minority of children have lived apart from their fathers throughout American history, what is truly new today is the proportion of *fathers* who are living apart from their children. Up until the 20th century, mortality rates were high, and many children lost fathers as well as mothers through death. Uhlenberg (1980) estimates that about 24 percent of children born in 1900 experienced the death of a parent before reaching age 15. While mortality rates have declined steadily throughout the twentieth century, divorce and out-of-wedlock births have increased and both have skyrocketed since the 1960s, dramatically altering the nature and prevalence of father absence. Today's absent fathers live apart from their children by choice -- their own choice, the mother's, or both. That children in single-mother families have a living father who could contribute to their economic support and upbringing has important implications for these families, for the broader society and for fathers themselves.

¹ The proportion of children in single-parent families who live with their fathers rather than their mothers is only 15%, but has been growing (see Garasky and Meyer, 1996).

² Our estimate updates the Bumpass-Sweet estimates as follows. As of 1995, one third of all births are non-marital births, but 40% of those are to cohabiting couples, of whom 2/3 go on to marry. Assuming that 50% of these married couples remain married, 4.4% ($33\% \times 40\% \times 66\% \times 50\% = 4.4\%$) of the non-marital births will spend their childhood with both biological parents, leaving 28.6% spending part of their childhood apart from one-parent. Assuming that 45% of the 66% of children born to married parents will experience divorce, suggests 29.7% of these children will experience separation from one parent. Adding 29.7% to 28.6% yields a total of 58.3%.

The change in the causes of father absence is just part of today's markedly different landscape. Significant, too, is the sheer growth in the numbers of children who do not live with their fathers and who *never* have lived with their fathers. In 1965, when Senator Daniel Patrick Moynihan wrote his famous report, *The Negro Family: The Case for National Action*, births outside marriage accounted for 5 percent of all births and for 23 percent of all births to African-American women. Today, the numbers are 30 percent and 70 percent, respectively.³ These are sobering statistics.

The greater number of children living apart from their fathers has important consequences for children, parents, and society at large. Half of all children living in mother-only households have incomes below the poverty line, and another quarter have incomes between the poverty threshold and 200 percent of the poverty line (U.S. Bureau of the Census, 1996, P60-194). Not surprisingly, in view of the high poverty rates of single mother households, the increase in their numbers led to a dramatic expansion of the welfare system (Garfinkel and McLanahan, 1986). The rise in single-parent families also has lasting consequences for the social mobility of the next generation: growing up with a single parent has been found to increase children's risk of dropping out of high school, becoming teen mothers, and finding themselves out of school and out of steady work as young adults (McLanahan and Sandefur, 1994).

Fathers Under Fire

In response to the increase in divorce and non-marital childbearing, and the resulting impact on public expenditures, poverty, and child welfare, policy makers passed a series of laws aimed at forcing non-resident fathers to provide more economic support for their children. In the mid 1970s, the federal government established the Office of Child Support Enforcement and directed states to do the same. Twice in the 1980s, major federal legislation was passed requiring states to strengthen paternity establishment, to create legislative guidelines for setting child support orders, and to withhold obligations from fathers' wages. This process continued into the 1990s, with child support enforcement being a major component of the new welfare legislation -- the Personal Responsibility and Work Opportunity and Reconciliation Act, 1996.

³ However, 25 percent of children born non-maritally are born to cohabiting parents (Bumpass and Sweet, 1995), so these children do live with their fathers for at least part of their lives.

Coupled with the decline in the value of welfare benefits which occurred over this same period, the child support legislation may be seen as an attempt to privatise the cost of children and to shift some of the burden from the state and from mothers onto the shoulders of fathers.

Non-resident fathers, as a consequence, face a very different, more invasive, world. A man who parents a child outside marriage and denies paternity can be required to take a blood or genetic test. The amount of child support that all fathers must pay is increasingly determined by government regulations. Their obligations are now often withheld from their paycheques. Fathers who fail to pay may have their income tax refunds and property seized and their drivers, professional, and trade licenses revoked, and can no longer receive food stamps. The ultimate sanction for non-payment continues to be jail time. It is no exaggeration, therefore, to say that non-resident fathers are now under fire.

Non-resident fathers have become money objects. Fathers who fail to pay child support are labelled “deadbeat dads” without regard to other contributions they may be making to their children. Furthermore, attention to the effects of child support enforcement on the fathers themselves has been minimal. Until recently, researchers have made little attempt to understand fathers in a broader perspective.⁴ What are fathers capabilities and responsibilities? How do they react to stricter enforcement? What are their needs and concerns?

Despite more than twenty years of intensifying legislation, child support collections, on average, have not shown much improvement. The lack of attention to the fathers coupled with the disappointing child support record to date, suggests that it is time to re-appraise child support enforcement policy by examining its impact on non-resident fathers.

Three overarching questions must be addressed in this re-appraisal. First, are the new child support policies consistent with the capacities and circumstances of non-resident fathers? Second, do child support policies have adverse unintended effects on the fathers? Finally, should policy be reoriented to do more to assist non-resident fathers?

⁴ Making Fathers Pay by David Chambers is an early notable exception (1979). For more recent exceptions see Nichols-Casebolt (1986), Haskins (1988), Braver et. al. (1991), Lerman and Ooms (1993), Sullivan (1993), Seltzer and Bandreth (1995), Sorenson (1997) and Sorenson and Mincy (1998).

The Questions Addressed

What are the policies and are they consistent with fathers' capabilities?

In order to assess the effects of the new child support system on fathers, we must first understand the different components of the legislation, how they have evolved over time, and the extent to which they are being implemented throughout the country. Although the federal government has been pushing the states to strengthen their child support enforcement systems for over twenty years, federal authority is relatively weak. When it comes to family matters, federal officials must rely on incentives and moral persuasion to move states in the direction they would have them go. Hence, at any point in time, there is enormous variation across the states with respect to their political will and their capacity (both financial and managerial) to enforce child support obligations. Equally important, although the federal legislation is universal in word, in practice states have a strong incentive to treat different groups of fathers differently. On the one hand, collecting support from low-income fathers is much harder than collecting from middle income fathers, so the child support agency's performance will look better to the extent that it focuses on middle income fathers. On the other hand, pursuing the fathers of children on welfare is likely to reduce welfare costs, whereas pursuing middle- and upper- income fathers has no such benefit. Moreover, whereas reducing welfare costs is politically popular, pursuing middle- and upper-income fathers is less acceptable to the electorate. Indeed, fathers with financial resources are well organised and have been waging strong campaigns in state legislatures throughout the country to protect their rights and lower their financial obligations.

Unfortunately, although we know a great deal about single mothers and their children⁵, we know comparatively little about non-resident fathers. And we know even less about non-resident fathers at the bottom of the income distribution. In part, our ignorance is due to the fact that we are dealing with a relatively new phenomenon and we lack good data on these men. Many non-resident fathers are missing from our social surveys, and others do not want to be identified and therefore misreport their status. In part, our ignorance may be due to the fact that we, as a society, care more about the status of children, whom

⁵ See, for example, Garfinkel and McLanahan 1986; Ross and Sawhill 1975; Kamerman and Kahn, 1988; Cherlin and Furstenberg and Harris 1993; and Seltzer 1994.

we see as having little control over their lives, than adults, whom we view as, by and large, “getting what they deserve.”

The need for a better understanding of non-resident fathers goes beyond intellectual curiosity. The knowledge gaps must be filled if social scientists and policy-makers are to understand the effect of twenty years of policy changes, to estimate the likely effectiveness of new changes on the horizon, and to devise new measures that work. What are the lives of the full spectrum of non-resident fathers like? How much income do they have? With whom do they live? How does their situation compare to that of resident fathers? To that of single mothers and children? How do those fathers who fail to pay child support differ from fathers who pay? What percent of these men are potentially dangerous or undesirable as fathers? These questions are addressed in section 2 of this paper.

What are the likely repercussions of stronger child support enforcement?

Since the mid-1970s, opponents of child support enforcement have argued that forcing fathers to pay more child support will only impoverish fathers’ new families and that the new laws are simply “robbing Peter to pay Paul.” This critique has not been adequately addressed because most research examines the benefits associated with the receipt of increased child support payments but does not look at the costs associated with the payment of child support dollars.⁶

Other critics worry that strong child support enforcement may discourage non-resident fathers from marrying and starting new families, and, in particular, from marrying single mothers with children. There is evidence, though still controversial, that marriage has several benefits for men, including decreased mortality, lower alcohol use and higher earnings (Akerlof, 1998; Waite, 1995). Certainly, marriage or cohabitation with a single mother increases the standard of living of the mother and child. Indeed, twenty five years ago, when the growth of single motherhood was first becoming apparent, many people believed that the best solution to the economic problems of these families was remarriage which, in those days, was quite common (Ross and Sawhill, 1975).

Still other critics worry that stronger enforcement will have the unintended effect of reducing fathers’ work effort or forcing them into the underground economy. If this were true, everyone would be worse off, including the fathers’ first family, his subsequent or current family

⁶ For an exception, see Nichols-Casebolt (1986).

and the government, which would collect less taxes. Whether this fear is well-founded depends in part on whether fathers see child support obligations as a tax which may encourage them to work less or whether they view it as a reduction in income which may encourage them to work more.

Another concern is that stronger enforcement will increase contact between the parents and possibly exacerbate conflict or violence. The latter would undoubtedly be harmful to children. Fathers who pay child support see their children more often than fathers who do not pay, and one might expect that new fathers who are brought into the system will follow suit. Because greater contact increases the opportunity for conflict, and because these men may have strong feelings about not paying support, the risk of conflict would seem to be high in these families. This problem may be especially acute in low-income families where the mother is receiving welfare and where the child support dollars go toward reducing welfare costs rather than to the child. In response to the new welfare legislation, many advocates for women and children have presented numbers suggesting that a large proportion of welfare mothers have been exposed to domestic violence in the past, including data linking violence to disputes over child support (Allard, et al. 1997; Raphael and Tolman, 1997). Thus the answer to this question has important implications not only for child support policy but for welfare policy more generally.

Stronger child support enforcement may have benefits as well as costs. First, strengthening fathers' obligations to children is likely to also strengthen their rights to be involved with their child. As noted above, fathers who pay child support are more likely to spend time with their child and help make decisions about how their child is raised (Seltzer, 1991). When parents get along, more contact with the father and greater father involvement is likely to have benefits for the child (Amato and Rezac, 1994; Hetherington, Cox, and Cox, 1982). Second, stronger child support enforcement may have an important deterrence effect on non-marital fertility. Once young men realise that fathering a child incurs a financial obligation, lasting for up to 18 years, they may take more precautions to avoid an unintended pregnancy. We know that the vast majority of non-marital births are due to unintended pregnancies (Brown and Eisenberg, 1995). We also know that women bear most of the responsibility for contraception. Thus, if fathers were to change their behaviours in this regard, the number of unintended pregnancies would likely decline as would the number of non-marital births.

Section 3 of this paper summarises evidence on the effects of stronger child support enforcement on non-resident father's income, employment, marriage, fertility, and relationships with their child's mother.

Should we be doing more for non-resident fathers?

A final question we address is whether society should be doing more to help non-resident fathers meet their obligations and assert their parental rights. Until recently, fathers in general have been viewed primarily as breadwinners, and child support policies have incorporated this rather limited view. Non-resident fathers have been treated more or less as objects from which money can be extracted, and little thought has been given to their rights, as fathers, or to how we might help them meet their obligations, both financial and otherwise.

Perhaps the most frequently expressed concern of fathers is that they are denied access to their children. When child support enforcement was lax, non-resident fathers had the option of trading child support for access to their child. As enforcement has become more rigorous, non-resident fathers have relatively less bargaining power, and therefore they have been lobbying for government to enforce their visitation rights. In response, several demonstration programmes which seek to improve fathers' access to their children, have been funded in different parts of the country.

Another concern of fathers and their advocates is that many men are unable to meet their financial obligations and need help in gaining jobs and job skills. Again, the federal government has responded to their concerns by funding demonstrations in several states. The *Parents Fair Share* programmes provide employment and training services, peer group support, counselling, and assistance in establishing paternity and child support orders, and, if necessary, help in arranging mediation between the father and his child's mother. The programmes also help fathers obtain temporary reductions in their child support obligations while they are in the programme.

Answering the question of whether or not government *should* be supporting the kinds of programmes described above, means knowing whether these programmes actually work. If they do not work, supporting them would simply be wasting the taxpayer's money, regardless of their appeal. Answering the *should* question also means stepping back from the practical problems and reassessing the basic premise underlying the child support policies that have been legislated during the past twenty years. Basically, these policies treat all fathers

alike in terms of holding them financially responsible for their biological children. No exceptions are made for fathers who are very poor, and no exceptions are made for fathers who are supporting new families. Is this appropriate? Section 4 of this paper addresses these questions of whether we should be doing more to help fathers.

A Special Focus on Low-income Fathers

A theme running through the evidence discussed here is an interest in and concern for low-income fathers. Most discussions today assume that non-resident fathers are a homogeneous group, at least in terms of their ability to provide for their children. Hence the term “deadbeat dad” is applied rather indiscriminately to all non-paying fathers. In truth, the reasons for failing to pay child support may be very different, ranging from poor fathers who are doing all they can to very wealthy fathers who are, as the term “deadbeat dad” suggests, shirking their responsibilities.

Whether a father is poor also affects his experiences with the child support system. Although universal in principle, in practice, the new child support laws treats fathers from different income strata differently. Whereas middle- and upper-income fathers usually negotiate their child support agreements in private and with the services of a lawyer who represents their interests, poor fathers often find themselves without counsel and confronted by public officials who represent the interests of the state. The different treatment occurs in part because poor fathers cannot afford a lawyer. Even more important, however, children of poor fathers are likely to be on welfare and therefore state officials have a much stronger incentive to collect child support payments as a way of reducing welfare costs. Indeed middle-class mothers often report that they have a hard time getting state agencies to help them collect unpaid child support since the money goes to the mother rather than to the state.⁷

⁷ Some evidence is provided by court cases. *Carter v. Morrow*, 526 F. Supp. 1225 (W.D.N.C. 1981) non-welfare mothers sued the state of North Carolina to get child support services comparable to those being provided to welfare mothers. In *Clay v Austin*, Civ. No. 85-86 (E.D. KY. 1986) the state of Kentucky was sued because it would not do modifications of awards for non-welfare mothers. We also have very recent anecdotal evidence from a number of personal acquaintances in different states which document the unwillingness of the child support offices in these states to provide services to mothers who are not on welfare. Finally, CPS data indicates a big increase in

Finally, we might expect low-income fathers to respond differently to stronger child support enforcement, in part because they are less able to meet their obligations, in part because their contributions are less likely to go directly to their child, and in part because of differences in social norms regarding the obligations of fathers who never were married to their child's mother. Although non-marital childbearing occurs among all social classes, low-income fathers are less likely to marry than fathers from other income strata. To make sure that we would have information on poor fathers, we asked each of the authors to look not only at non-resident fathers in general, but also at poor non-resident fathers in particular. Thus, each of the analyses in this paper contains information that will improve our understanding of the conditions and response of poor non-resident fathers.

A Conference on Non-resident Fathers

To answer the questions we have posed, the authors of this paper, with funding from the Annie E. Casey Foundation, the Ford Foundation, and the Russell Sage Foundation, commissioned a large group of social scientists and a small group of legal scholars to write and discuss a set of papers. The papers were subjected to written criticism by two formal discussants and to open discussion by all participants at a conference held on September 14-16, 1995 at Princeton University. The papers were revised in light of the criticisms and suggestions of discussants, outside reviewers commissioned by the Russell Sage Foundation, and the editors and will be presented in the book entitled *Fathers Under Fire: The revolution in child support enforcement*. Two teams of authors were asked to write about the policies and the fathers' capabilities. Their papers are summarised in section 2. Five were asked to examine the possible side effects of stronger child support enforcement, and their papers are summarised in section 3. Finally, three were asked to address the, "Should we do more?" question, and their papers are summarised in section 4. In the final section, we revisit the original questions and make policy recommendations, using evidence from the ten papers in the volume.

the proportion of AFDC cases with child support payments over time, but no comparable increase for non-AFDC cases.

2. What are the Policies and Who are the Fathers?

This section summarises evidence on whether our current child support policies are consistent with fathers' capabilities and responsibilities.

A Brief History of Social Policies For Non-resident Fathers

Prior to the 1940s, the vast majority of single mothers were widows, and thus it made sense that protecting these mothers and children from poverty and economic insecurity was a public responsibility. After 1960, however, in response to soaring divorce and out-of-wedlock birth rates and rising public expenditures, policy makers began to reassess their former policies and to try to shift more of the costs of supporting single mothers and their children from the state to non-resident fathers. Since the mid 1970s, the federal government has passed a series of laws aimed at increasing the proportion of eligible children with a child support order, increasing (and standardising order levels), and increasing collection rates. The authors describe these legislative changes and examine their possible effects on trends in federal and state child support statistics. They find that the aggregate trends show little improvement during the 1980s, suggesting that the new legislation has been unsuccessful in the short-term. However, a more careful look at the trends suggests considerable improvement in both collections and order rates. Paternity establishment rates have risen dramatically, and there is some evidence that particular policies such as guidelines and income withholding are working in some states.

What is worrisome about these statistics is that child support enforcement agencies are targeting low-income fathers to try to offset public expenditures, such as AFDC and other welfare programmes, on children with single mothers. Thus, the increase in orders and collections may be occurring among men at the bottom end of the income distribution who can least afford to meet these obligations. Most of the child support dollars coming into the system as a result of increased enforcement among low-income fathers go toward reducing welfare costs rather than toward increasing the living standards of single mothers and their children.⁸ Finally, very little money is being spent on

⁸ Of the \$2.9 billion collected for AFDC families in 1996, .5 billion went to families through the disregard and the rest went to offset public costs (U.S. Health and Human Services 1997). For several reasons, these figures underestimate the proportion of the child support paid by low-income fathers that goes to their children via the passthrough. First, child support collections

programmes to help poor fathers meet their new obligations. The chapter ends with a discussion of two such programmes that were implemented in the 1990s: the *Parent's Fair Share* programmes, which were designed to improve fathers' ability to pay support, and the Access Demonstrations, which were designed to increase fathers' access to their children.

A Patchwork Portrait of Non-resident Fathers

Evaluating the effects of child support enforcement on non-resident fathers requires a general understanding of fathers as well as their work and family situations. Unfortunately, although we have a wealth of information about single mothers and their children, we know very little about non-resident fathers. One reason for this oversight is a lack of good data. Many non-resident fathers are not represented in our national surveys. Garfinkel, McLanahan, and Hanson use data from the 1987-88 National Survey of Families and Households (NSFH) and several other sources, to adjust for the under-representation of non-resident fathers and to provide a more accurate picture of non-resident fathers' resources and constraints. By using adjustment procedures that provide a range of estimates, the authors recognise that reasonable persons may disagree about how fathers who are missing from the survey differ from those who are included and acknowledge paternity.

They find that non-resident fathers have less education and lower wages than fathers who live with their children. They also find that non-resident fathers are less likely to be in good health and more likely to abuse alcohol and drugs than fathers who live with their children.

Not surprisingly, non-resident fathers, on average, have lower incomes than resident fathers. The mean personal income for all non-resident fathers ranges from about \$26,900 to \$33,400 (in 1995 \$) compared to \$40,700 for resident fathers. These results are similar to those in other studies of non-resident fathers' incomes. To the extent that the estimates are reasonably consistent across data sources and techniques of compensating for non-resident fathers' low rates of participation in surveys, the results provide valuable information for

for AFDC cases are more likely to come from non-low-income fathers than from low-income fathers. Second, collections from low-income fathers are likely to be lower and therefore more likely to be passed through to the mothers than collections from non-low-income fathers. Finally, in some cases the mothers and children of low-income fathers will not be receiving welfare and any child support collected from these fathers will go directly to the mothers and children.

assessing what non-resident fathers are able to contribute in child support.

Consistent with claims that scarce economic resources are partly to blame for the failure of non-resident fathers to pay child support, the authors find that fathers who do not pay child support are even worse off than fathers who pay.

Although non-resident fathers have less income than resident fathers, after taking account of child support payments and the number of people in their home, Garfinkel and his colleagues conclude that non-resident fathers have roughly the same standard of living as resident fathers. Both are substantially better off than resident mothers and their children, more than 70 percent of whom are poor or near-poor.

These authors also examine non-resident fathers living arrangements. They find that only a third of these men are supporting new families that include children. The same is true for the subset of fathers who pay no child support. These findings suggest that living with other children may not be a significant cause of non-payment.

Only a small percentage of non-resident fathers have serious alcohol or drug problems. But these problems appear to be more common among non-resident fathers than among resident fathers. Moreover, the proportion of fathers with problems is even higher among men who do not pay child support. This pattern suggests that tougher child support enforcement may bring more troubled fathers into the system, but that these fathers would still comprise only a small percentage of the whole. Garfinkel et al., however, are careful to note that because substance abuse is likely to be underreported, the true percentage could easily be much higher.

3. How Does Child Support Enforcement Affect Fathers?

The five papers summarised in this section investigate some potential side effects of rigorous child support enforcement, paying particular attention to whether heightened enforcement produces a different reaction among low-income fathers, whose financial circumstances limit their ability to pay child support, than among higher-income fathers.

The first paper summarised in this section examines whether stronger enforcement is likely to reduce the standard of living and increase poverty rates in fathers' new families. The rest of the papers condensed in this section investigate possible behavioural responses of non-resident fathers, including whether stronger child support enforcement is likely

to reduce fathers' labour force participation and the number of hours they work, whether it would reduce marriage and remarriage, whether it would increase fathers' involvement with their children and parental conflict, and, whether it would reduce the rate of non-marital childbearing. To assess the effects of stronger enforcement on fathers' behaviour, the last papers use research designs which take advantage of variations across states and time periods in the adoption and implementation of child support enforcement policies.

The Economic Cost of Child Support Enforcement for Fathers and Their Families

Daniel Meyer uses data from the National Survey of Families and Households (NSFH) to describe the effect of child support enforcement on non-resident fathers' economic circumstances. He simulates the effects of various child support guidelines and enforcement regimes on fathers' income and ability to help provide for their children. He estimates the number of fathers who would fall into poverty as a result of paying child support, and how many more fathers would be poor if all fathers paid their child support orders in full.

Meyer's analysis uses data from a snapshot of fathers' income and family responsibilities and asks what would happen if fathers did not change their behaviour in response to stricter child support enforcement (that is, fathers do not increase their employment hours, avoid remarriage, etc.). Like Garfinkel and his colleagues, Meyer takes account of the under-representation of non-resident fathers in his data by assuming that fathers who are not interviewed pay no child support. As a result, Meyer presents a range of estimates of the effects of child support enforcement on fathers' economic welfare.

He shows that the amount of child support non-resident fathers currently pay has little effect on the distribution of fathers' incomes at the lower end of the personal income distribution. Child support payments do lower the median and 75th percentile of the distribution of fathers' incomes by about \$2500 (1995 dollars) each. If all of current child support orders were paid in full, the personal incomes of fathers at the lower end of the income distribution would decrease further, but there would be little effect on the upper end, because more of these fathers already report paying all of the child support due. Non-resident fathers with high incomes owe and pay more child support than fathers at the lower end of the scale. However, fathers with low-incomes, as noted in the previous section, have orders that are higher relative to their incomes.

Ignoring income spent on child support, between 14 and 24 percent of non-resident fathers have household incomes below the poverty level. Meyer's estimates (based on NSFH data) are quite similar to those Sorenson (1997) reports using SIPP data. Poverty rates of fathers whose children were born outside of marriage are higher than those of divorced fathers. Once current child support payments are taken into account, an additional 1 percent of non-resident fathers fall into poverty. If all non-resident fathers paid the support due according to their orders, up to .4 percent would fall into poverty. Meyer shows that a proportional standard for child support orders would reduce economic hardship among poor fathers compared to orders established under the system current at the time of the NSFH survey. A proportional system would also reduce the economic advantage that fathers with high or moderate incomes experience compared to fathers with low-incomes. Although his data cannot assess the effect of child support on the magnitude of the trade-off between creating poverty among non-resident fathers' new families and alleviating poverty in resident mothers' families, Meyer concludes that a guideline that ignores self-support and economic claims of new families, would not result in a big reshuffling of poverty among children, even if enforcement of child support awards were perfect. His findings about the varying effects of adjustments for self-support, household income, and second families inform a normative assessment of the competing interests of non-resident fathers, children from first and subsequent relationships, and resident mothers, issues we address in the third section of this volume.

Child Support Enforcement and Employment of Non Resident Fathers

Freeman and Waldfogel ask how more rigorous child support enforcement will alter non-resident fathers' labour force participation and employment patterns. Anticipating the effects of child support enforcement on fathers' labour activity is crucial for understanding the effects of child support policies on non-resident fathers' economic welfare and on the welfare of their children. The authors contrast two scenarios: Under the first, more common scenario, child support payments are a fixed amount that the non-resident father owes for an extended period of time. In this case, enforcement will reduce the father's income, but will have no effect on the marginal value of an additional hour of work. To make up for the loss in income, the father is expected to increase the amount of paid work. Under the second scenario, child support obligations are adjusted in response to changes in the father's income. In this case, enforcement operates like an income

tax, both reducing the father's income and the value or price of working more. Under either scenario, non-resident fathers may also respond to child support enforcement by trying to evade the government and taking jobs in the informal economy, by working off the books, or by becoming self-employed.⁹

Freeman and Waldfogel use data from the 1986 and 1991 Surveys of Income and Program Participation (SIPP). Even though the SIPP is a large national sample similar to the NSFH, these data include small numbers of non-resident fathers, particularly small numbers of low-income fathers and never-married fathers. The data do not identify the important subset of men who had a child outside of marriage but subsequently married. Despite the disadvantages of small sample sizes and some ambiguity in the identification of non-resident fathers, the combination of SIPP data and information from the Office of Child Support Enforcement about child support policies and practices provide a valuable opportunity to examine effects of child support on non-resident fathers' labour supply responses.

Freeman and Waldfogel's main finding is that policies on child support payments do not reduce non-resident fathers' labour supply. There is some chance that the policies will increase labour supply, particularly for never-married fathers, although these results vary across samples and so are much less reliable than the main finding of no labour supply effect. Self-employment or work on casual jobs does not respond to more rigorous child support policies. The authors interpret their findings as evidence that child support obligations do not have an adverse effect on labour supply for low-income fathers; instead, they argue that low wage rates are a source of low child support transfers.

Remarriage and New Birth Rates as a Result of Child Support Enforcement

Critics of strict child support enforcement claim that heavy financial obligations to children from a previous relationship limit non-resident fathers' ability to remarry and father additional children. Because non-

⁹ To try to disentangle the effect of child support enforcement on labour supply from the effects of labour force participation on the ability to pay child support, Freeman and Waldfogel examine the effect on labour supply of child support policies across states and over time. By comparing the effects of policies on the labour supply of non-resident fathers to that for resident fathers in the same states, Freeman and Waldfogel test the validity of their conclusions. This strategy addresses the problem that state policies and labour supply may be determined by the same factors.

resident fathers who remarry often share their incomes with stepchildren, strict child support enforcement may transfer money out of step-family households, thereby helping some children at the expense of others. David Bloom, Cecilia Conrad, and Cynthia Miller investigate the effects of child support enforcement on the remarriage rates of non-resident fathers, and on the likelihood that they will have children in new marriages. Using data from the SIPP and the National Longitudinal Survey of Youth (NLSY), this research shows that effective child support enforcement reduces the likelihood of remarriage for low-income men. As evidence that these findings are not the result of state differences which account for both child support policies and remarriage rates, the papers show that there is no effect of child support enforcement on remarriage rates for men who did not have children when they divorced.

Bloom and his colleagues also find that child support enforcement is unlikely to prevent non-resident fathers from having children in subsequent marriages, given that the fathers remarry. Enforcement, however, may reduce the chance that a non-resident father who has already had one child outside of marriage will have another child out-of-wedlock. This finding applies to all non-resident fathers, but appears to be somewhat stronger for low-income non-resident fathers.

As in the other large surveys used to study non-resident fathers, the NLSY and SIPP data used in the remarriage analysis have small numbers of non-resident fathers, especially in important subgroups, such as those with low-incomes or who have had a child out-of-wedlock. By conducting parallel analyses with data from two sources, Bloom et al. provide a range of estimates of the likely effects of rigorous child support enforcement on non-resident fathers' remarriage. Although they find reasonably consistent effects of child support enforcement on remarriage for low-income fathers, they find no effect on remarriage of the predicted likelihood that individual fathers actually pay any child support. The difference between the findings for individual fathers' behaviour and the findings for the effects of aggregate-level enforcement variables are attributed to the use of weak statistical instruments.

Bloom and his colleagues emphasise their finding that a 10% increase in the collection rate for child support cases will decrease the annual rate of remarriage by between 3 and 9 percent among low-income fathers. Building on this estimate, Bloom et al. simulate the effect of a 10 percent increase in child support collections on the financial gain to all children, including those who live with remarried mothers. They

interpret their results as showing that the increase in child support payments is largely offset by the reduction in remarriage, by which non-resident fathers share income with their stepchildren. These papers conclude that the economic benefits of child support enforcement for children are overstated because they do not take account of the negative effects of more rigorous enforcement on children in stepfamilies.

Child Support Enforcement and Non-resident Father-Child Relationship Tradeoffs

Judith Seltzer, Sara McLanahan, and Thomas Hanson also ask how child support enforcement will affect non-resident fathers' relationships with children. They use data from the NSFH to examine the effects of child support enforcement on the amount of time non-resident fathers spend with children, on fathers' influence in child-rearing decisions after separation, and on the amount of conflict between parents. By increasing non-resident fathers' financial investments in children, stricter child support enforcement may increase fathers' incentive to spend time with children and to participate in decisions about their children's lives. Also, a father paying support is likely to want to ensure that the mother spends the support money on the children. However, stricter enforcement measures -- particularly the automatic withholding of child support -- takes from fathers the ability to trade child support to the mother in exchange for visits with their children. As a result of this change in the bargaining playing field, stricter enforcement may have the effect of reducing the amount of time the father spends with children; the mother can count on child support being collected through withholding whether she facilitates visits or not. Finally, by bringing more fathers into the system, including those who have dropped out to avoid conflict with their children's mother, more rigorous child support enforcement may increase children's exposure to high levels of conflict between their parents.

Seltzer and her colleagues use two strategies to assess the effects of stricter enforcement on non-resident fathers' relationships with children. Like several of the other authors in this section of the book, they take advantage of state and temporal variation in child support policies to estimate the effects of child support payments on visiting, taking account of unmeasured characteristics that may explain both child support payments and frequency of visits. They also use data from a longitudinal sample of families observed both before and after a separation to statistically control for fathers' income and the quality of parents' relationship and the father-child relationship before divorce. By

taking account of economic resources and the quality of family relationships, their longitudinal analysis explicitly controls for many of the other characteristics that might explain both child support and other aspects of fathers' involvement with children after separation. Both analyses rely almost exclusively on information provided by resident mothers about non-resident fathers' behaviour, because of the under representation of non-resident fathers in the NSFH data.

The authors find that fathers who pay support have more influence in child-rearing decisions, and may see their children more frequently than fathers who do not pay support. Their findings also suggest that stricter enforcement of child support obligations is likely to increase children's exposure to serious disagreements between parents of the type that are generally considered to be harmful to children. For fathers as a whole, paying some support seems to have no effect on conflict, but when payments increase beyond \$2,000 a year, the incidence of more serious conflict rises.

A Recurring Theme: Differential Impact on Low-Income Non-resident Fathers

A common finding throughout this section is that more rigorous enforcement may have a larger effect on the behaviour of low-income fathers than on fathers with more economic resources. This pattern is consistent with the more difficult experiences low-income fathers have in the child support system and the higher percentage of these fathers who have children out-of-wedlock and are therefore subject to increased efforts to establish legal paternity, compared to higher-income fathers. An alternative explanation is that the indicators of child support enforcement used in the statistical analyses are measured more appropriately for low- than higher-income fathers. The research described in this section relies heavily on data about enforcement that comes from the Office of Child Support Enforcement and other statistics from IV-D offices. Because these state and federal agencies have generally focused their efforts on non-resident fathers whose children are supported by public welfare programmes, the statistics these agencies use to evaluate their effectiveness are likely to be better measures of performance among low-income fathers than among all non-resident fathers even though many child support reforms have universalistic goals. Conclusions about the relative impact of child support enforcement on low- and high-income fathers would be strengthened by improved measures of enforcement for fathers at all income levels.

Child Support Enforcement and Non-marital Childbirth Rates

Taking a step back from the question of how child support enforcement affects non-resident fathers Anne Cases paper asks if enforcement affects whether men become non-resident fathers at all. Case examines the effects of child support enforcement on the rate of non-marital childbearing. She argues that states with low rates of non-marital births may have certain characteristics that also lead to strict child support enforcement policies, i.e., a conservative electorate.¹⁰ Also, states with rapidly rising non-marital birth rates may adopt stricter child support enforcement policies as a reaction to these demographic trends. In either instance, a study exploring the effects of child support enforcement on non-marital childbearing must take account of these alternative explanations. In her paper, Case shows that state child support policies are a function of changes in states' economic and demographic conditions and the political forces at work in the state, including the proportion of women in state legislatures. She then demonstrates that even after taking account of the factors that predict state policies, non-marital childbearing rates are curbed by tougher enforcement policies. Case's aggregate-level finding that enforcement may reduce childbearing outside of marriage is consistent with the individual-level results reported by Bloom and colleagues on the likely reduction in non-marital childbearing among fathers who already have one out-of-wedlock child. Thus, at least some aspects of child support enforcement are likely to alter men's fertility, reducing the chance of their becoming non-resident fathers.

4. Should We Do More to Help Fathers?

The last set of papers address the question of whether we should be doing more to help fathers meet their obligations. The first two of these focus on specific demonstrations designed to help fathers who are denied access to their children and to help poor fathers meet their child support obligations. The third one uses political and legal theory to

¹⁰ This concern is similar to that addressed in other chapters by using men without children or resident fathers as a control group to test whether the effects of child support enforcement affect only non-resident fathers. To the extent that the enforcement variables affect men not subject to these rules, other state differences than child support policies account for the association between child support enforcement and non-resident fathers' behaviour.

assess our current policies toward poor fathers and fathers with second families.

The Question of Access

Jessica Pearson and Nancy Thoennes describe the results of two studies of programmes designed to improve non-resident parents' access to their children. The first study examines court-based programmes in five different states, and the second evaluates the Child Access Demonstration Projects funded by the Office of Child Support Enforcement in 1990 and 1991. Most of the sites in the OCSE demonstration projects used random assignment.

Parents were eligible for the programmes if they had disputes (or were at risk of having a dispute) related to visitation or custody or, sometimes, child support. The majority of children whose parents were in the access studies -- between 70 percent and 80 percent -- lived with their mothers. Families who participated in the intervention programmes had much higher rates of serious conflict and allegations of domestic violence and substance abuse than parents in the general population.

Non-resident fathers and resident mothers were equally likely to report visitation problems. Both reported problems related to unclear visitation plans, disagreements about scheduling visitation, arguments that broke out when children were picked up or dropped off, and problems caused by new relationships. About half of the non-resident fathers and mothers were also concerned about their child's safety in the other parent's home.

Pearson and Thoennes find that mediation and short-term counselling were effective ways to resolve conflicts over scheduling visits. The effectiveness of the programmes depended in part on the seriousness of the problems between the parents. Among families with the most problems -- if the non-resident father felt cut out of the child's life, for example, or if there was a history of continued fighting between parents or domestic violence -- the majority of parents did not report improvements in their relationship. Patterns of continued hostility and anger were evident for both the treatment and control groups, suggesting that the passage of time rather than interventions accounts for the small improvements in parents' relationships.

The effects of programme participation appear slightly more positive when success is measured by the amount of post-intervention contact between children and non-resident parents. Among families with less entrenched conflict who participated in mediation, non-

resident fathers reported an increase in their time with children. Fathers in the control group did not experience this increase. However, among high-conflict families, there were no differences in subsequent contact for those who participated in the intervention relative to those who did not. Programme participation resulted, at best, in a small improvement in compliance with child support orders. Finally, Pearson and Thoennes argue that participation in counselling and education programmes at the early stages of separation and divorce are likely to be more successful in resolving access problems than participating in programmes designed to intervene only *after* serious disputes develop. Although the vast majority of separating and divorcing parents do not report major problems with visitation or access, it is possible that more aggressive attempts to establish paternity for children born outside of marriage will lead to greater numbers of non-resident fathers needing help gaining access to their children.

Lessons from the Parents' Fair Share Demonstration

Earl Johnson and Fred Doolittle describe the Parents' Fair Share Demonstration (PFS), a programme designed to increase non-resident parents' ability to pay child support to families of children on welfare. PFS is aimed at assisting non-resident parents who are under- or unemployed and who have been unable to pay child support. Non-resident parents, almost always fathers, enter the programme through the court system. PFS provides employment and training services, and it helps the fathers obtain temporary reductions in their child support obligation to enable them to complete the programme. In addition, the programme provides peer support groups, counselling, assistance in establishing paternity and child support awards, and, if necessary, help in arranging formal mediation between the father and the children's mother.

The authors draw on in-depth interviews and informal conversations with approximately thirty non-resident fathers, about two-thirds of whom are African American, to explore the family circumstances and attitudes of men in the programme. Although most fathers in this sample have worked full-time in the past, they are sporadically employed, if employed at all, when they enter PFS. Because of their unstable income, they may owe much more child support each month than they earn. The fathers accrue large arrearages, which they do not expect ever to be able to pay. A substantial minority of the fathers do not have a stable residence; they move between friends' and relatives' homes, sleeping on couches or in cars. Johnson and Doolittle

report that many of these fathers, despite their unstable living arrangements, manage to maintain some contact with their children. The father's mother -- the children's grandmother -- may be an important link between the father and his children.

The non-resident fathers in PFS believe that their lack of a good job and steady employment make it impossible for them to be good fathers. Their experiences in the child support system teach them that informal or in-kind payments to their children's mother mean nothing to the family courts. Because both the fathers and the children's mothers consider child support payments part of a trade for access to children, fathers without stable incomes have less time with their children. Fathers also limit their time with children out of shame about their lack of employment and status. Fathers who are unable to make regular, formal child support payments realistically believe that they may be jailed for failure to pay support. When the mothers receive AFDC, men's willingness to pay support is further discouraged by the knowledge that any payments will go to the state, and not directly to their children. The fathers also feel obligated to contribute whatever money they can to support the household and children with whom they're living, instead of the children from past relationships.

At this point it is too early to judge the effectiveness of the Parent's Fair Share Demonstrations. At its most promising, the combination of an employment and training programme, a Responsible Fatherhood curriculum, peer support, and temporarily lowered child support orders offers fathers the potential to change their lives. But clearly, the challenge is daunting. Whether the employment and training component of PFS will be any more successful than previous job training programmes, such as the National JTPA and JOBSTART, remains to be seen. The holistic approach of providing both economic and emotional support to low-income non-resident fathers may, or may not, reduce their frustration and feelings of powerlessness.

Theories of Justice as Guidelines for Child Support

Martha Minow, a legal theorist, addresses two frequently heard concerns -- whether indigent non-resident fathers should have small or no child support obligations and whether non-resident fathers should be able to reduce their child support orders if they support other children. Minow considers low-income fathers and children in second families in the context of other value judgements inherent in state policies addressing the support of children, such as the state's obligation to guarantee all children a minimum standard of living.

Minow ties parents' obligation to support children to their responsibility for bringing children into the world. Yet this rationale provides no insight into the amount of support beyond basic subsistence owed to children; nor does it provide a rationale for reducing the obligations of parents who decide to have more children in a new relationship. Historically, the state has been reluctant to intervene in parental support, except in cases of non-marital childbearing or marital dissolution. In these instances, enforcement of child support obligations has been motivated by political concern about dependence on public aid. The goal of reducing dependence provides a framework for exploring questions about how the child support system should treat poor parents and children in second families. A second principle to apply to these contested issues is that parents should share their incomes with children to a degree that enables children to achieve the same standard of living that they would enjoy if their parents lived together.

Minow uses these principles to consider four guidelines for establishing child support orders: income shares, flat percentage, progressive percentage, and the "Melson" formula. She argues that none of the guidelines explicitly requires that children's subsistence needs be met. Each guideline allows for modifications due to changed circumstances, such as additional children to support, but the guidelines do not provide clear rules about accounting for obligations to other children.

To resolve the question of child support obligations of poor parents and parents of second families, Minow reviews five normative theories: utilitarianism, Kantian theories of rights and duties, virtue ethics, ethics of care and relationships, and expressive models of law. She concludes that all of the theories are consistent with at least modest child support responsibilities of poor non-resident parents, although the ethics of care approach is more equivocal on this point than the other theories. Minow also argues that theories of justice offer conflicting guidance on whether to modify child support responsibilities when a non-resident parent ends up with children in a new family. In her view, however, the conflicting guidance does not justify allowing judges to use discretion in difficult cases. She points out that discretion can lead to inconsistent treatment of similar cases, can limit the extent to which the message about the importance of providing for children is clear, and can lead to judgements that reflect the biases of individual judges.

As a result of her analysis, Minow recommends that poor non-resident parents be required to pay at least a token amount of child support. She cautions that establishing an obligation that would be

impossible for parents to pay would be counterproductive, in ways similar to those identified by fathers participating in the Parents' Fair Share Demonstration. Minow especially notes the importance of having some of the non-resident parent's child support go directly to the child instead of to the state to off-set the cost of public support.

On balance, Minow also believes that child support obligations to children from a first relationship should not be forgiven if a non-resident parent has children in a subsequent relationship. She points to the complexity of the issues involved in deciding whether support obligations to children from the first relationship should be reduced somewhat to take account of the non-resident parents' new responsibilities. Her discussion of the responsibilities of low-income parents and of obligations to second families argues for more information about public attitudes and beliefs and about family behaviour to inform debate about how the law should handle questions about children's needs and parents' competing interests.

5. Conclusions

During the last 25 years, federal and state governments have enacted increasingly strong legislation to compel non-resident fathers to pay child support. This legislative thrust has been supported by two research streams, one depicting the plight of single mothers and their children and the other documenting the ability of non-resident fathers to pay substantially more child support. In the popular media, fathers who fail to pay child support have been labelled *deadbeat dads*. Child support enforcement has gained widespread political support because of its potential both to reduce public welfare expenditures and to improve the economic security of single mothers and their children.

In this drama, which we have labelled *Fathers under Fire*, policy makers and the public have focused primarily on fathers' ability to pay child support, with little attention being given to their other responsibilities and concerns. Moreover, as described in section 2, even the research on fathers' ability to pay has often been oversimplified and/or misinterpreted. Just because non-resident fathers as a whole can afford to pay substantially more child support than they currently pay does not mean that the fathers of children on welfare can afford to pay substantially more. Our paper attempts to redress this imbalance by focusing explicitly on non-resident fathers and their responses to stronger child support enforcement.

We address three major questions: Do child support policies make sense in light of the characteristics, capabilities, and circumstances of non-resident fathers? Will stronger enforcement have adverse effects on these fathers and, ultimately, children? And, finally, should we take more positive action toward helping fathers meet their child support obligations and other parental responsibilities? In this concluding section, we summarise the answers to these questions, point to areas that merit further research, and provide specific recommendations for improving the current child support system.

The Questions

Are Policy Developments Compatible with Fathers' Capabilities?

Child support policy in the last 25 years has been characterised by increasing stringency and uneven application. Routine withholding of child support obligations, state-wide registries of obligations, reporting of new hires, new interstate enforcement mechanisms, seizure of assets, forfeiture of drivers licenses and professional licenses have made it more difficult and costly for fathers to avoid paying child support. Because a large part of the impetus for stronger enforcement has been to reduce welfare expenditures, however, enforcement has focused disproportionately on the fathers of children on welfare who are likely to be poor themselves. Because these men lack legal representation and political clout, their child support obligations are much higher, relative to their income, than the obligations of middle income fathers. Finally, new paternity establishment practices, such as in-hospital paternity establishment, are bringing increasing numbers of low-income fathers into the formal child support system.

In view of what we know about fathers capabilities and circumstances, do these policy developments make sense? The answer is both yes and no. Stronger child support enforcement as a general policy makes sense. Harsher treatment of low-income fathers, however, is perverse and could be dangerous. Non-resident fathers pay about \$15 billion in child support . According to the values embodied in current state child support guidelines, they should be paying \$45 to \$50 billion. A large minority of fathers who pay no child support -- between 30% and 40% according to Garfinkel, McLanahan, and Hanson -- have very low-incomes. Without help, they will not be able to contribute very much money. At the same time, an equally large minority of non-paying fathers can afford to pay substantial amounts of child support. Furthermore, according to state guidelines, most fathers who are currently paying child support should be required to pay more. As a

whole, fathers who live apart from their children have lower incomes than fathers who live with their biological children. But because non-resident fathers are less likely to live with dependent children, their standard of living is somewhat higher than that of resident fathers. More importantly, their standard of living is *much* higher than that of their non-resident children. Finally, Meyer's research in section 3 shows that requiring fathers to meet their child support obligations would not reshuffle poverty from old families to new families. All of this suggests that stronger child support from non-resident fathers would reduce the economic insecurity of children and might reduce public costs.

Although the uneven application of child support enforcement is understandable, even predictable, it still is a matter of concern. The concern is not that low-income fathers are being brought into the formal child support system. As we argue below, we think this could be a healthy development. Rather, the concern is with the disproportionately high (relative to income) child support obligations imposed on these men and with the disproportionate use of harsh enforcement tools against these men. To begin with, there is the simple question of equity. Few people would say that it is fair or just for low-income fathers to be treated more severely than well-to-do fathers, including being jailed for failure to pay child support. Similarly, few people would agree that low-income fathers should be required to pay half or more of their incomes when much less is expected of middle- and upper-income fathers.

Besides being unfair, the harsh treatment of low-income fathers is likely to be ineffective. The cost of collecting child support from these men is likely to be as great as (or greater than) the total amount of dollars collected. Twenty percent of all non-resident fathers are estimated to earn less than \$6000 (Meyer). To insist that these men pay as much child support as a man with a full-time, full year minimum wage job is unduly onerous. Even worse, expecting these men to reimburse past AFDC payments to their children over and above their child support obligations established by state guidelines, is a recipe for failure. These men simply cannot pay these debts, and no child support agency can make them do so. The inevitable result, as depicted by Johnson and Doolittle is the accumulation of child support arrearages, periodic jailing, and the build up of hostility and resentment toward mothers and children as well as government authority. As we discuss below, there may be good reasons for insisting that even very poor fathers pay some child support. But enforcement of unrealistic and onerous obligations among these men is not likely to save money and could do a lot more harm than good.

Does Enforcement Have Adverse Unintended Effects?

Strengthening public enforcement of private child support is not likely to have much adverse effect on the poverty rates of fathers with new families or on the work behaviour of non-resident fathers. The new laws, however, are likely to deter out-of-wedlock births. And they *may* deter remarriage and increase children's exposure to serious parental conflict. These are the major findings reported in section 3 of this paper. Although none of these results should be taken as the last word on the subject, they do raise concerns, and they do suggest that there are likely to be tradeoffs associated with stronger child support enforcement.

Deterring out-of-wedlock births strengthens the case for stronger enforcement (Case). We are relatively confident in Case's results since they have been replicated by other studies (Garfinkel et al, 1998; Plotnick et al 1998). Similarly, because Freeman and Waldfogel's findings in section 3 are similar to those of Klawitter (1994), it does not appear that child support orders or enforcement reduces non-resident fathers' labour supply. The results for remarriage and conflict go in the opposite direction. Indeed if Bloom and his colleagues are correct that most of the income gains to children of non-resident fathers are offset by income losses resulting from declines in remarriage, and if Seltzer and her colleagues are correct that increases in child support payments may lead to more serious conflict between parents, than stronger enforcement may make children worse off overall. Because the data Bloom and colleagues use provide such small samples and because the results reported by Seltzer and colleagues depend on the sample and analytic strategy adopted, we hope their work will be replicated by other researchers. Until the findings are replicated, we believe their results should be viewed more cautiously. Even if the losses in children's income due to declines in remarriage offset the gains in income due to higher child support payments, other indirect effects, such as the deterrence effects of child support on divorce (Nixon 1997) and non-marital childbearing go in the opposite direction. Delays in remarriage also may reduce children's exposure to serious conflict. We know that conflict is relatively common in stepparent families (Hanson, McLanahan and Thompson, 1996) , and it is possible that delays in remarriage might result in better matches and less conflict.

All four authors of this paper have advocated stronger child support enforcement. And the findings about remarriage and conflict have not persuaded us to abandon our position. What these papers do suggest, however, is that the indirect effects of child support enforcement on fathers' behaviours could turn out to be more important

than the direct effects. Finally, if the negative effects of child support enforcement on remarriage are concentrated among low-income fathers, this reinforces the cautions we raised in the previous section about overzealous enforcement among poor fathers and fathers of children on welfare. Overburdening these men and using their payments solely to reduce welfare costs are two strategies that are likely to increase negative behavioural responses without increasing children's economic security.

Should We Do More to Help Non-resident Fathers?

Last, we consider four strategies for helping non-resident fathers: (1) helping fathers gain access to their children, (2) providing low-income fathers with services to improve their earnings capacity and fathering capabilities (3) reducing or eliminating obligations for very low-income fathers, (4) reducing obligations for fathers who live with other children. The first two proposals are examined from an empirical-social science perspective which asks if interventions are effective. The last two are assessed from an ethical-theoretical perspective which asks if they are just.

Helping Fathers Gain Access to Children

Stronger child support enforcement weakens non-resident fathers' bargaining power vis-à-vis resident mothers and may reduce their ability to spend time with their child. Under the old system, a father could trade child support for visitation, whereas under the new system he is forced to pay, but the mother is not required to reciprocate. Collective attempts by fathers to redress this imbalance are to be expected. Pearson and Thoennes (section 4) find that mediation and other services can increase fathers' access without increasing serious conflict, at least among couples who do not have serious, long-standing disagreements. They recommend that services be provided quickly before disagreements have had time to become entrenched. In our judgement, the shift in OCSE policy from a pure enforcement approach to including services to promote access is an appropriate policy response. If child support enforcement is to succeed it must be perceived as fair and balanced. Rights normally go along with responsibilities. This is consistent with the behaviour of parents in national surveys as well -- when fathers pay child support, this increases their influence in decisions about the children's lives (Seltzer et al.). However, because of the potential harm that violent fathers might inflict on mothers and/or children, strengthening access must be done with care.

Helping Fathers To Meet Their Obligations

The preliminary findings from the *Parents Fair Share* programme as reported by Johnson and Doolittle (section 4) are discouraging insofar as they underscore the desperate conditions of many low-income fathers who are not paying child support. Most troubling is the fact that many men appear to have come to accept the notion that they are little more than breadwinner and have withdrawn from their children out of a sense of failure. Also noteworthy is the fact that many of these fathers believe that their child support dollars are going to the government rather than to their children. It is not surprising that these men feel a greater responsibility toward the children in their current households, who may not be eligible for welfare, than they feel toward their non-resident children. These results suggest that, at a minimum, low-income fathers should not be required to pay a higher a percentage of their income than middle income fathers. They also suggest that it would be worthwhile to examine the effects of establishing even lower obligations for low-income fathers. Similarly, the federal government or state governments should experiment with incentives for low-income fathers to pay support and with giving credit for in-kind payments. Although it is too early to evaluate the success of the Parent's Fair Share Demonstration Program, continued experimentation with efforts to assist low-income fathers to increase their earnings and their interest and competence in fathering is warranted.

Exempting Very Poor Fathers From Child Support Obligations

A large minority of non-resident fathers are so poor that they can afford, at most, small to meagre amounts of child support. The costs of collecting support from these men are likely to be as large or larger than the amounts collected. However, the fact that extreme poverty is usually not a permanent phenomenon and the fact that enforcement deters non-marital childbearing improves the benefit/cost ratio of stronger enforcement amongst the very poor. Conversely, the fact that the negative effects of enforcement on remarriage may be concentrated among low-income parents reduces the benefit/cost ratio.

Perhaps the clearest conclusion that emerges from Minow's (section 4) normative analyses is that all fathers, including the very poorest men, should be required to contribute something toward their child's support. Her argument is consistent with the Pearson-Thoenes suggestion in the same section that setting expectations and resolving disputes early in the process leads to more co-operation between parents in the long run. We find these arguments convincing. Even a small child

support obligation at the beginning may reduce the possibility of future disagreements about whether the father should pay any support at all. We also agree that the obligation must be one that is fair and reasonable. Low-income non-resident fathers should be brought into the formal child support system, but the system must be reformed. Increasing the number of low-income fathers who are legally liable for child support without reducing the harshness of their treatment is likely to result in substantial harm to children. The fathers will not be able to meet their obligations; the children will experience no financial gain; and serious conflict between the parents may increase. Surely this is not good public policy.

Reducing Obligations in Response to New Dependents

About one third of non-resident fathers live with other children. It is possible that the percentage would be higher if child support enforcement was weaker, or if child support obligations were reduced in the event that non-resident fathers began sharing their income with other children. Certainly, the circumstances of these fathers would be improved if child support obligations were reduced, or eliminated, as a consequence of the new children. However, the position of the non-resident father can be improved only by worsening the position of his child and the child's mother or by increasing the costs to taxpayers. Moreover, Meyer (section 3) has shown that even without an allowance for new dependents, there would be very little "reshuffling of poverty" from fathers' first family to new families if current child support legislation were fully enforced. Thus, we agree with Minow's conclusion that although normative theories provide no unambiguous answer to this dilemma, in the end, government should help parents anticipate the danger of failing to provide for their existing children by sending a clear signal of "no modification due to subsequent duties."

Directions for Future Research

The papers reviewed in this paper have done an excellent job of using existing data and methodologies to answer our questions about non-resident fathers' characteristics and reactions to stronger child support enforcement. They also have highlighted many limitations in our data and methods. First, and perhaps most importantly, many of our best surveys undercount or misclassify a substantial proportion of non-resident fathers, especially low-income fathers and fathers of children born outside marriage. To draw a truly accurate, as opposed to a patchwork-portrait of non-resident fathers, we must do a better job of

including these men in our surveys, and we must do a better job of persuading the men who are in our surveys to acknowledge their paternity status. Finally, we must learn more about the *missing* fathers by designing special studies that target these men. Getting accurate information on unwed fathers is particularly important since this group of men is the fastest growing part of the non-resident fathers population, and since they are most likely to be underrepresented in our existing surveys. A particular concern is whether the omission of so many non-resident fathers from survey samples biases conclusions about the factors that predict child support and related outcomes, such as employment, remarriage, and paternal involvement.

Along with bringing more non-resident fathers into our samples, we need to gather more information about these men from the mothers, including information on the fathers' education, occupation, work history, and marital histories. Such information would help us sort out which fathers are missing from the data and will allow us to test our assumptions about assortative mating used in studies which rely on mothers reports about fathers' characteristics. We should ask mothers more questions about their exposure to domestic violence, distinguishing between experiences with their own fathers (or father figures), the fathers of their children, and other sexual partners. Asking questions about the current relationship between the mother and non-resident fathers seriously underestimates the potential for violence, since parents who do not get along are less likely to have any contact with one another (Seltzer, McLanahan, and Hanson). Asking questions about *all* past relationships may seriously overestimate the potential abuse of non-resident fathers since they are only one potential source of violence. To obtain reliable estimates of exposure to domestic violence and to address the problems of small samples in section 3 of this paper may require special sampling strategies and reliance on state-based samples from vital records. The analyses of national survey data for outcomes, such as employment, in which reporting bias is probably smaller than for domestic violence, shows that national surveys without very large oversamples of important subpopulations do not provide sample sizes large enough to support the statistical analyses necessary.

We also need to follow fathers over time. Many of the factors that determine fathers' ability to pay child support are likely to change as fathers grow older. For example, fathers' ability to pay increases with age (Phillips and Garfinkel, 1993; Lerman and Ooms, 1993). Such data are very expensive, and attrition is always a problem. This is especially true in studies that attempt to follow fathers after the break-up of a

marriage or union when residential mobility is very high. The NLSY-1979 cohort has done a very good job of keeping track of non-resident fathers, and the new NLSY-1997 cohort will provide an excellent opportunity for following a new cohort of men who are coming of age in the late 1990s and early 2000s.

Finally, couple data are essential if we want to understand the relationship between parents who live apart. While mothers can provide reasonably accurate information on child support payments and visitation, they cannot report on the father-child relationship or on many other aspects of non-resident fathers' lives. Similarly, fathers cannot provide good information on mothers' attitudes and expectations or mother-child relationships. Even information about the couple's relationship is likely to be biased if obtained from only one party. If we really want to learn how to promote more co-operative relationships between parents who live apart, we must have information from both parents and we must collect data from couples rather than individuals. In addition to highlighting the limitations of existing data, this paper points to some of the analytical problems that researchers face when they try to determine how fathers will respond to stronger child support enforcement. All of the research presented in section 3 confirms that extrapolating from correlational evidence is likely to yield biased estimates of fathers' reactions. To deal with this problem, they treat cross-state differences in child support laws and practices as "natural" experiments and argue that estimates based on these experiments are superior to those based on simple correlations. Anne Case, however, raises serious questions about this strategy when she shows that cross-state differences in child support policies may not be random after all. Her findings imply that researchers need to be cautious in their choice of "natural" experiments, and they need to test for the robustness of their results under different assumptions.

All of the all of the inquiries discussed in section 3 should be replicated by other researchers using other data sets. We see this set of analyses as a first step toward assessing the effects of stronger child support enforcement on fathers' behaviour. Although the results for non-marital childbearing have been replicated, and the findings on employment are consistent with some past work, those for other outcomes – employment, remarriage and father-involvement – need the scrutiny of further research and replication.

In addition to replicating the analyses in this book and demonstrating the robustness of the estimates, we encourage researchers to build models that include multiple indirect effects for fathers (or

mothers) and examine outcomes across multiple actors. Bloom and his colleagues have taken a step in this direction by simulating the effects of fathers' remarriage on the economic wellbeing of children. In doing so, they have mapped out a research agenda for the future that is both ambitious and essential.

Finally, the papers in this survey only begin to address the question of whether we could (or should) do more to assist non-resident fathers in meeting their child support obligations. With respect to the empirical question of whether programmes work, we must wait for the formal evaluation of *Parents Fair Share* before drawing conclusions about this particular programme. In addition to these demonstrations, fatherhood initiatives are springing up throughout the country with different emphases and different clientele. New and better data on fathers can inform these new initiatives by highlighting the areas where fathers need the most help. The next generation of initiatives will provide numerous opportunities for evaluating the effectiveness of programmes designed to help fathers meet their paternal obligations. Similarly, the access demonstrations examined here represent only a small part of a larger set of initiatives designed to reduce conflict and increase co-operation between parents. Parent education programmes and mediation for divorcing couples have gained widespread support in some parts of the country, and these efforts need to be described and carefully evaluated in terms of both their effectiveness and costs. (Emery 1994) Conflict resolution among low-income parents is a particularly important topic for future research, given that the new welfare legislation pushes unmarried parents toward more contact and greater interdependence.

Social scientists cannot answer the question of whether we *should* do more for non-resident fathers. The best we can do is to provide information to policy makers and citizens on whether a policy is effective and how benefits and costs are distributed across different groups -- fathers, mothers, children and taxpayers. This book was motivated by a concern that fathers' interests were being neglected by social scientists in the assessment of child support policies. But we do not mean to imply that fathers' interests should take precedence over those of mothers and children. In order to be complete, the evidence in this book must be combined with research on the effects of stronger enforcement on mothers and children and these, in turn, must be balanced against the costs to tax payers of different interventions.

Policy Recommendations

As is always the case in a research endeavour, many questions remain unanswered. But policy cannot wait until knowledge is perfect. A number of policy recommendations are more or less implicit in the previous paragraphs on future research directions. We now turn to making these recommendations explicit. We distinguish between two types of policies -- those that affect families who are already separated either due to marital disruption or because they have children born outside of marriage, and those that affect families who will experience marital disruption or bear out-of-wedlock children in the future. That is, we consider both policies that affect the stock of families in which non-resident fathers and children are already living apart as well as the flow of families into the child support system. The distinction between these families is important, because families already in the child support system or who are already separated have established expectations about how the parents will deal with each other. Changing the “rules” midstream may increase conflict and dissatisfaction among parents. Introducing new rules before parents decide to live apart means that their decision to separate is made in the context of clear rules and expectations about each parents’ rights and responsibilities to children. Although most of our recommendations apply to both the stock and flow of new families into the child support system, limited organisational or personnel resource limitations often mean that changes are applied first to new cases. Our recommendations about access, however, make theoretical as well as practical distinctions between the stock and flow of child-support eligible families.

A Universal Enforcement System

In principle, the American child support enforcement system is universal, offering similar services to all who request them, irrespective of income or welfare status. In practice, however, many state enforcement offices provide only limited or no services to mothers and children not on welfare. Furthermore, many fathers who are unwed or extremely poor escape the system entirely. In our judgement, the system should be universal. As we have argued above, even very poor fathers should be required to pay a token amount of child support. At the same time, pursuing only fathers of children on welfare is neither fair nor wise. Many children of middle-class fathers also receive inadequate or irregular support. Some of the mothers of these children receive no help from state child support agencies and are forced to hire a lawyer and take the father to court in order to obtain what they are owed. Lacking

the time and money to effectively pursue the father, many mothers simply give up and forego the support they are due. Dealing with these claims on a case by case basis is inefficient and should be redressed. Other mothers not on welfare may have initially believed that they did not need collection services from the child support agency, only to find that over time payments became irregular or stopped. While services should be available to all families who request them when having difficulties, a policy that sought to provide services to all from the outset, might prevent this type of scenario. Society has an interest in assuring that *all* non-resident fathers support their children.

Special Treatment of Low-income Fathers

At the very least, child support enforcement policy should not treat low-income fathers worse than middle- and upper-income non-resident fathers. Two practices are especially onerous -- making low-income fathers liable for repaying welfare costs and assuming that they earn at least the full-time equivalent of the minimum wage. Such practices, which lead to large arrearages and small payments, should be abolished.

Child support guidelines should also be amended to insure that low-income fathers are required to pay no higher a fraction of their income in child support than middle- and upper-income fathers. Consideration should be given to requiring fathers with incomes below the poverty line to pay an even lower proportion of their income in child support.

Consideration also should be given to expressing child support orders in percentage terms. Expressing orders in percentage terms would provide automatic relief to the minority of fathers who have temporarily low-income. Fathers who experience an income loss due to unemployment or illness are not in a position to go to court to seek a reduction in their child support orders. Thus, expressing orders in percentage terms would also help prevent the accrual of large arrearages. At the same time, because most fathers' incomes go up over time, expressing orders in percentage terms would lead to larger child support orders and payments in the vast majority of cases (Bartfeld and Garfinkel 1996).¹¹

¹¹ Percentage-expressed orders do have some disadvantages. One difficulty is that child support enforcement workers do not know if the amount of child support that was paid in a particular case was the correct amount unless they know income. Similarly, if a non-resident parent's income falls to zero, no child support is due, but without knowing income, a child support enforcement worker does not know if a payment is appropriate or if an

Child support policy should go beyond eliminating unrealistic and unduly onerous child support obligations for low-income fathers to providing them with incentives and assistance to meet their child support obligations. Further experimentation with programmes like Parent's Fair Share should be undertaken. Under PRWORA, states are allowed to eliminate the \$50 child support pass-through to mothers and children on welfare and most have done so. The federal government, or, failing that, individual states should reverse this policy and reinstate the pass-through. For instance, the state of Wisconsin is now giving 100% of child support paid to all (except a small experimental group of) welfare recipients in the state. It is important for fathers to know that their children derive some benefit from their child support payments. Even more important, we should reward mothers and fathers who establish private child support obligations by guaranteeing that children receive a minimum amount of support every month (Garfinkel 1994). This would encourage both paternity establishment and child support orders. Finally, we should experiment with programmes that match very low private child support payments with public funds – something akin to the Earned Income Tax Credit which subsidises earnings. This policy would encourage very poor fathers to pay support and would also increase the economic security of poor children.

Policies to Promote Non-resident Father's Access

We believe that fathers have a right to see their children, but we do not believe that there should be a direct policy link between child support and access. That is, we believe that non-payment is *not* a valid reason for a resident parent to deny access, nor do we believe that denial of access is a valid reason for non-payment. Both payments and access are highly contested and unreliable, so to link the two would increase the chances of both breaking down. Children would be held hostage to their parents'

enforcement action should be taken. Some simple steps could make the administration of these percentage-expressed orders easier: Non-resident parents could be required to provide the child support agency with their tax returns so that the amount of child support paid could be reconciled with annual income, or non-resident parents could be asked to report loss of income to the child support agency. A second difficulty is that percentage-expressed orders are difficult to administer in states whose guidelines consider the resident parent's income as well as the non-resident parent's. Nonetheless, we believe the advantages of percentage-expressed orders outweigh their disadvantages, and would like to see them used more extensively and evaluated more rigorously.

disagreements as they were in the past, prior to the new child support legislation. Evidence from the demonstration projects Pearson and Thoennes (section 4) review supports our pessimism about attempts to enforce access in families with long-term conflicts about child support or access.

Nonetheless, we believe there is an imbalance of policy, in which child support obligations are publicly enforced, but access is not. Policymakers attempting to enforce access face the difficulty that fathers without access come from two types of families: Some non-resident fathers seek greater access than resident mothers may permit. In other families, fathers themselves avoid access even though resident mothers may prefer non-resident fathers to spend more time with their children (e.g. see Bruch, 1978 and Czapanskiy 1989 for proposals to increase financial obligations of non-resident parents when they fail to spend regular time with their children). Ascertaining whether the mother or father is acting irresponsibly in a particular case is no easy matter. Furthermore, the possibility of spouse or child abuse compounds the difficulties. Thus, we believe we must proceed cautiously, experimenting first with early education, mediation and other services before trying bold new initiatives to enforce access.

We believe that the best hope to increase access of fathers from both types of families is to work toward establishing new expectations about access and child support so that both mothers and fathers start off with a better understanding of what the others' rights are. This is a longer-term strategy than most of our other policy recommendations. It focuses attention on families in which parents are in the process of deciding to live apart. We suspect that revised parental expectations is one reason Pearson and Thoennes find that access problems decrease when a visitation schedule is established early in the separation period before serious conflict becomes entrenched. This long-term strategy is also consistent with Seltzer's (1998) argument that joint legal custody increases non-resident fathers' contact with children because it clarifies that both parents have the right to participate in children's lives after divorce.

Private and Public Child Support

This book is about non-resident fathers and child support policy. Although we have attempted to approach the policy issues primarily from the non-resident father's point of view, it is obvious that child support policy must also take account of the interests of children, resident mothers, and society as a whole. And our recommendations

reflect these other interests. Similarly, just as child support policy should not be shaped by only one set of interests, it must be considered in light of a broader social policies affecting families and children.

At the most general level, child support policy reflects the extent to which the support of children is a private rather than a public responsibility. Some people take the position that child support enforcement is unnecessary because the costs of child rearing are a public responsibility. They argue that if public benefits were more generous, children would not need private child support. We do not share this position, and we would point out that no country has totally socialised the costs of children. Hence, not enforcing private child support obligations implicitly means shifting more of the costs of children onto resident mothers. The public responsibility argument, in practice, becomes a smoke screen for excusing non-resident fathers from their responsibilities.

Other people take the position that the support of children is purely a private responsibility. We do not agree with this position either. To begin with, society has an interest in making sure that children's basic needs are met. This means, at a minimum, that government has a responsibility to enforce private child support obligations. Even more important, just as the need for private child support enforcement would not evaporate if we had a better public income maintenance system, even a perfectly efficient private child support enforcement system would not obviate the need for better income maintenance, public education, healthcare, and child care. In short, we see these two systems -- public and private support for children -- as complementing one another, and as reinforcing the social norm that raising healthy and secure children is a shared responsibility.

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