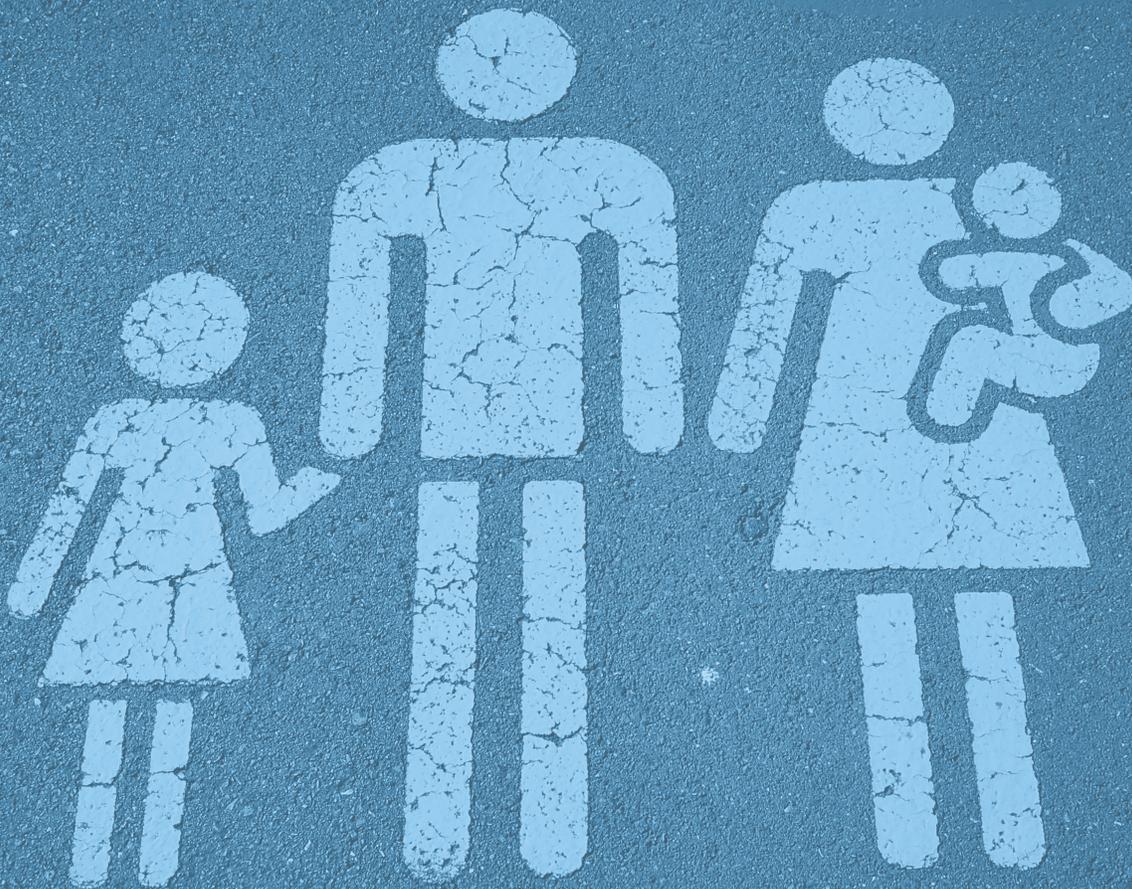


THE PAYBACK PROBLEM

How Taking Parents' Child Support Payments
to Pay Back the Cost of Public Assistance
Harms California Low-Income Children & Families

A Call For Reform to Put Families First



April 2019

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“Paying child support wouldn’t hurt so much if my payments actually went to my child.”

William, father of three

Every year, hundreds of thousands of California children living in poverty do not receive all of the child support payments made by their parents.¹

For low-income parents, most of their child support payments do not go to their children. Instead, the majority of their payments go to pay back the government for the cost of public assistance. In California, more than 70 percent of outstanding child support debt is owed to the government—not children.²

Few people understand this public assistance payback policy and its implications for low-income families. Here’s how it works. When a child receives certain public benefits, the child’s custodial parent, usually a mother, must sign over the rights to her child support payments to the government. The non-custodial parent, usually a father, must make child support payments to pay back the government for the cost of public assistance. In California, the first \$50 of non-custodial parents’ payments go to their family to support their child; the balance goes to the

government to pay back the cost of public assistance.³ For example, for a parent who pays \$300 a month in child support, only the first \$50 goes to their child. The remaining \$250 goes to repay the cost of public assistance. The public benefit programs that require repayment include Temporary Aid to Needy Families (TANF, known as California Work Opportunity and Responsibility to Kids, or CalWORKs in California), as well as Medi-Cal, Kin-GAP and Foster Care. If the payment is collected after it was due, parents are charged ten percent interest, and the entire amount of the delinquent payment is paid to the government, not to the child or their custodial parent.⁴

In FY 2017-18, California collected \$368 million in child support payments from low-income parents to pay back the government for the cost of public benefits. Nearly half

of these payments went to the federal government (\$176 million), and the rest went to the state of California (\$168 million) and California counties (\$23 million).⁵ National data indicates that the majority of these public assistance payback payments come from parents whose families no longer receive public benefits. Non-custodial parents continue to pay back public benefits debt, even after their family stopped receiving assistance.⁶

We found that requiring parents to pay back public assistance harms parents and children, and that the current systems fail to meet the needs of low-income parents and families.

We conducted interviews with child support experts across California and the nation; spoke with low-income parents repaying public assistance; reviewed academic and policy literature on child support debt; and conducted a Public Records Act request of the California Department of Child Support Services. Below are our key findings:

1. Requiring parents to pay back public assistance deprives low-income children of valuable resources.

Requiring parents to pay back public assistance takes money away from low-income children. If all of parents' child support payments went to children rather than to pay back the government, the funds would be a stronger tool to address the high level of child poverty in California,⁷ where one in four children lives in poverty.⁸

2. Public assistance payback debt levels are unrealistic for low-income parents to repay.

Research shows that the non-custodial parents required to pay back public assistance are usually low-income themselves.⁹ In California, fathers making less than \$10,000 a year owe seventy percent of all child support debt that is owed to the government. Most owe more than \$20,000; more than double their annual income.¹⁰

3. Charging high interest rates grows the debt to levels that low-income parents cannot repay.

Parents in California are charged 10 percent interest on outstanding child support debt – one of the highest rates in the country. A 2003 study estimated that \$3.9 billion (27 percent) of outstanding California's public assistance payback debt is accrued interest.¹¹

4. Requiring parents to pay back public assistance disproportionately impacts families of color.

Requiring parents to pay back public assistance widens existing inequalities by disproportionately impacting low-income families of color. As a result of systemic historical barriers, children of color are more than three times as likely as white children to receive TANF, and black children are nearly five times more likely to receive public assistance.¹² These policies disproportionately impact California's families of color.

5. Requiring parents to pay back public assistance pushes parents to exit the formal economy.

California's current law allows county and state administrators to garnish up to 65 percent of a person's paycheck to pay back public assistance.¹³ Research shows that low-income parents frequently feel pressured to leave their jobs because they know that their earnings will be garnished, and that the amount garnished will not go to their children.¹⁴

Key Findings

6. Penalties for nonpayment can trap low-income parents in a cycle of joblessness and incarceration.

When fathers in California fall behind on payments, they face significant repercussions. Their driver's and professional licenses can be suspended after 30 days. California's license suspension rules are harsher than those in most states. Alabama, for example, won't suspend driver's licenses until payments are six months late.¹⁵ It is hard for parents to keep a job or visit their children without a driver's license. Research shows that 42 percent of people who lose their driver's license lose their job after their license is suspended for any reason.¹⁶ Non-custodial parents who cannot or do not pay back public assistance can even be incarcerated for nonpayment. More than 80 percent of counties currently incarcerate for nonpayment.¹⁷

7. Requiring parents to pay back public assistance drives families apart.

Research shows that low-income mothers and children are often unaware of how much fathers are actually paying in child support debt, as they often receive only a portion of each payment.¹⁸ This misunderstanding can create conflict and distrust within families, according to research.¹⁹ As a result, public assistance payback debt drives nonresident fathers to have significantly less contact with children, be less engaged with them in daily activities, and provide less frequent in-kind support.²⁰

This loss of contact leads to poorer academic performance, lower self-esteem, and greater social and behavioral problems in children.²¹

8. Requiring parents to pay back public assistance is not cost effective, as most of the debt is uncollectible.

A 2003 collectibility study found that ninety-five percent of California's child support debt is owed by someone who is very poor, with old debt, or who lives out of state, making the debt incredibly difficult and costly to collect.²²

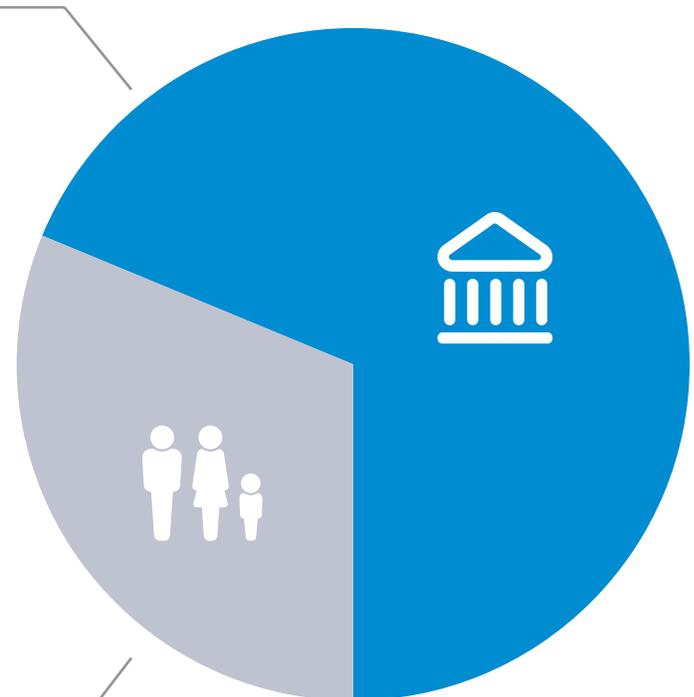
The majority of child support debt in California is owed to government, not to families

Debt owed to the government

70%

Debt owed to families

30%



When parents make child support payments, all of their payments should go to their children—not to the government to pay back public assistance.

Low-income parents should not be a source of revenue for our safety net. There should be no price tag on our safety net for low-income families. Recent rules and reforms at the federal level encourage states to send more of parents' child support payments through to their children. Other states have enacted reforms that are instructive for California. California should:

1. Send 100 percent of parents' child support payments to children, not the government.

Colorado recently enacted this reform, and has seen positive results. The total amount of parents' child support payments increased 63 percent when parents no longer had to reimburse the government for public benefits costs.²³ Families' reliance on some forms of public assistance went down too.

2. Eliminate interest on public assistance payback debt so more resources go to children.

California's 10 percent interest rate, one of the highest in the country, balloons the debt to levels that are hard for low-income parents to repay. Eliminating interest will lower public assistance payback debt and maximize parents' ability to focus their financial resources on their families. New Jersey effectively eliminated interest by stopping the assessment, tracking, and collection of interest on public assistance payback debt. This reform gave mothers and counties the authority to collect interest but ensured that state government was not profiting from parents' inability to pay back public assistance.

3. Write off all outstanding public benefits repayment child support debt, since 95 percent of it has been deemed difficult to collect or uncollectible.

California should write off all outstanding public assistance payback debt so that moving forward, all of parents' payments will go to support their families, rather than to pay back public assistance. A 2003 collectibility study found that ninety-five percent of child support debt is difficult to collect, and is owed by someone who is very poor, with old debt, or who lives out of state.²⁴

4. Stop the use of punitive and counterproductive penalties, and instead support parents with employment and training opportunities.

Rather than suspending driver's licenses and incarcerating parents for failing to pay, California should support employment and training programs for non-custodial parents. Counties should be encouraged to implement Senate Bill 282 (Wiener, 2017), which allows counties to extend employment and training services to fathers and non-custodial parents through the CalWORKs program.

5. Ensure child support orders are based on parents' financial circumstances.

California should revisit the State-wide Uniform Guideline to ensure every parent has a child support order that is adjusted to their income level. Low-income parents should be able to easily access the low-income adjustment, which bases orders on ability to pay. Additionally, the state should remove the sunset date on the current law, which is set to expire in 2021, and should make the adjustment automatic, so eligible parents do not need to apply to receive relief.²⁵ The state should also require \$0 child support orders for parents under 18, who are not legally eligible to work.

6. Stop requiring low-income people to pay back public assistance.

Our safety net exists to catch struggling families in their time of need. There should be no price tag on our safety net for families who need it. California lawmakers should stand up for low-income children and families and call to end this punitive and ineffective policy.

RONNELL'S STORY

Ronnell was born and raised in southeast San Diego. His father was incarcerated when Ronnell was young, and when he was released, Ronnell's father started work as a city maintenance worker. Working at minimum wage, Ronnell says that his father had \$600 garnished from his check each pay period, more than 60 percent of his earnings. Ronnell's mother received only the first \$50. Looking back Ronnell is frustrated.

"Realizing now that he was paying \$1,200 a month—we didn't see any of that. We could have used that. Knowing how much money was being taken out of his check, and knowing we were really struggling, it's hard to know. We had to work really hard, even us kids. I even sold candy door to door. When I left for college, our water was cut off. My family had to go to our neighbor's house to shower and use the bathroom."

"It's tragic, what me and my siblings have had to go through. If that money was going into our household, there was a lot we wouldn't have had to deal with."

Ronnell, Los Angeles

Child Support in California: Myths Versus Facts

Myth 	Fact 
<p>All of parents' child support payments go to children.</p>	<p>In California, 78 percent of child support cases are for families who currently receive or previously received public benefits.²⁶ When families receive public benefits, California law requires that only the first \$50 from a monthly child support payment goes to the family and the rest is directed to federal, state, and local governments to pay back public assistance.</p>
<p>Child support debt that is owed to the government is collectible.</p>	<p>According to a 2003 study of California's child support system, 95 percent of public debt was owed by someone with one or more attributes that made it difficult to collect or uncollectible: being low-income, having old debt, or living out of state.²⁷</p>
<p>Fathers don't want to pay child support.</p>	<p>Fathers, particularly fathers of color, have long been painted as deadbeat dads—absent and able but unwilling to pay child support. Even as many men of color are limited by educational barriers, wage depression, and fewer job opportunities, many may set up informal arrangements with their child's mother to provide what they can financially and emotionally.²⁸ In fact, according to the US Department of Health and Human Services, fathers of color, and particularly black fathers, spend more time with their children than any other group of fathers.²⁹ Parenting time and other non-monetary support or care provided by non-custodial fathers is not considered in the calculation of child support orders. Many fathers end up providing funds to their child outside of the formal system.</p>
<p>Mothers support fathers paying back public assistance.</p>	<p>Requiring mothers to establish a child support order and then sign over their payments to the state in order to receive public assistance can cause anxiety. Research has shown that low-income mothers can be reluctant to cooperate with child support agencies because doing so often reduces informal and in-kind support from fathers and creates conflict between parents.³⁰</p>

Our Guiding Principles for Reform

For decades, child support and child support enforcement have provided an important resource for middle- and high-income families. But for low-income families, the system works differently. First, for low-income children receiving public benefits, the majority of their parents' payments go to pay back public assistance, rather than to support their needs. Secondly, the systems in place to hold non-custodial parents accountable often

assume low-income parents can afford to pay their child support orders, but choose not to. The reality is that parents simply cannot afford to pay back the government, and need what little resources they have to support themselves and their children. The penalties that kick in for failing to pay - even if someone cannot afford the payments - can create a cascade of consequences, both for low-income parents and their children.

The organizations that co-authored this report developed recommendations for reform after extensive research and conversations with low-income parents about the impacts on their families' lives of the requirement to pay back public assistance through parents' child support payments.

This report is guided by the following principles. We believe that:

1. When a parent makes a child support payment, their entire payment should go to their children—not to pay back the government for public benefits expenses. California should maximize the potential of child support payments to lift children out of poverty by passing parents' whole child support payment through to their children, rather than redirecting parents' payments to pay back public benefits expenses.
2. There should be no price tag on our safety net for low-income families. The California safety net is there to support all Californians in their time of need.
3. While child support collections and enforcement are important resources for middle and upper-income children and families, the system has not worked well to support low-income families. Reforms should strengthen the child support program to use its resources to truly support children, families, and parents rather than serve as a collections agency to recoup payments from low-income parents to fund government programs.
4. Reforms to California child support laws and practices should alleviate the inequitable burden placed on low-income families and families of color.
5. California has an opportunity and a responsibility to put children and families first and take full advantage of opportunities now available under federal law. The state should pass all of parents' child support payments through to children and ensure child support orders are based on their ability to pay.

Overview of Public Assistance Payback Requirements

A 1975 federal law created two different types of child support payments: 1) private payments that go to families, and 2) public payments that go to government to pay back public assistance. More than 70 percent of child support debt in California is owed to the government, not to families.³³

The federal government introduced public child support orders, or public benefits repayment, in 1975 with an amendment to the Social Security Act – the law that created America’s modern public benefits system. Title IV-D of the Social Security Act requires that any single parent who receives public benefits assistance must surrender their child support payments to the government to reimburse it for the cost of public benefits assistance.³² In California, 78 percent of child support orders are public, meaning the child either currently or previously received public benefits.³³ According to data from the Department of Child Support Services, approximately 450,000 children in the child support system received CalWORKs last fiscal year.

Private orders—where 100 percent of parents’ payments go to their children—are the norm for middle and upper-income families who did not receive any public assistance. However, for hundreds of thousands of children in California who received support from CalWORKs /Temporary Aid to Needy Families (TANF), Medi-Cal, foster care, or other forms of public assistance, the majority of their parents’ payments are redirected to the government to pay back public assistance.

Here’s a summary of how public assistance payback system works for families. When a parent who has custody of a child, usually a mother, receives public assistance such as CalWORKs for her child, she must sign over the rights to her child support payments from the non-custodial parent to the government. If there are no current child support orders, she must provide the name and information of the non-custodial parent so that the government can establish a child support case for the child, even if the non-custodial parent has no contact with the child. The non-custodial parent, usually a father, must make child support payments to pay back the government for the public assistance.

In California, the first \$50 of a child support payment made by a non-custodial parent is “passed through” to the family, but only if his payment is on time. The remainder of his payment is redirected to the county, state, and federal governments. If the payment is late, then the government keeps the entire payment.³⁴ Research shows the non-custodial parents paying back public assistance are usually low-income themselves.³⁵

Nationwide, approximately \$1.18 billion in child support payments are retained by states and the federal government each year to pay back the cost of public assistance. Approximately 60 percent (\$707 million) of these payments came from parents whose children no longer receive public benefits, but who are still paying back the cost.³⁶

In FY 2017-18, California intercepted \$368 million in child support payments from low-income parents to pay back the government for the cost of public benefits. Nearly half of these payments went to the federal government (\$176 million), and the rest went to the state of California (\$168 million) and California counties (\$23 million).³⁷

Requiring parents to back the cost of these public benefits is a policy anomaly. Parents are not required to pay back other benefits through child support payments, such as child tax credits, educational supports or other government benefits not associated with children who are poor. Similarly, a child receiving public benefits and survivor benefits from a father who passed away does not have their survivor benefits intercepted to reimburse the cost of public benefits.³⁸ While child support and survivor benefits are intended to function much in the same way – providing financial relief to children in single-headed households – only child support payments are intercepted to pay back the cost of public benefits.³⁹

ERIKA'S STORY

Erika has been out of prison for two years. She now works at a Los Angeles nonprofit helping people who have substance abuse issues. She struggles to make a monthly child support payment of \$500—half of her check. But only \$100 of that \$500 goes to her 14-year-old daughter. The rest goes to the government.

“I struggle every month – to make rent and pay for my car insurance. I also have another daughter to take care of,” she said.

“I thought everything was going to be okay when I started working but I feel like it’s getting worse.”

Erika, Los Angeles

Background

Overview of Federal Statutes that Create Opportunities for Reform in California

Over the last twenty years, the federal government has adopted numerous reforms that allow states to better meet the needs of low-income families in the child support system. These reforms include:

The Deficit Reduction Act.

Congress passed the Deficit Reduction Act in 2006, allowing states to pass more or all of child support payments through to families.

The law allows states to:

1. pass through more or all of child support payments to families that currently or previously received public benefits
2. waive the federal share of public benefits payback requirements for up to \$200 for two or more children
3. eliminate some older debt
4. send more of intercepted tax refunds to families, rather than to pay back public benefits⁴⁰

The 2016 “Final Rule.”

In 2016, the Federal Office of Child Support Enforcement issued the Final Rule - the first comprehensive revision of child support rules since welfare reform in 1996. The 2016 Final Rule reorients the system to work better for low-income families in several ways.

It requires states to:

1. set more realistic orders based on evidence of each person’s financial circumstances
2. screen for ability to pay before incarcerating parents for failure to pay
3. ensure incarcerated parents have the opportunity to adjust their child support orders based on their income
4. provide a meaningful opportunity for public input, including from low-income parents and families, when reviewing current state guidelines.

California must implement the 2016 Final Rule over the next two years. California should use this period as an opportunity to consider how it can put the needs of families first.

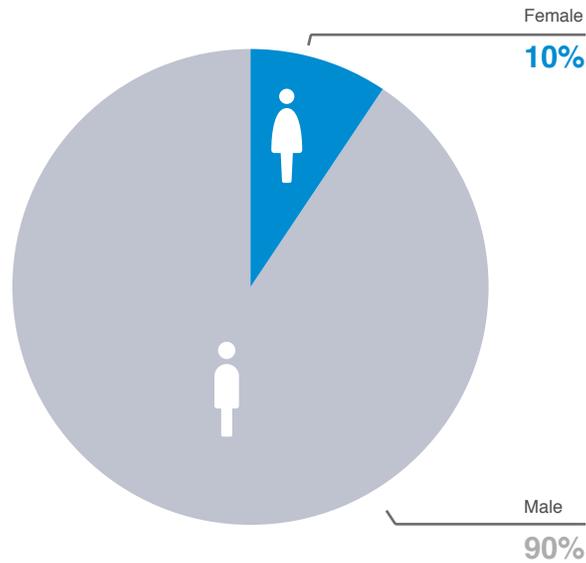
“Child support is no longer primarily a welfare reimbursement, revenue-producing device for the federal and state government; it is a family first program, intended to ensure families’ self sufficiency by making child support a more reliable source of income.”

HHS National Child Support Enforcement
Strategic Plan for FY 2005-2009

California Child Support Data Snapshot

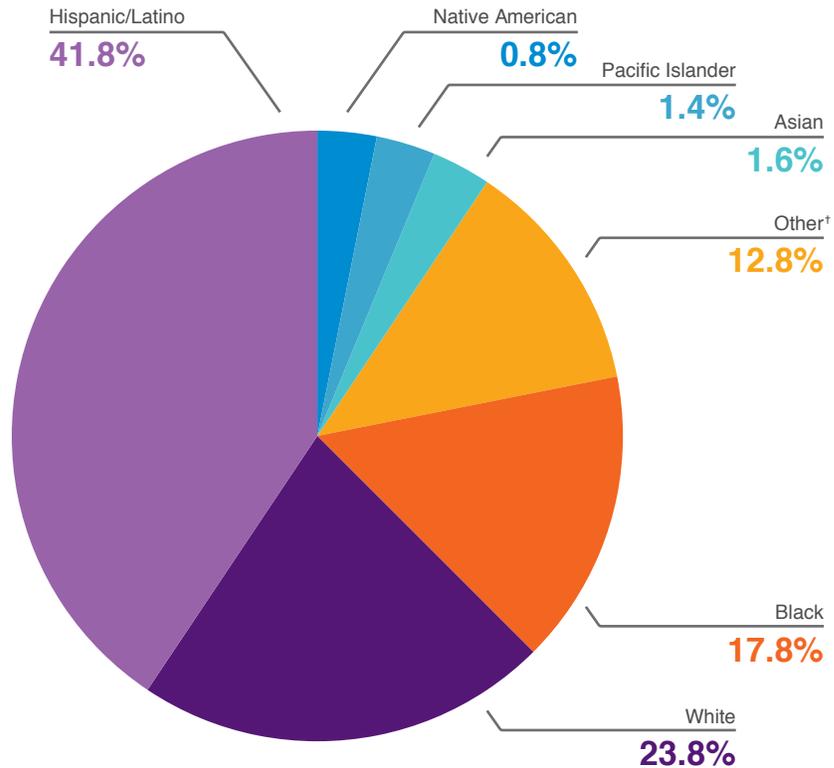
Non-custodial parents by gender*

Approximately 90% of non-custodial parents who owe child support in California are men.



Non-custodial parents by race/ethnicity*

More than half of non-custodial parents identify as Black or Latino.

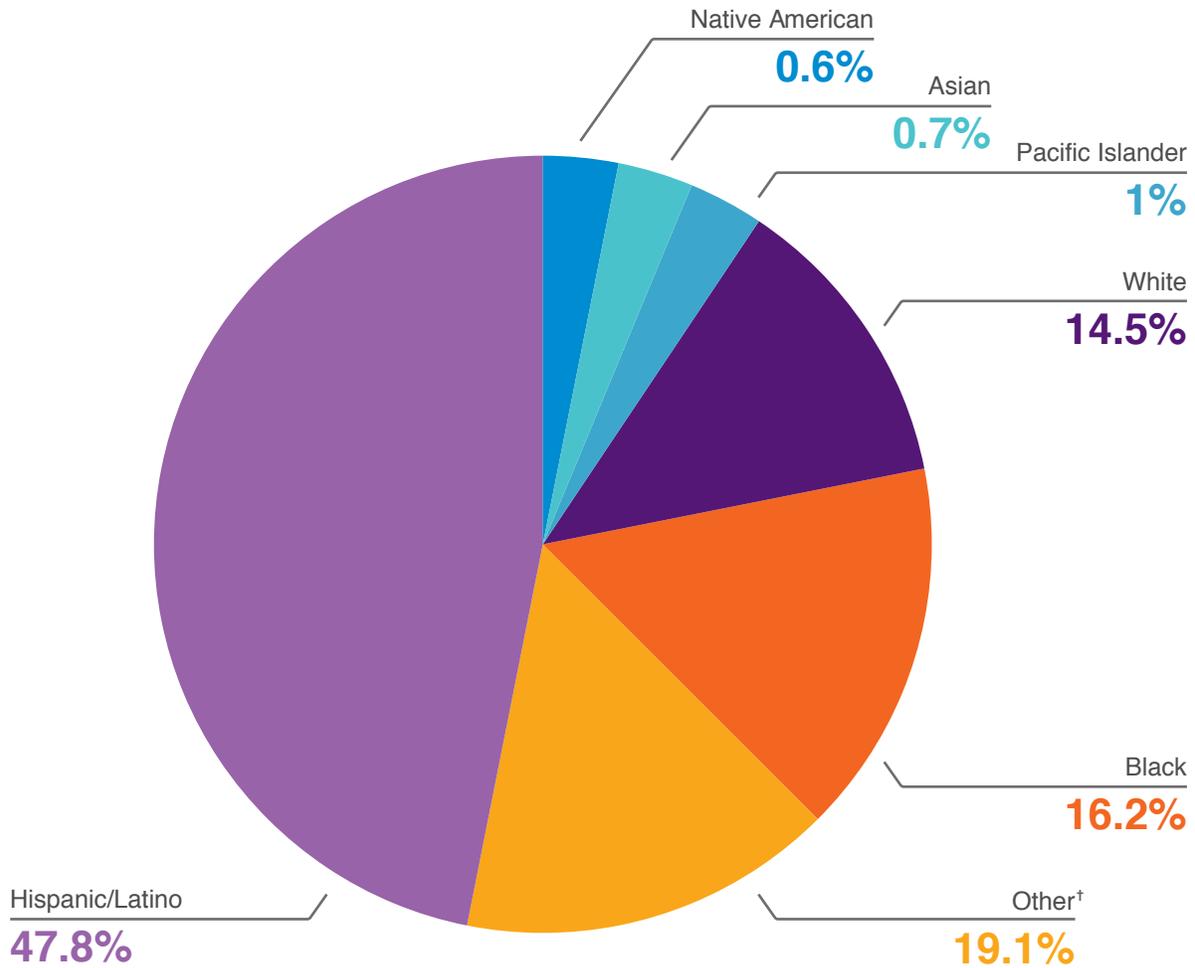


*Source: Original analysis conducted with data received from the California Department of Child Support Services via a Public Records Act request. Data as of 9/30/2017.
†Note: Other includes Multi-racial, Unknown, Null and Other.

California Child Support Data Snapshot

Children in the California child support system who currently or previously received public benefits by race/ethnicity*

The majority of the children impacted by public assistance payback requirements are children of color. Nearly half identify as Latino, and 16% identify as Black.

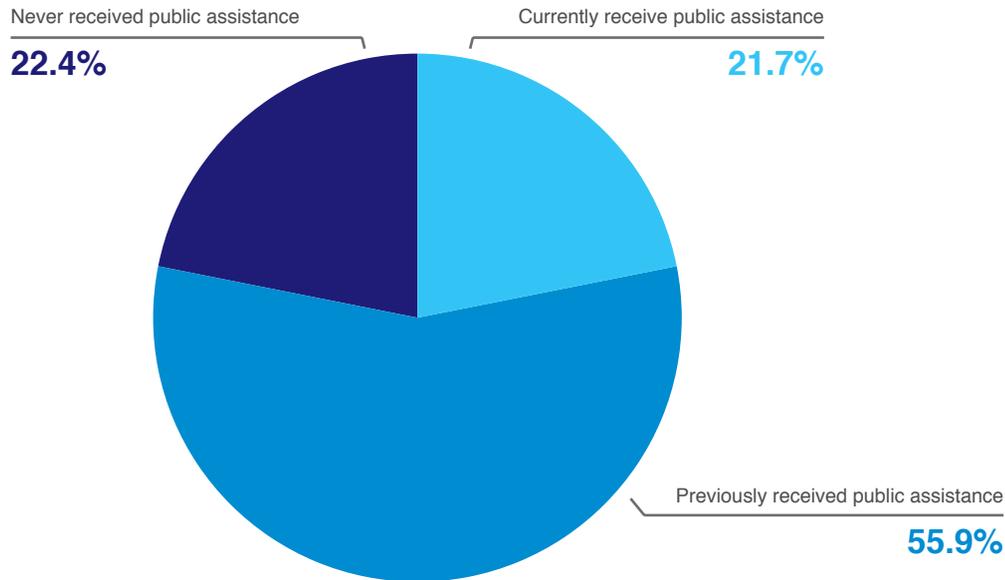


*Source: Original analysis conducted with data received from the California Department of Child Support Services via a Public Records Act request. Data as of 9/30/2017.
†Note: Other includes Multi-racial, Unknown, Null and Other. Data may not sum to 100% due to rounding.

California Child Support Data Snapshot

Child support cases where children currently or previously received public assistance*

78 percent of child support cases in California are public, meaning the children either currently or previously received public benefits.



*Source: FY18 Comparative Data Report, California Department of Child Support Services. Table 02.2

California child support payments redirected to pay back the cost of public assistance†

The federal government and State of California have collected approximately \$366 million each year on average from low-income parents to pay back public assistance since 2013.



†Source: Office of Child Support Enforcement. "Preliminary Report FY 2017. Tables P-14 & P-15.

JOHNNY'S STORY

When Johnny was released from prison in southern California, he started work as a janitor and is also training to become a welder. He earns \$250 a month, and has \$50 garnished from his paycheck each month for child support.

“I am trying to get back on my feet and it’s hard. I went to prison for six years.” He is helping his daughter pay for transportation to school, for clothes and her other needs.

His daughter is 19, and the money does not go to her, it goes to the government to reimburse “for Medi-Cal and things like that.”

Johnny, Southern California

Key Findings at a Glance

To better understand California's current child support system and its impact on California's families, we conducted extensive research and analysis. We interviewed child support experts across California and the nation; spoke with low-income mothers and fathers paying back public assistance; reviewed academic and policy literature on child

support debt; and conducted original analysis on statewide data received through a Public Records Act request of the California Department of Child Support Services.⁴²

We found that requiring parents to payback public assistance harms parents and children in several ways. Below are our key findings:

Key Findings at a Glance:

1. Requiring parents to pay back public assistance deprives low-income children of valuable resources.
2. Public assistance payback debt levels are unrealistic for low-income parents to repay.
3. Charging high interest rates grows the debt to levels that low-income parents cannot repay.
4. Requiring parents to pay back public assistance disproportionately impacts families of color.
5. Requiring parents to pay back public assistance pushes parents to exit the formal economy.
6. Penalties for nonpayment can trap low-income parents in a cycle of joblessness and incarceration.
7. Requiring parents to pay back public assistance drives families apart.
8. Requiring parents to pay back public assistance is not cost effective, as the debt is uncollectible.

Key Findings

1. Requiring parents to pay back public assistance deprives low-income children of valuable resources

California has one of the highest child poverty rates in the country, with one in four children living in poverty.⁴³ If all of parents' child support payments went to children rather than the state, the funds could become a more effective tool to address California's high levels of child poverty.⁴⁴

Research shows that child support is a significant source of income for low-income families to ensure their long-term financial stability.⁴⁵ For single-parent families who receive child support payments and live below the poverty line, child support makes up about 40 percent of their annual family income. Child support is the second largest source of income for these families, next to a custodial parents' own income.⁴⁷

Under current law, when a child receives cash assistance through CalWORKs, only the first \$50 of a parent's child support payment goes to the family to support the child's needs. The balance of a low-income parent's payment is redirected to the government to pay back the cost of public benefits. For example, for a low-income family with a child support order of \$300 per month, the family receives \$50 a month, and the remaining \$250 is withheld by the government. In California, 22 percent of the state's child support orders are for families currently receiving public benefits, meaning these families receive a maximum of only \$50.⁴⁸

States require public assistance payback debt to be repaid even after a child stops receiving public benefits. Tax returns and additional child support payments are

intercepted to pay back public assistance, even if decades have passed. Nationwide, more than half of the payments received to pay back public assistance are from parents whose children no longer receive public benefits, but are still paying back the debt.⁴⁹ In California, 56 percent of families in the child support system previously received public benefits, and parents may still be paying back the debt.⁵⁰

Not only does child support help families make ends meet, but research shows that child support allows families to stop receiving public benefits, remain off public benefits, and exit poverty.⁵¹ In 2015, Colorado enacted a "100 percent pass-through" policy in a bipartisan bill, meaning that the state would begin distributing all of parents' child support payments to their families rather than requiring the payback of public assistance. The legislation backfilled the funds counties previously received using general funds at the discretion of the legislature and provided modest funding to develop the technological capacity and training materials needed to ensure the bill could be implemented swiftly, smoothly, and without complicating the work of local child support caseworkers. These reforms cost Colorado approximately \$3 million a year.⁵²

Since Colorado began giving families 100 percent of child support payments, the state has seen strong results. In just over a year since implementation, the total amount of parents' child support payments increased by 63 percent.⁵³ Both more consistent and higher payments have driven this growth. Increasing the amount of child support payments going to families is expected to include the following improvements: increased payment amounts, greater willingness for mothers to cooperate with child support, reduced reliance on other forms of public benefits, and reduced tension between parents.⁵⁴ A detailed evaluation of this reform is forthcoming.

Research shows that custodial parents who receive regular child support payments are less likely to use government assistance – in TANF, Medicaid, or food stamps – and are more likely to be employed and generate higher earnings when employed.⁵⁵

Key Findings

Colorado's experience confirms existing research that giving 100 percent of child support dollars to children is better for the child, the parents, and ultimately, the government. Other places that advanced similar reforms also experienced strong results. After the District of Columbia increased its pass-through rate from \$0 to \$150 in April 2006, non-custodial parents paid nearly 6 percent more in child support, and nearly 11 percent more after three years.⁵⁶ Finally, research from a random assignment experiment in Wisconsin found passing through all of parents' payments (versus only passing through part of a parent's payments) reduced the risk of child maltreatment.⁵⁷

Public benefits repayment can also create barriers for parents who are working to reunite with their child. In order to regain custody of their child, a parent must demonstrate they have a stable home, and sufficient income to support their child(ren). Public benefits pay-back debt can create an additional financial burden for parents as they struggle achieve sufficient income. Parents must continue to pay public benefits repayment debt, even if they regain custody of their child.

By redirecting child support payments to government agencies rather than allowing low-income families to receive all of the payments, California is diminishing the power of child support to lift children out of poverty, and support low-income families.

Total child support payments increased by 63% in Colorado after implementation of 100% pass-through to families



*Collections by month, April 2017 (passthrough implementation date) – June 2018.
Data provided by Colorado Department of Child Support Support Services in August, 2018*

WILLIAM'S STORY

William is a father of three children – ages 21, 15, and 7 – and pays formal child support for his middle son, Marcus. William began paying formal child support when his son was born. He submitted all necessary financial documents so that his child support payments could be set at an affordable amount – allowing William to support his family and himself. With a fair order set, William began making regular child support payments.

But then he changed jobs. William, earning less, could no longer afford his \$200 monthly payments and quickly fell behind. William said the state tried to collect money he did not have.

His paycheck was garnished, and his driver's license was suspended. William now supplements his income from two mechanical jobs with additional work under the table to make ends meet.

As time has passed, tension has built between William and his son's mother. She doesn't understand why she receives so little. He wants her to see how hard he's working.

William says all of this all would be worth it if Marcus benefitted from his efforts. Unfortunately, under the existing child support system, only \$50 of William's \$200 child support payments go to his son.⁵⁸

“Paying child support wouldn't hurt so much if my payments actually went to my child.”

William, father of three

Key Findings

2. Public assistance payback debt levels are unrealistic for low-income parents to repay

Of California's \$17.5 billion in outstanding child support debt, more than 70 percent is owed to government, not to parents.⁵⁹ In total, parents across California owe approximately \$12 billion to pay back the state and federal government for the cost of public benefits.⁶⁰ Research shows the vast majority of the parents who owe public assistance payback debt are very low-income. In California, according to a 2003 study, more than seventy percent of debt is owed by parents who make less than \$10,000 a year.⁶¹ Most owe more than \$20,000; more than double their annual income.⁶² More recently, our analysis found that the median income of a non-custodial parent paying child support is approximately \$14,600 a year.⁶³

Research estimates that more than 75 percent of outstanding child support debt in California is owed by parents who could not afford to pay their original child support order.⁶⁴ Because they couldn't afford their child support order, their debt continues to grow. A 2003 collectibility study, commissioned by the Department of Child Support Services, found that mandated child support orders are often

too high for low-income parents to pay. Individuals who had annual incomes below \$5,000 had a median child support order of \$280 a month, twice as high as their net monthly income.⁶⁵ In 2017, 54 percent of child support orders were set using default orders, meaning they were unable to contact the parent and the order was set without parents' involvement.⁶⁶ In 18 percent of these cases, orders were set with no information on parents' ability to pay.⁶⁷ In these cases, the state assumes that parents have a full-time minimum-wage job. Many parents don't earn that amount, making these orders impossible to pay. Once an order is set beyond someone's ability to pay, it can be nearly impossible to catch up.

There has been some progress in California to ensure more child support orders are set according to parents' ability to pay, and therefore minimize the debt a parent accrues. In 1994, California established the low-income adjustment (LIA).⁶⁸ This law established statewide guidelines for calculating child support, and provided that if a non-custodial parent's net disposable monthly income was less than \$1,000,

they could be eligible for a LIA that reduces their payment amount, and increases their ability to remain compliant with payment orders. The low-income adjustment (LIA) was updated in 2012 to take into account the cost of living, as the cost of living had increased by nearly 50 percent since the LIA was initially established two decades earlier.⁶⁹ The law allowing the LIA to be based on current cost of living was extended by SB 469 (Skinner, 2017) and but will expire in 2021. While the low-income adjustment is helpful to many parents, it is greatly underutilized and often inconsistently applied.⁷⁰ A review of child support cases in 2017 found the LIA was applied in only 60 percent of the cases where the parent was eligible.⁷¹ While the LIA is a resource for low-income families moving forward, there are many parents who owe debt from orders set beyond their ability to pay in the past. A parent can request to have their order modified for future payments based on their income, but they cannot adjust the amount they were previously assessed.⁷²

“Over half of California’s arrears are owed by parents who earn less than \$10,000 a year in income but who owe more than \$20,000 in debt.”

Examining Child Support Arrears in California.
Urban Institute, 2003

JOHN'S STORY

John, a father of two girls ages 13 and 10, owes more than \$20,000 to the government in public assistance payback debt. John says his wages or hours can change month-to-month, which makes his set child support order difficult to meet. Despite sending as much as he could to his family, John says that he would talk to his daughter on the phone and she would ask him to send more. And he was confused because he was sending so much money each month in child support that his daughter didn't receive.

"I was kind of upset. I'm paying all this child support and she's not getting no money?" Watching the debt grow while he struggles to make ends meet and knowing that very little is actually going to his daughters makes John feel helpless.

"It can ruin someone's life who's trying to change their life."

John, father of two girls ages 10 and 13

Key Findings

3. Charging high interest rates grows the debt to levels that low-income parents cannot repay

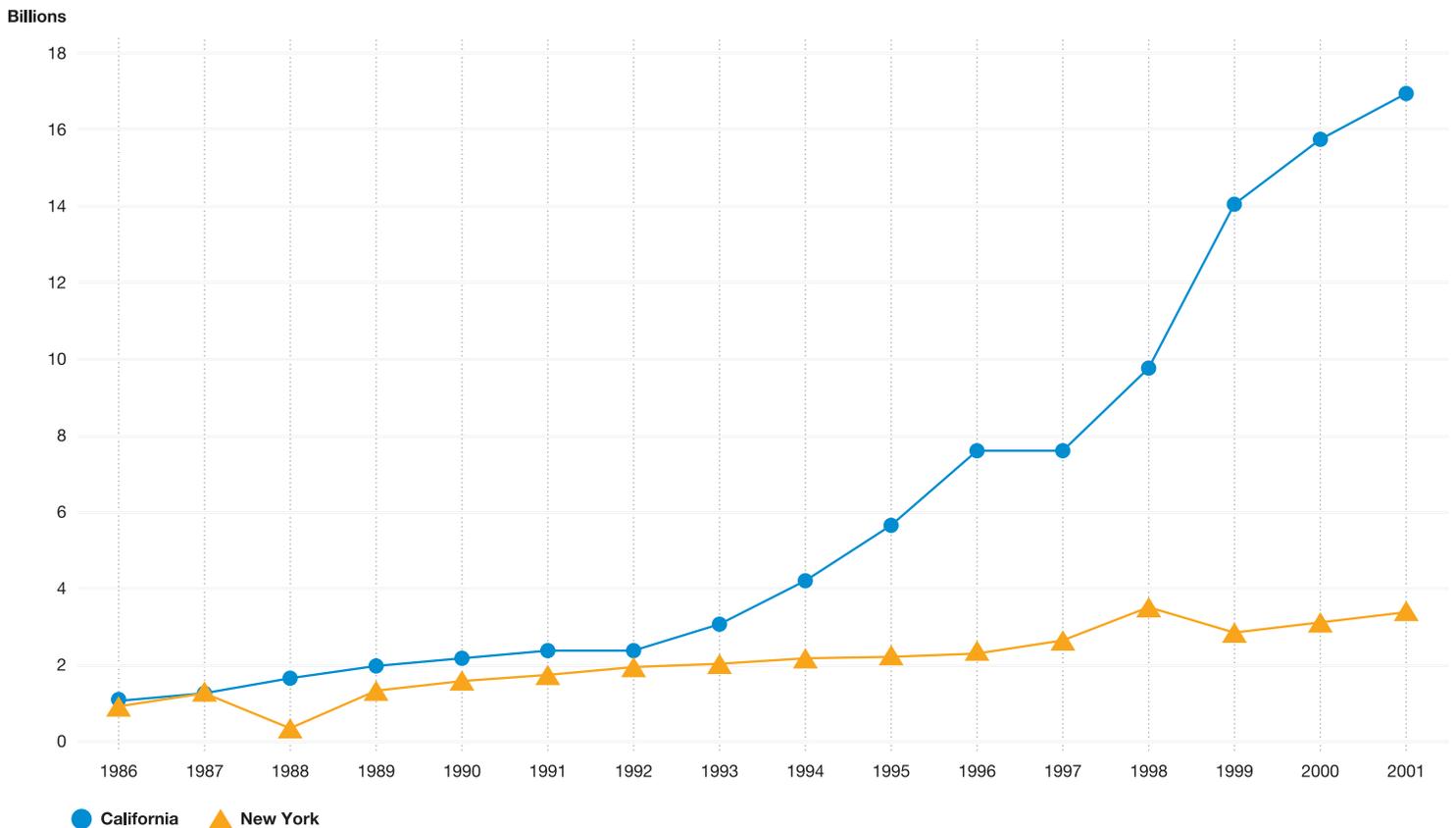
When non-custodial parents fall behind on payments, they face significant repercussions. They are charged ten percent annual interest on any missed payments, which causes the debt to balloon.⁷³ Unlike many penalties for public assistance payback debt, charging interest is not federally required. Approximately 35 states authorize interest charges for child support arrears, ranging from .05 to 12 percent.⁷⁴ California imposes one of the highest interest rates in the country with a 10 percent annual rate – a rate higher than the rates in Texas, Virginia, and Mississippi.⁷⁵ Meanwhile, other states, such as New Jersey, have effectively set their interest rates to zero.⁷⁶

Key Findings

States that assess interest on a routine basis have considerably higher amounts of public assistance pay back debt than states that charge lower or no interest.⁷⁸ The graph below illustrates the impact of interest on child support debt over time: New York and California started with similar outstanding child support debt levels in 1986. New York, however, does not charge interest, and their outstanding public assistance payback debt remained relatively steady over time. In contrast, California's total debt ballooned over time, largely due to the state's 10 percent interest rate.⁷⁹

California's interest rate is the biggest driver of the growth of public assistance payback debt in California.⁸⁰ The most recent available data showed that **27 percent, or \$3.9 billion, of California's public child support debt, is unpaid interest.**⁸¹

Child Support Debt in California (10 percent interest) and New York (no interest), 1986-2001*



*Source: Examining Child Support Arrears in California: The Collectibility Study. The Urban Institute. March, 2003. Data Source: Child Support Enforcement Annual Reports to Congress.

Key Findings

4. Requiring parents to pay back public assistance disproportionately impacts families of color

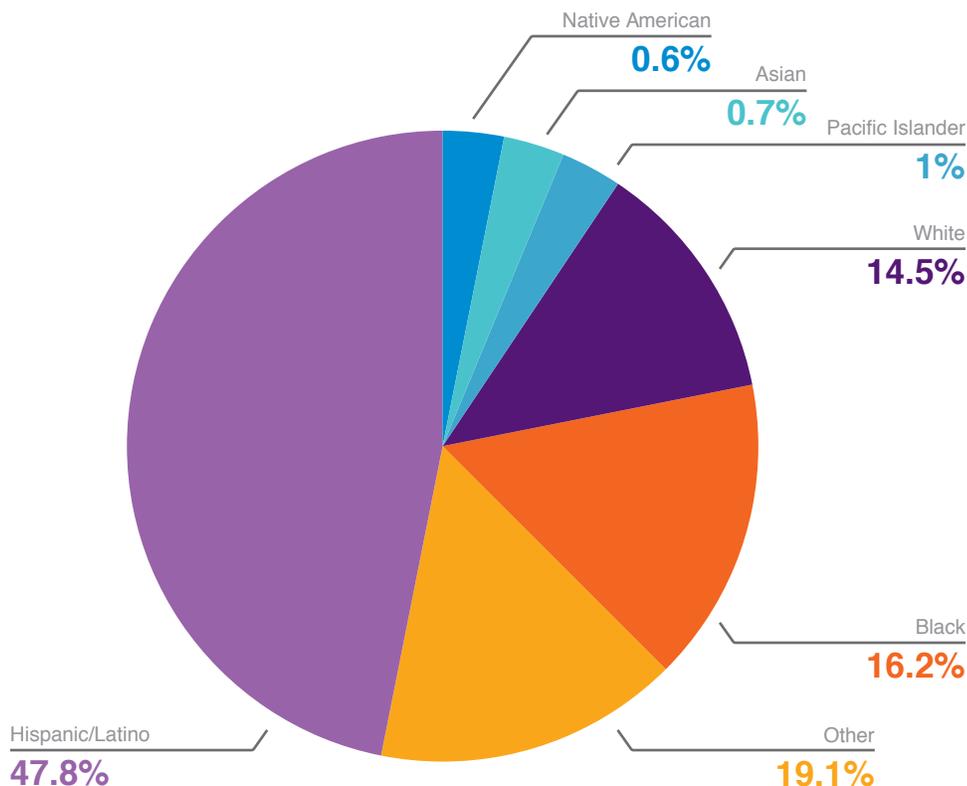
Requiring low-income parents to pay back public assistance widens existing inequalities by disproportionately impacting low-income families of color.

This policy impacts the lowest-income families as it applies only to people receiving public benefits. Americans of color experience greater incidences and persistence of poverty than their white counterparts. Research attributes this disparity to centuries of policies and practices across the United States' financial, community, and political institutions that disproportionately advantaged white Americans while simultaneously disadvantaging

people of color. Therefore, families of color are overrepresented among people receiving public benefits.⁸² Nationally, children of color account for 73 percent of all children who receive public benefits through Temporary Aid for Needy Families (TANF). Children of color are more than three times as likely as white children to receive TANF, and black children being are nearly five times more likely to receive this benefit.⁸³

Across California, families of color are also disproportionately represented in the child support system relative to their overall population. Of children receiving child support and CalWORKs benefits, more than 16 percent are African American, and nearly half are Latino.⁸⁴

Children in the California child support system who currently or previously received public benefits by race/ethnicity*



*Source: Original analysis conducted with data received from the California Department of Child Support Services via a Public Records Act request. Data as of 9/30/2017.

Key Findings

5. Requiring parents to pay back public assistance pushes parents to exit the formal economy

California law allows for the garnishment of up to 65 percent of a person's wages to pay back child support public benefits debt.⁸⁵

Research indicates that parents become disheartened and feel trapped when they realize their wages will be garnished at such a steep rate, and that the amount garnished will go to the government and not to their children.

Research has shown that when child support payments go to pay back public assistance rather than their children, fathers are more likely to work in the cash economy, potentially depriving them of benefits like health care coverage and Social Security. The same study found that **when child support payments are passed through to their families, more fathers pay support, and pay more.**⁸⁶

JOSEPH'S STORY

Many years ago, Joseph was homeless, addicted to drugs, and living on skid row in Los Angeles. He did time in prison. He is now clean and working as a supervisor. He makes \$1,500 every two weeks and pays \$1,000 a month in child support.

“My children’s mother was only getting part of it. I don’t understand how that works.”

“Most of it goes to public benefits I think and they said I have to pay them back. This is going to break me. It almost makes me not want to work. It’s like I’m working for nothing. How are you supposed to make your car payment or pay your rent? You can’t.”

“I pick up my kids every weekend but I have no money to take care of them or get them anything they want.”

Joseph, Los Angeles

6. Penalties for nonpayment can trap low-income parents in a cycle of joblessness and incarceration

When parents fall behind on payments, they face significant repercussions. Parents are charged 10 percent interest on missed payments, and as the debt grows, so do the penalties: driver's and professional licenses can be suspended, wages garnished, and banks accounts can be levied down to a \$0 balance. Non-custodial parents can even be incarcerated for nonpayment. More than eighty percent of California counties still allow for the incarceration of parents for failure to pay child support.

While these penalties are intended to act as collection tools, they often backfire, preventing low-income parents from supporting themselves and their families, creating a reinforcing cycle of debt, joblessness, and incarceration.

Suspending driver's licenses for nonpayment prevents many parents from working jobs where driving is required, for example, working as a cab driver, truck driver, or a delivery person.⁸⁷ Second, in a state where 78 percent of people drive to work, this policy severely limits access to jobs, cutting into work hours or preventing parents from getting to their job altogether.⁸⁸ Finally, many fathers must drive on suspended licenses to get to work or visit their children, putting them at risk for further consequences.⁸⁹ Research indicates that 42 percent of people lose their job when their license is suspended for any reason.⁹⁰

In 2017, California Governor Jerry Brown eliminated the suspension of driver's licenses as a penalty for failing to pay traffic court debt. In his 2017-18 state budget, he noted that "often, the primary consequence of a driver's license suspension is the inability to legally drive to work or take one's children to school."⁹¹ When fathers lose their jobs due to license suspensions, they often have no income to pay child support. Ultimately, license suspensions do little to encourage debt repayment.⁹²

While the federal government requires states to have procedures in place to suspend professional and driver's licenses for nonpayment of public or private child support, states get to choose at what threshold they enact license suspensions.⁹³ In California, driver's and professional licenses can be suspended after 30 days of missed payments—this penalty is among the most stringent in the country.⁹⁴ While California can suspend licenses after 30 days, other states such as Alabama, Montana, and West Virginia do not start suspending driver's licenses until payments are six months late, and Kansas requires a person to be found in contempt of court before suspending a license.⁹⁵

When fathers fail to make child support payments to families or the government, they can also be found in contempt of court and incarcerated for failing to comply with their child support order.

Incarceration is designed to be a tool of last resort to force fathers who are willfully refusing to pay. However, as the majority of fathers who owe public child support debt are low-income, they are often simply unable to pay. While mothers are able to waive jail time for debt owed to them and their family, that is not the case for public assistance pay back debt.

Despite its impact on fathers and families, more than eighty percent of California counties still issue contempt orders and incarcerate for failure to pay child support debt. In Plumas County, the county with the highest rate of incarceration, nearly five fathers for every 1,000 people are incarcerated for failure to pay child support.⁹⁶

When parents are incarcerated, their child support debt, including debt owed to pay back public assistance, can grow exponentially. California took a step towards protecting incarcerated parents from growing debt when it passed Assembly Bill 610 (Jones-Sawyer, 2015).⁹⁷ The bill, which is set to sunset in 2020, is based on research demonstrating that the public assistance debt accumulation while in prison has serious consequences for parents, families, and communities.

Key Findings

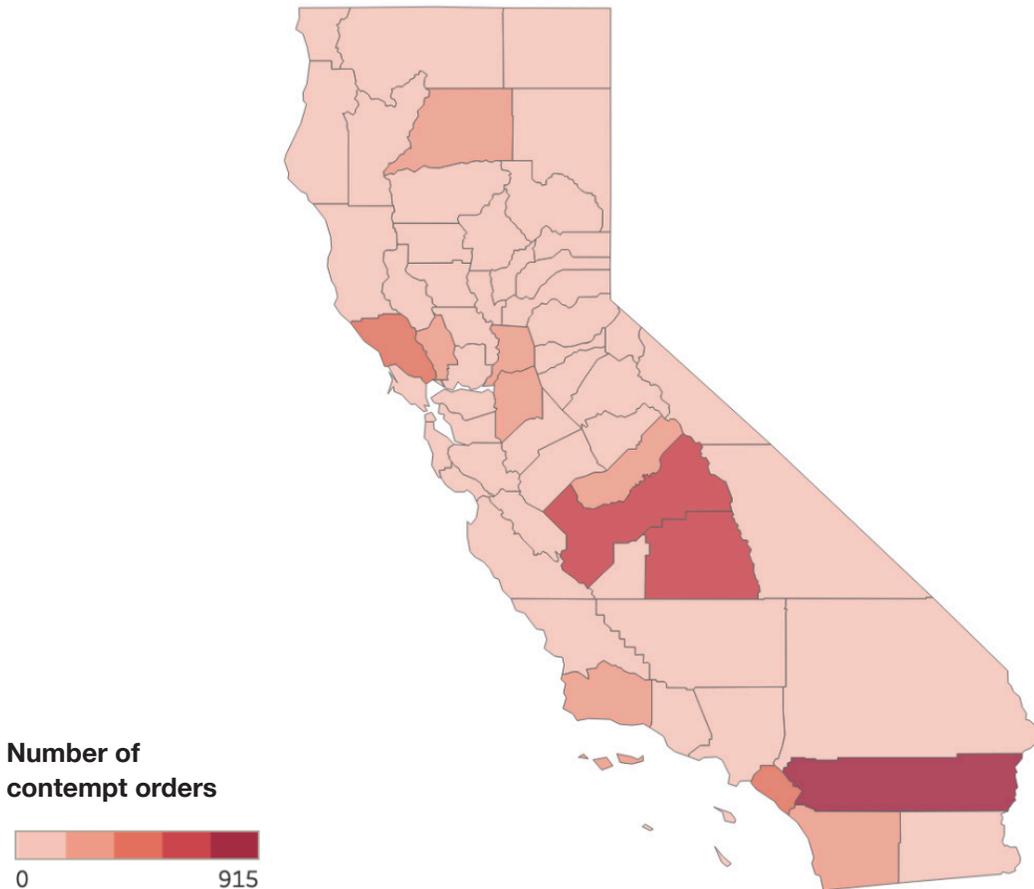
Incarcerated parents with outstanding debt are universally low-income. Only half of these parents have reported incomes before incarceration and for people who do, they make less than \$3,000 per year on average.⁹⁸ In addition, if they work while incarcerated, they earn pennies per hour and so are unable to keep up with child support orders. However, their median debt owed to pay back

public assistance is more than \$14,000.⁹⁹ This is debt owed on top of other criminal justice fines, fees and restitution debt.

Parents who leave jail with high levels of debt and few employment prospects are far more likely to exit the formal economy, not pay child support, reduce contact with their child, and return to jail.¹⁰⁰

Contempt orders by county*

There were more than 6,300 contempt orders filed in counties across California for failure to pay child support in FY2017. Being in contempt of court could mean the parent is incarcerated for failure to pay.



*Source: Dr. Lynne Haney, "Contempt: When, Where, and Why is it Used?" Forthcoming paper presented at the Child Support Directors of California Annual Conference, May 2, 2019.

LEROY'S STORY

LeRoy, a 42-year-old father of three, was sent to prison in 2000 and served a 10-year sentence. While he was incarcerated, his child's mother started receiving public assistance and was required to establish a public child support order. Despite being in prison and having no income, he was charged public child support each month without his knowledge. By the time he was released, LeRoy owed \$70,000 in public assistance pay back debt.¹⁰¹

7. Requiring parents to pay back public assistance drives families apart

In addition to lost financial resources, requiring parents to pay back public assistance deprives children of meaningful emotional and psychological support. Research shows that **mothers and children are often unaware how much fathers contribute as they see only a portion of each payment. This misunderstanding can create family conflict.**¹⁰² **As a result, public assistance payback drives nonresident fathers to have significantly less contact with children, be less engaged with them in daily activities, and provide less frequent in-kind support.**¹⁰³

This loss of contact leads to poorer academic performance, lower self-esteem, and greater social and behavioral problems in children.¹⁰⁴ Although child support policies are intended to support children's economic and emotional well-being, research indicates that this debt may serve as a major barrier to fathers' involvement in parenting and their children's overall well-being.

PAUL'S STORY

Paul works in maintenance and is taking classes. Right now he works part time and gets paid about \$300 every two weeks. About half of his paycheck is garnished to pay child support. He knows that not all of the money taken from his check goes to his children.

“Talking about the money with my ex-wife creates so much conflict. I see my daughter every week and I want to buy her things and provide but I cannot. I am having a hard time paying bills and for food.”

“I don’t understand why they have to take so much when it doesn’t all go to my daughter.”

Paul

Key Findings

8. Requiring parents to pay back public assistance is not cost effective, as most of the debt is uncollectible

In California, there is approximately \$12 billion in outstanding public assistance payback debt.¹⁰⁵ Research shows that most of it will never be paid.

In 2003, the California Department of Child Support Services (CDCSS) commissioned the Urban Institute to conduct a study of California's child support debt. Through their research, the Urban Institute determined that 95 percent of the state's outstanding child support debt would be hard to collect.¹⁰⁶ The debt was owed by either very poor people, people with old debt or people who lived outside of the state – all making it difficult to collect.

Through their research, the Urban Institute found:

- Over 60 percent of people who owed child support debt had recent net incomes below \$10,000 a year. One-quarter had no recent, reported income.
- Most of the debt was owed by parents with very low incomes and very high debt levels. Ninety-nine percent of the debt was owed by parents who had incomes less than \$30,000 a year, and these individuals owed more than \$10,000.
- Most of the debt was owed by individuals who had high debt levels. More than 65 percent of debtors owed \$5,000 or more in debt. Twenty-eight percent of individuals held 72 percent of the debt, each holding over \$20,000 in arrears.

- Nearly three-quarters of the child support arrears in California are held by people who have owed the debt for at least two and a half years. Research and collection experience of both public and private debt collection agencies suggest that older debt is less likely to be collected than recent debt.
- One fifth of California's debt is owed by debtors who live outside of California.

Ultimately, the Urban Institute concluded that less than five percent of California's public child support debt was owed by people with all three characteristics that make it collectible:

1. They have a net income above \$15,000
2. They have held the debt for less than two and a half years
3. They currently live in California.¹⁰⁷

Recommendations

The goals of our proposed reforms are to enable California's child support system to better support low-income children and families and become a stronger anti-poverty program.

We believe that California state and local governments must prioritize sending child support payments to families over requiring parents to pay back public assistance. Child support programs should support parents in their efforts to work and contribute to their families. Stopping the practice of requiring parents to pay back public assistance will allow parents' child support payments to go directly to children and build the strength, unity, and success of low-income families.

Low-income parents' public assistance payback payments partly go to support the operations of safety net programs. While we don't think our safety net should be funded by the lowest-income families in our state, these safety net programs are an important resource for California's families. Any reforms put forward here should not create holes in our safety net, or come at a cost to existing safety net programs.

California has an opportunity to advance reforms that better meet the needs of low-income families. Federal policy changes such as the Deficit Reduction Act of 2005 and the 2016 Final Rule allow states to update their child support policies to better support low-income

families. California will be implementing the 2016 Final Rule over the next two years and should use this period as an opportunity to put the needs of families first. While much of the operating framework for the child support system is set at the federal and state levels, counties also have power to ensure the child support system is run in a just and fair manner for all families.

Recommendations at a Glance. California should amend its laws to:

1. Send 100 percent of child support payments to children, not the government.
2. Stop charging interest on public assistance payback debt so more resources go to children.
3. Eliminate all outstanding public assistance payback debt, so more resources can go to children.
4. Stop the use of punitive and counterproductive penalties, and instead support parents with employment and training opportunities.
5. Ensure child support orders are based on parent's financial circumstances.
6. Stop requiring low-income people to pay back public assistance.

Recommendations

1. Send 100 percent of child support payments to children, not the government

Parents' child support payments should go to children, not to the government. The California legislature should pass legislation to ensure that 100 percent of parents' child support payments go to their children.

Under the federal Deficit Reduction Act of 2005, states are incentivized to send more money to families, rather than redirect the money to pay back public assistance.¹⁰⁸ The federal government even waives its share of reimbursement to allow more money to go to children – up to \$100 for one child and \$200 for two or more children.^{109,110} Illinois, Montana, New Jersey, New York, Pennsylvania, and many other states have increased the amount of money they pass through to families.¹¹¹ Yet California still gives families receiving public benefits only \$50 of each monthly child support payment while retaining the rest.

States also have the authority to send 100 percent of payments directly to children, and to pay back the federal government's portion directly, rather than requiring low-income families to do so.¹¹² Colorado was the first state to make this reform to prioritize families, and ensure that 100 percent of all child support payments go directly to families. **Since Colorado began giving families 100 percent of child support payments, the state has seen strong results. In just over a year since implementation, the total amount of child support payments increased by 63 percent.**¹¹³ Both more consistent and higher payments have driven this growth. Increasing the amount of child support payments going to families is expected to include the following improvements: increased

payment amounts, greater willingness for mothers to cooperate with child support, reduced reliance on other forms of public benefits, and reduced tension between parents.¹¹⁴ Enacting a 100 percent pass-through in Colorado cost the state \$3.4 million annually, not accounting for the likely cost savings from families' reduced reliance on means-tested benefits, which could be significant in California.

Like Colorado, California can and should ensure that every time a parent makes a child support payment, the full amount goes to support their child.



Recommendations

2. Stop collecting interest on public assistance payback debt so more resources go to children

Charging interest places a heavy burden on low-income parents and grows their public assistance payback debt to levels that exceed their abilities to pay it. California should eliminate its 10 percent interest on public assistance payback debt. Removing this burden will prioritize building family resources and ensure parents' payments go to their children.

As described previously, charging 10 percent interest creates debt burdens that can be impossible to pay back. While other states, including New Jersey and South Dakota, have effectively eliminated interest for child support debt, California has one of the highest interest rates in the country.¹¹⁵ New Jersey effectively eliminated interest by stopping the assessment, tracking, or collection of interest on public benefits repayment debt. This reform gave mothers and county governments the option to collect interest but ensured that state government was not profiting from parents' inability to pay back public assistance.

Eliminating the interest on public assistance payback debt would allow more child support dollars to go directly to families, will prevent outstanding debt from ballooning over time, and will improve the program performance of the system statewide.

Parents paid approximately \$169 million in interest owed on their public assistance payback debt in California in 2016, less than 5 percent of all outstanding interest.¹¹⁶ This estimate does not take into account the likely budget offsets from families who would receive more of the payments made by the non-custodial parent, which would otherwise have gone to paying down interest. As a result, they may reduce their reliance on state aid such as CalWORKs, CalFresh, and Medi-Cal. California has the authority to stop collecting interest and should do so.



Recommendations

3. Eliminate all outstanding public assistance payback debt, so more of parents' payments can go to children

California should wipe out uncollectible public assistance payback debt.

California Department of Child Support Services has the unilateral authority to clear outstanding debt owed to the government. Once the state collects the debt, the state must distribute it between families, the federal government, counties and itself. Until the state receives it, however, the debt is owed to the state and, as the owner, the state has the authority to decide to collect it or not. The state should eliminate public assistance payback debt, and prioritize low-income families.

The overwhelming majority of outstanding public assistance payback debt is owed by extremely poor people with tens of thousands of dollars in debt originating from orders that often did not reflect their financial circumstances. By wiping out public assistance payback debt, future tax returns and family resources will no longer go toward paying the government for public benefits, which will allow more money to go toward families.

While outstanding public assistance payback debt totals approximately \$12 billion in California, the true financial impact of its elimination will be vastly smaller.¹¹⁷ Researchers agree that most of the debt will never be collected. According to a study commissioned by the state, only a small fraction of the debt would have been collected.¹¹⁸ The total fiscal impact could be determined through a new collectibility study, updating information from the 2003 report.

If California reformed its laws to no longer collect public benefits payback debt, the Department of Child Support Services could instead focus on collecting payments owed to children and families.



Recommendations

4. Stop the use of overly punitive and counterproductive penalties, and instead support parents with employment and training opportunities

Rather than suspend driver's licenses and incarcerate parents for failing to pay, which are often counterproductive collections tools and can result in fathers' losing their source of income, California can support employment and training programs and remove barriers to employment for non-custodial fathers.

Stop jailing parents for nonpayment of child support debt.

Model practices include:

1. providing low-income parents with job training and placement services so that they are better able to meet payments and
2. using jail only in extreme cases where other less severe penalties have failed to compel able parents to make payments.

Counties that assume inability rather than unwillingness to pay when payments are missed have seen greater success increasing parents' payments, reducing public debt, and preventing incarceration. Finally, the 2016 Final Rule issued by the federal Office of Child Support Enforcement requires that state establish rules to screen parents for ability to pay before incarcerating.¹¹⁹

Prevent public assistance payback debt from growing while parents are incarcerated.

There are approximately 124,000 non-custodial parents in California with open child support cases who have been incarcerated.¹²⁰ California should expand and enforce existing laws to prevent incarcerated parents from accumulating public assistance payback debt and ensure this

practice applies to all parents in all circumstances.

California took an important step toward protecting incarcerated parents from accumulating public assistance payback debt when it passed Assembly Bill 610 (Jones-Sawyer, 2015).¹²¹ This bill broadly required the automatic suspension of child support orders for parents during any period of incarceration over 90 days. However, this law is not operating as intended due to inadequate information sharing between local child support agencies and county jails as well as unclear communications mechanisms to inform parents of their rights.

We recommend that the state implement and expand this policy by taking the following steps:

1. Inform all incarcerated parents of their rights to an adjusted order, and assist them through the order suspension process
2. Develop confidential information sharing capacities between child support agencies and county jails, including inter-county communication processes
3. Extend the right to adjusted orders to parents incarcerated for nonpayment of child support, because they lack the ability to pay
4. Make this a permanent protection by removing the 2020 sunset on the current law

California counties can also proactively create comprehensive systems to ensure incarcerated parents have the opportunities to support themselves and their families.

Counties can:

- (1) improve information sharing between child support agencies and jails to ensure all incarcerated parents have their child support payments suspended;
- (2) automatically set orders to \$0 while parents are incarcerated based on their lack of income;
- (3) connect with parents during and after incarceration to provide counseling, housing, reentry services, and job training.

This proposed recommendation will reduce the unnecessary accrual of uncollectible debt and strengthen conditions for children and families in poverty.

Stop the practice of suspending driver's license suspensions for nonpayment of public assistance payback debt.

California's driver's license suspension policy is among the most punitive in the country.¹²² While states are required by federal law to have the ability to suspend licenses, states can decide at what point the penalty goes into effect. This flexibility includes increasing the default period from 30 days to 6 months, establishing a 90-day grace period to create a payment plan or pay off the outstanding debt, and allowing a person to request an administrative hearing for up to 30 days after receiving the first notice. These policies have been successfully implemented in a number of other states, including Colorado, Alabama, Wisconsin, and Minnesota among others.¹²³

Counties also have a role in determining how to enforce this penalty. Counties should never suspend driver's licenses when someone is unable to pay, and should prioritize setting payments based on each person's financial circumstances.

Support fatherhood and economic stability.

In 2017, California enacted Senate Bill 282 (Wiener), which allows counties to extend CalWORKs employment and training services to non-custodial parents of children aided by the program.¹²⁴ By supporting employment among low-income non-custodial parents, they can increase their income and, in turn, increase support to their children. This increased support ensures children's wellbeing and economic security.

While counties now have the option to extend employment and training services to non-custodial parents using CalWORKs funding, the state has yet to provide written guidance to the counties about how to utilize this new authority. The state should provide guidance and distribute best practices to encourage counties to adopt this policy option. The Department of Social Services and the Legislature should consider what steps they could take to ensure that counties are encouraged to do so.

While opportunities to connect non-custodial parents with job training programs do exist in some counties, public benefits repayment debt creates a disincentive for non-custodial parents to participate in them, because they know their earnings will go to repay public benefits rather than to their families. This disincentive undermines the government's interest in helping low-income, unemployed non-custodial parents move into the workforce, thereby resulting in increased reliance on public assistance.

Limiting the use of overly punitive and counterproductive penalties and better connecting fathers to employment and training resources are largely administrative changes with few costs to the state. There will be a cost to update the state's IT system to allow for greater information sharing between jails and child support offices.

CYNTHIA'S STORY

Cynthia is an intern at a nonprofit in Los Angeles, and has \$300 a month taken from her paycheck each month to repay public assistance. She says that none of it goes to her one year-old son and his father. She is currently taking care of two other children, a 15 year-old and a 9 year-old.

“I wouldn’t be able to make rent right now if my father wasn’t helping me. It’s very discouraging.”

“The money they are taking would make a big difference for me and my family if we could have it.”

Cynthia, Los Angeles

Recommendations

5. Ensure child support orders are based on parents' financial circumstances

In 2018, 48 percent of cases in California were set using default orders; meaning orders were set without the non-custodial parents' involvement. In 18 percent of these cases, orders were set with no information on parents' ability to pay.¹²⁵ The 2016 Final Rule clarifies that child support orders must be based upon ability to pay in all cases, and research shows that when parents' financial circumstances are considered, they are more likely to pay child support.¹²⁶

In order to ensure orders are set within parents' means, California should:

Update and modernize the statewide uniform guideline.

The statewide uniform guideline establishes the statewide rules that should be followed to calculate a child support order. The guideline should be reviewed for opportunities to ensure that child support orders are right-sized, thereby improving compliance and reducing hardship for the non-custodial parent and, by extension, the child.

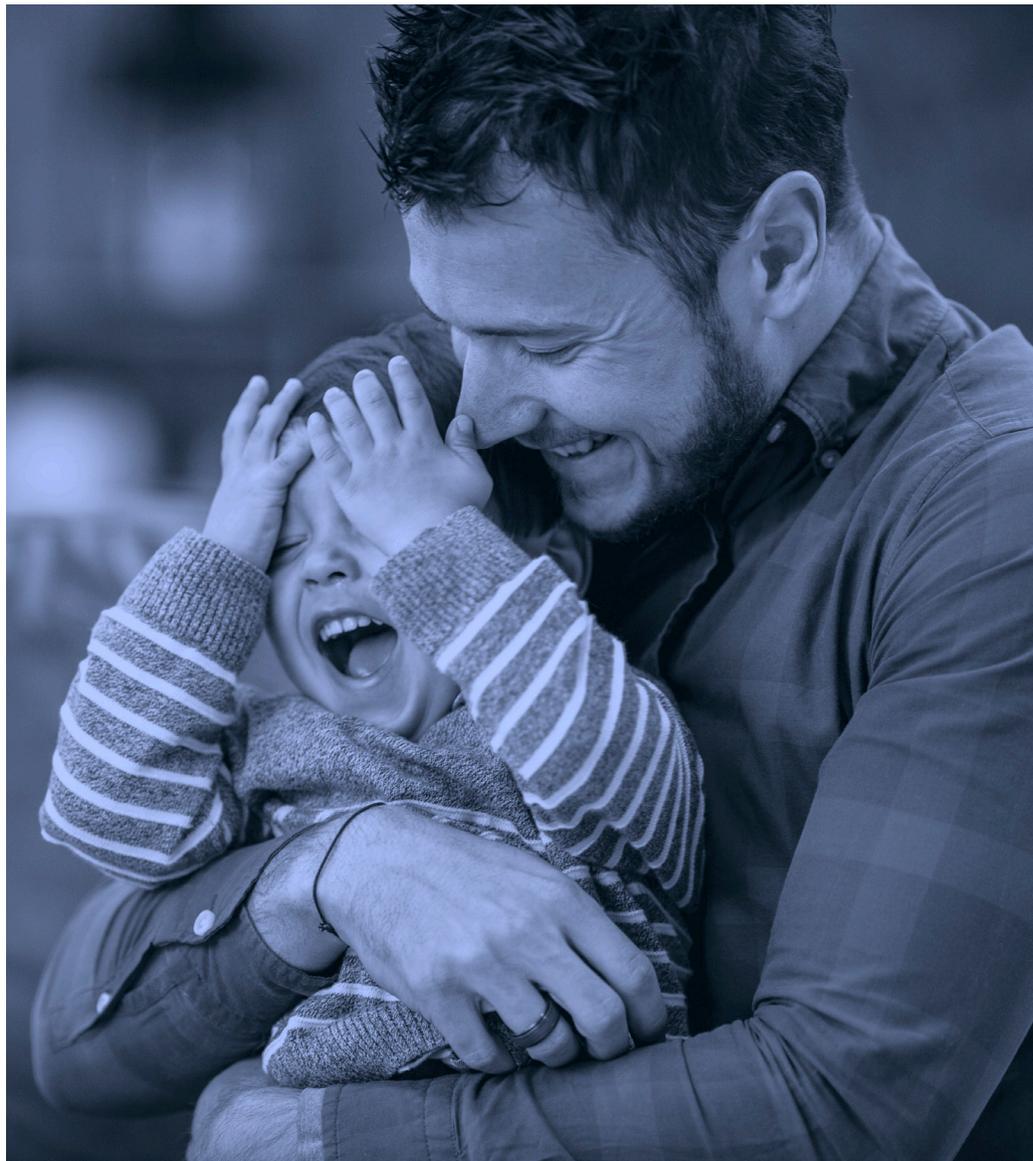
Ensure all parents can access the low-income adjustment, so orders are based on ability to pay.

The low-income adjustment (LIA) allows parents with net disposable incomes less than a certain dollar amount to request a an LIA based on their financial circumstances.¹²⁷ The threshold is adjusted each year in accordance with cost of living increases. The current law allowing for these adjustments expires in 2021. The sunset date should be removed on current state law establishing a low-income adjustment and this adjustment should be

made automatic so that non-custodial parents do not have to apply to receive the relief.

Require \$0 orders for youth under 18 who are non-custodial parents.

Parents under 18 are not authorized to work, and therefore are not in a position to pay child support. Minors who are parents should be supported in their new roles, not encouraged to dropout of school in order to pay child support.



Recommendations

6. Stop requiring low-income people to pay back public assistance

Our safety net exists to catch vulnerable families in their time of need. There should be no price tag on our safety net for families who must turn to it in their time of need. California lawmakers should stand up for low-income families and children and advocate to end this punitive and ineffective federal policy.



CONCLUSION

When a parent pays child support, all of their child support payments should go to their children. Intercepting their child support payments to repay the government for the cost of public benefits harms the whole family.

While California has been a leader in reforming child support in the past, the state has now fallen behind. California charges one of the highest interest rates on public assistance payback debt in the country, and has not leveraged new opportunities to pass more money through to families.

There is a window of opportunity for reform. Recent federal policies allow states to pursue reforms, including increasing the amount of money that goes to the family, decreasing interest rates, and reducing penalties that hurt both the family and our state as a whole. As California implements the federally mandated 2016 Final Rule, the state can either fall further behind and keep harmful practices in place, or lead the country to advance reforms that will lower child poverty, better support families, and increase collections, since parents know their payments will actually go where they should—to their children.

California has a choice to make. Will the state prioritize the needs of the families or continue the status quo? The decision should be easy.



Acknowledgments

CONTRIBUTORS

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Endnotes

1. Approximately 252,000 families currently receiving public benefits only receive the first \$50 of their child support payments. An additional 651,000 families previously received public benefits, and the non-custodial parent may still be paying back the cost. Source: Comparative Data for Managing Program Performance Federal Fiscal Year 2018." California Department of Child Support Services, February 2019. Table 2.2 <http://www.childsup.ca.gov/portals/0/resources/docs/reports/2018/ff2018performancedata.pdf>
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4. For example: if a non-custodial parent whose child receives public benefits pays \$300 a month in child support payments, their family receives only the first \$50 of the payment. If the non-custodial parent misses their \$300 payment one month, and pays \$600 the following month to catch up, the custodial parent still only receives \$50 from the \$600 payment, and does not get the \$50 from the previous month.
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110. The federal government will waive its share of repayment if states "disregard" the amount of child support passed through to families, so it does not count against their family's income when applying for public benefits such as TANF. Accordingly, many states disregard a portion of child support payments when families apply for public benefits to take maximum advantage of the federal waiver- up to \$200 per month for two or more children. Similar to Oregon, Pennsylvania, New York, and many other states, California could disregard up to \$200 in child support payments.
111. "Child Support Pass-Through and Disregard Policies for Public Assistance Recipients." National Conference of State Legislators. <http://www.ncsl.org/research/human-services/state-policy-pass-through-disregard-child-support.aspx>
112. Federal law requires that states collect public child support payments although they have broad discretion on how they distribute it to families – that money is known as the pass-through amount. Under the Deficit Reduction Act of 2005, states are encouraged to send more money to families. States are even incentivized to do so: the federal government waives its share of up to \$100 for one child and \$200 for two or more children.
113. Larry Desbien, Interview 12: Larry Desbien, Phone, August 22, 2018.
114. Larry Desbien, Interview 12: Larry Desbien, Phone, August 22, 2018.
115. Interviews with Child Support Officials and: "Child Support Questions - FAQs." Weinberger Divorce & Family Law Group, Weinberger Divorce & Family Law <https://www.weinbergerlawgroup.com/Wp-Content/Uploads/2017/04/Wlg-Logo@2x.Png>, www.weinbergerlawgroup.com/child-support/faqs/ Accessed March 8, 2019. "New Jersey Child Support Enforcement Resource Center." Support Collectors - Making a Difference... One Family at a Time.™, www.supportcollectors.com/resources_new_jersey.php#interest. Accessed March 8, 2019.
116. Sorensen, Elaine, Heather Koball, Kate Pomper, and Chava Zibman. "Examining Child Support Arrears in California: The Collectability Study." Washington: Urban Institute, March 2003. <https://www.urban.org/sites/default/files/publication/30131/411838-Examining-Child-Support-Arrears-in-California-The-Collectability-Study.PDF>)
Original analysis conducted with data received from the California Department of Child Support Services via a Public Records Act request. Fiscal Year 2017. Based on our analysis there is \$174 million in interest paid on public assistance debt in California in 2016. This is 4.46 percent of the the total outstanding interest according to the 2003 collectability study, which found there was \$3.9 billion in unpaid interest.
117. Estimated assuming 70 percent of outstanding debt is owed to government. California's total child support debt exceeds \$17.5 billion. The Urban Institute estimated that more than 70 percent outstanding debt is owed to the government. California's outstanding child support debt exceeds \$17.5 billion: "Comparative Data for Managing Program Performance Federal Fiscal Year 2018" (California Department of Child Support Services, February 2019), Table 02.2, <http://www.childsup.ca.gov/portals/0/resources/docs/reports/2018/ffy2018performancedata.pdf>
70 percent of outstanding debt is owed to government: Elaine Sorensen et al., "Examining Child Support Arrears in California: The Collectability Study" (Washington: Urban Institute, March 2003), <https://www.urban.org/sites/default/files/publication/30131/411838-Examining-Child-Support-Arrears-in-California-The-Collectability-Study.PDF>
118. Elaine Sorensen et al., "Examining Child Support Arrears in California: The Collectability Study" (Washington: Urban Institute, March 2003), <https://www.urban.org/sites/default/files/publication/30131/411838-Examining-Child-Support-Arrears-in-California-The-Collectability-Study.PDF>
119. "Overview - Final Rule: 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Orders." Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, January 9, 2017. https://www.acf.hhs.gov/sites/default/files/programs/css/overview_child_support_final_rule.pdf
120. Original analysis conducted with data received from the California Department of Child Support Services via a Public Records Act request. Fiscal Year 2017.
121. "Child Support and Incarceration," accessed July 23, 2018, <http://www.ncsl.org/research/human-services/child-support-and-incarceration.aspx>
122. "License Restrictions for Failure to Pay Child Support." January 30th, 2014. National Conference of State Legislatures. Accessed February 15th, 2019.
123. "License Restrictions for Failure to Pay Child Support." accessed July 18, 2018, <http://www.ncsl.org/research/human-services/license-restrictions-for-failure-to-pay-child-support.aspx>
124. California Code, Welfare and Institutions Code - WIC § 11320.16
125. "Comparative Data for Managing Program Performance Federal Fiscal Year 2018" (California Department of Child Support Services, February 2019), Table 3.12, <http://www.childsup.ca.gov/portals/0/resources/docs/reports/2017/ffy2017performancedata.pdf>
126. "Child Support 101.3: Establishing and Modifying Support Orders." National Conference of State Legislatures. "Default Orders." <http://www.ncsl.org/research/human-services/enforcement-establishing-and-modifying-orders.aspx>
127. "California Guideline Child Support Calculator User Guide." "Apply low-income adjustment." California Child Support Services. <https://www.childsup.ca.gov/portals/0/resources/docs/gdlncalculator.pdf>

Glossary

Below are selected key terms from the federal Office of Child Support Enforcement's "Glossary of Common Child Support Terms" relevant to the discussion of child support debt and public benefits reimbursement.¹²⁸

Arrearage

Past due, unpaid child support owed by the noncustodial parent. If the parent has arrearages, he or she is said to be "in arrears."

Child Support

Financial support paid by parents to help support a child or children of whom they do not have custody. Child support can be entered into voluntarily or ordered by a court or a properly empowered administrative agency, depending on state or tribal laws.

Child Support Pass-Through

Provision by which states can disburse part of a child support payment collected on behalf of a public assistance recipient instead of keeping the funds to reimburse the state and disregard the payment in determining eligibility for assistance. Tribal programs also have a choice in adopting pass-through.

Default

The failure of a defendant to file an answer or appear in a civil case within the prescribed time after having been properly served with a summons and complaint. The tribunal hearing the case can enter an order based on information presented without any challenge if the responding party does not answer the claim or appear in court as requested. This is called a default order.

Garnishment

A legal proceeding under which part of a person's wages or assets are withheld for a payment of a debt. This term is usually used to specify that an income or wage or income withholding is involuntary.

Imputed Income

Income that may be attributed to an individual who refuses to obtain employment, chooses not to work for personal reasons, or chooses to earn less than is typical for someone with the individual's training, education, and skill. An individual cannot be forced to work, but the court or decision-maker can attribute certain income levels to a person based on the person's education or training, skill, and work history. Some states consider assets, for example, if the obligor is self-employed or owns real estate. This also may be the amount of income the court or administrator determines that an obligor is capable of earning if he or she does not appear at a hearing after proper service. Some will also attribute income to a custodial parent who chooses to remain unemployed.

In-Kind Support

Non-cash payments, for example, food or clothing, provided to a custodial parent or child in lieu of cash support payments.

Glossary

Income Withholding	An order that requires an employer to withhold support from a noncustodial parent's wages and transfer that withholding to the appropriate agency (the Centralized Collection Unit, the State Disbursement Unit or tribal child support agency. Sometimes referred to as a wage withholding or garnishment.
Intercept	A method of securing child support by taking a portion of non-wage payments made to a non-custodial parent. Non-wage payments subject to interception include federal tax refunds, state tax refunds, unemployment benefits, and disability benefits.
Noncustodial Parent (NCP)	The parent who does not have primary care, custody, or control of the child, and who may have an obligation to pay child support. Also referred to as the obligor.
Obligation	The amount of money to be paid as support by a parent or spouse in the form of financial support for the child support, medical support, or spousal support.
Obligee	The person, state, or tribal agency, or other entity to which child support is owed (also referred to as a custodial party when the money is owed to the person with primary custody of the child).
Obligor	The person obligated to pay child support (also referred to as a noncustodial parent or NCP).
Office of Child Support Enforcement	The federal agency responsible for the administration of the Child Support Enforcement program.
Private Case	Known as a non-IV-D case, it is a support case where the custodial party to whom child support is owed is not receiving IV-A benefits or IV-D services.
Temporary Assistance for Needy Families (TANF)	Time-limited public assistance payments made to poor families, based on the Title IV-A of the Social Security Act. TANF replaced Aid to Families with Dependent Children when the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law in 1996. The program provides parents with job preparation, work, and support services to help them become self-sufficient. Applicants for TANF benefits are automatically referred to their state or tribal child support agency in order to establish paternity and child support for their children from the noncustodial parent. This allows the state or tribe to recoup or defray some of its public assistance expenditures with funds from the noncustodial parent.

Relevant Federal Statutes

Below are key federal statutes that govern child support and public benefits reimbursement. This list includes many of the laws that affect the interplay between child support and public benefits. It is not a comprehensive list of all federal statutes that are relevant to child support enforcement or public benefits reimbursement.

Bradley Amendment

Passed in 1986, the Bradley Amendment was designed to improve the effectiveness of child support enforcement and prohibited retroactive judicial modification of child support orders.¹²⁹

Child Support Enforcement Amendments of 1984

A bill to amend Part D of the Title IV of the Social Security Act to assure automatic income withholding, incentive payments to states, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes.¹³⁰

Deadbeat Parent Punishment Act

The Deadbeat Parent Punishment Act was established in 1998 to punish parents who willfully failed to pay child support by traveling to another state in an attempt to avoid payments.¹³¹

Deficit Reduction Act (DRA)

The Deficit Reduction Act of 2005 (DRA) included a number of changes to child support operations to increase the money distributed to families. This included (1) allowing states to pay more or all support to current or former assistance families, and (2) waiving the federal share of support paid to families in former assistance cases and up to \$100 for one child and \$200 for two or more children if disregarded in current assistance cases.¹³²

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)

PRWORA created the new public benefits program, Temporary Aid for Needy Families (TANF), and refined, reinforced, and strengthened the child support enforcement system."¹³³ Among the changes, state, tribal and federal child support agencies were required to assist in locating non-custodial parents and establishing, enforcing, and collecting child support.¹³⁴

Relevant Federal Statutes

Social Security Act

The federal system was created to collect child support payments on behalf of custodial families and to ensure reimbursements to state and federal governments for the outlay of cash public benefits. Federal law requires that state child support agencies pursue specific acts and definite objectives to (1) locate parents, (2) establish paternity for non-marital children, (3) establish orders, and (4) collect financial support. The state agency incentive funding structure is based on these statutory goals, which outline and define the process for families. In individual cases, each of the goals is a step in the process and provides a foundation for the next. The power differential between the unrepresented litigants and the state in the courtroom appears to accommodate the strong government interest in efficient case processing.¹³⁵

2016 Final Rule

In 2016, the Federal Office of Child Support Enforcement issued the Final Rule - the first comprehensive revision of child support rules since welfare reform in 1996. The 2016 Final Rule reorients the system to work better for low-income families in several ways. It requires states to: (1) set more realistic orders based on evidence of each person's financial circumstances (2) screen for ability to pay before incarcerating parents for failure to pay, (3) ensure incarcerated parents have the opportunity to adjust their child support orders based on their income, and (4) provide a meaningful opportunity for public input, including from low-income parents and families, when reviewing current state guidelines.¹³⁶

Methodology

The conclusions drawn in this report were informed by a literature review; interviews with academic and industry experts; interviews with impacted individuals; and a Public Records Act request sent to the California Department of Child Support Services.

The literature review covered both academic and industry sources. Academic sources largely included qualitative and quantitative sociological research on the public benefits reimbursement system as well as the child support system writ large. Industry sources were drawn mainly from the federal Office of Child Support Enforcement.

Similarly, expert interviews were conducted with academic as well as industry leaders. Academic researchers had studied a range of aspects of the child support system including different states as well as the country as a whole. Industry leaders included both those who worked within the child support system at the federal, state, and local levels as well as nonprofit leaders who work directly with impacted individuals or as their advocates. Twenty expert interviews were conducted throughout the research process.

More than a dozen interviews were conducted with parents who owed child support debt to the government. These individuals were referred to the author through nonprofit organizations.

Finally, a Public Records Act request was sent to the California Department of Child Support Services. The request covered topics including case demographics, outstanding debt, interest collected, and incarceration of noncustodial parents. A copy of the request can be found in the Appendix. Due to the integrated state and local data system, the request covered both statewide data as well as county-level data for all 58 California counties.

Noncustodial Parent Interview Guide

Below is a list of questions used to guide conversations with non-custodial parents. While the following questions served as guide, these discussions were informal and based on the experiences of the parents being interviewed.

Some of the names of those interviewed have been changed in the report to maintain confidentiality.

1. In which county do you live?
2. How many children do you have?
 - A. How old are they?
 - B. What do they like to do?
 - C. Do they share a custodial parent?
 - D. For how many children do you have a child support order?
3. How did the child support order come about
(parent request, did the custodial parent apply for CalWORKs, foster care)?
4. Was the original child support order set at an amount you could afford?
5. People miss payments for a variety of reasons, did you ever miss a payment?
 - A. If so, what was the reason for missing the payment?
 - B. What happened after you missed a payment?
 - C. Did you face any penalties for missing a payment?
 - D. Did you ever have your driver's license suspended because you couldn't pay your child support?
How did this impact you?
6. Did you accrue interest on your arrears (late payments)?
 - A. If so, how much?
 - B. How many payments did you miss before you began accruing interest?
7. Have your financial circumstances changed over the course of your child support order?
 - A. Were you aware that child support orders could be modified due to changing financial circumstances?
 - B. Did you ever attempt to modify your child support order?
 - I. If so, what was the process like?
 - II. What was the result?
8. How has paying child support affected you?
 - A. How has paying child support impacted your relationship with the custodial parent?
 - B. How has paying child support impacted your relationship with your child(ren)?
9. The Child Support system is complicated and difficult to understand, it's my understanding that when parents make a payment some of that goes to the government and not children. Is that your understanding?
 - A. How does that work?
 - B. Has that happened in your situation?
 - C. How did that affect you when you realized how it worked?
10. Some of the research on child support states that the current system discourages people from working, because they know some of what they pay won't go to their children. Do you think that's true? How so?
11. Some of the research also say that the fact you need to repay the government has a negative impact on father/mother relationships, and father's relationships with their children. Why would that be? Have you seen this? Has this been true in your situation?

Public Records Act Request to the Department of Child Support Services

Below is a copy of the California Public Records Act (PRA) Request sent to the California Department of Child Support Services. The PRA request covered topics including case demographics, outstanding debt, interest collected, and incarceration of noncustodial parents.

To Whom It May Concern:

I am writing pursuant to the California Public Information Act (Government Code Section 6250 et seq.) to request the public records described below. For the purposes of this request, Per California Government Code § 6253(c) you must, within 10 days of receipt of this request, respond and let me know the status of the request, and how soon you will be able to produce all available records.

I am writing on behalf of the Tipping Point Community. I am requesting records relating to the determination and collection of probation fines and fees imposed by the California Department of Child Support Services (hereinafter "Department"). Unless otherwise stated, I request the records below from the previous year (either 2017 or Fiscal Year 2016 – 2017 depending on the existing format of the data and documents).

Requested Records

1. **Demographics of Child Support Cases: All documents reflecting:**
 - A. The demographics for the Department's child support caseload (including but not limited to the number of cases, race, age, sex, education status, and income level) for noncustodial parents, custodial parents, and children; and
 - B. The demographics of child support cases currently or formerly connected to public assistance (including but not limited to the number of cases, race, age, sex, education status, and income level) for noncustodial parents, custodial parents, and children where the custodial parent is collecting CalWORKs benefits.
2. **Outstanding Arrears: All documents relating to:**
 - A. The total amount of arrears due for the fiscal year, including interest;
 - B. The total amount owed by non-custodial parents where the custodial parents are currently receiving or previously received public assistance; and
3. **Child Support Payments to Custodial Parents: All documents reflecting:**
 - A. The percent of custodial parents with child support orders receive some amount; and
 - B. The percent of custodial parents with child support orders receive the full amount.
4. **Incarcerated Obligors: All documents related to the number of noncustodial parents who have been incarcerated for contempt of fail to pay their child support payments, including:**
 - A. Documents related to the demographics of incarcerated obligors including but not limited to age, sex, race, education status, and income level; and
 - B. The number of noncustodial parents incarcerated for failure to pay where the custodial parent on TANF at the time of arrest.

Public Records Act Request to the Department of Child Support Services

5. **Child Support Collections:** All documents reflecting how much money the Department collects through child support payments for cases where the custodial parent receives, including:
 - A. How much is distributed to the General Fund;
 - B. How much is distributed to counties; and
 - C. How much is sent to the federal government.
6. **Interest on Late Payments:** All documents reflecting how much the Department collects in interest on arrears.

We have attempted to be as specific as possible in designating the public records we wish to obtain. If you find that our request is unclear or insufficiently focused, we request that you provide us with the assistance required Government Code Section 6250 et seq., including “assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated” and providing “suggestions for overcoming any practical basis for denying access to the records or information sought.”

Because the Tipping Point Community is a nonprofit organization, we request that you waive any fees that would normally be applicable to this request. See *North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144 (1994). If you are unable to do so, please notify us before incurring any costs.

Where possible, please send your response in electronic format, as required by Government Code Section 6250 et seq.

Finally, as you know, Government Code Section 6250 et seq. requires a response within 10 calendar days of receipt of this request. I ask that you please send the materials responsive to this request as they become available. For example, if the material responsive to one request is ready, but the Department will need significantly more time to gather materials on other questions, please forward what is ready as soon as possible. Also, if a portion of the material is confidential, please send me the non-confidential portions of the material.

Appendix 6

Department of Child Support Services Summary Tables

In response to the Public Records Act request (Appendix 3B), the California Department of Child Support Services (CDCSS) provided three data sets: 1) case demographics, 2) income received by non-custodial parents and 3) interest collected on public benefits payback debt. As part of this project, we analyzed the data from these datasets. Following the release of data, CDCSS provided the authors clarification and answered relevant questions but any errors are those of the authors. Note that all tables refer only to those cases affected by child support debt owed to the government.

Appendix 6A

Custodial and non-custodial parent status by gender and county, Fiscal Year 2017

County		CUSTODIAL PARENT			NON CUSTODIAL PARENT		
		FEMALE	MALE	Total	FEMALE	MALE	Total
ALAMEDA	Percent	95.55%	4.45%	100.00%	8.61%	91.39%	100.00%
	Number	24,307	1,131	25,438	2,054	21,813	23,867
ALPINE	Percent	100.00%		100.00%		100.00%	100.00%
	Number	13		13		8	8
AMADOR	Percent	90.82%	9.18%	100.00%	13.48%	86.52%	100.00%
	Number	821	83	904	120	770	890
BUTTE	Percent	89.39%	10.61%	100.00%	14.95%	85.05%	100.00%
	Number	7,082	841	7,923	1,164	6,621	7,785
CALAVERAS	Percent	90.23%	9.77%	100.00%	15.96%	84.04%	100.00%
	Number	1,081	117	1,198	187	985	1,172
COLUSA	Percent	95.98%	4.02%	100.00%	6.48%	93.52%	100.00%
	Number	478	20	498	34	491	525
CONTRA COSTA	Percent	95.10%	4.90%	100.00%	8.50%	91.50%	100.00%
	Number	20,269	1,044	21,313	1,727	18,583	20,310
DEL NORTE	Percent	89.32%	10.68%	100.00%	16.07%	83.93%	100.00%
	Number	1,531	183	1,714	269	1,405	1,674
EL DORADO	Percent	90.09%	9.91%	100.00%	16.82%	83.18%	100.00%
	Number	3,609	397	4,006	693	3,426	4,119
FRESNO	Percent	91.98%	8.02%	100.00%	12.12%	87.88%	100.00%
	Number	39,859	3,474	43,333	5,058	36,668	41,726

Appendix 6A

Custodial and non-custodial parent status by gender and county, Fiscal Year 2017

County		CUSTODIAL PARENT			NON CUSTODIAL PARENT		
		FEMALE	MALE	Total	FEMALE	MALE	Total
GLENN	Percent	93.04%	6.96%	100.00%	12.56%	87.44%	100.00%
	Number	1,029	77	1,106	141	982	1,123
HUMBOLDT	Percent	91.95%	8.05%	100.00%	12.78%	87.22%	100.00%
	Number	3,873	339	4,212	524	3,576	4,100
IMPERIAL	Percent	92.59%	7.41%	100.00%	8.77%	91.23%	100.00%
	Number	7,123	570	7,693	705	7,334	8,039
INYO	Percent	93.05%	6.95%	100.00%	11.51%	88.49%	100.00%
	Number	629	47	676	81	623	704
KERN	Percent	93.55%	6.45%	100.00%	11.99%	88.01%	100.00%
	Number	34,290	2,366	36,656	4,278	31,404	35,682
KINGS	Percent	92.88%	7.12%	100.00%	10.54%	89.46%	100.00%
	Number	6,179	474	6,653	676	5,737	6,413
LAKE	Percent	90.47%	9.53%	100.00%	13.32%	86.68%	100.00%
	Number	1,947	205	2,152	286	1,861	2,147
LASSEN	Percent	90.43%	9.57%	100.00%	15.06%	84.94%	100.00%
	Number	1,002	106	1,108	161	908	1,069
LOS ANGELES	Percent	95.45%	4.55%	100.00%	6.98%	93.02%	100.00%
	Number	212,046	10,098	222,144	14,845	197,855	212,700
MADERA	Percent	92.42%	7.58%	100.00%	12.68%	87.32%	100.00%
	Number	4,377	359	4,736	587	4,043	4,630
MARIN	Percent	93.27%	6.73%	100.00%	13.53%	86.47%	100.00%
	Number	4,214	304	4,518	572	3,657	4,229
MARIPOSA	Percent	89.58%	10.42%	100.00%	12.77%	87.23%	100.00%
	Number	464	54	518	59	403	462
MENDOCINO	Percent	91.83%	8.17%	100.00%	11.62%	88.38%	100.00%
	Number	2,685	239	2,924	334	2,541	2,875
MERCED	Percent	92.59%	7.41%	100.00%	11.21%	88.79%	100.00%
	Number	10,501	841	11,342	1,219	9,651	10,870
MODOC	Percent	89.27%	10.73%	100.00%	14.56%	85.44%	100.00%
	Number	233	28	261	38	223	261
MONO	Percent	91.79%	8.21%	100.00%	9.29%	90.71%	100.00%
	Number	179	16	195	17	166	183
MONTEREY	Percent	94.47%	5.53%	100.00%	9.14%	90.86%	100.00%
	Number	11,481	672	12,153	1,076	10,691	11,767

Appendix 6A

Custodial and non-custodial parent status by gender and county, Fiscal Year 2017

County		CUSTODIAL PARENT			NON CUSTODIAL PARENT		
		FEMALE	MALE	Total	FEMALE	MALE	Total
NAPA	Percent	92.63%	7.37%	100.00%	11.43%	88.57%	100.00%
	Number	2,502	199	2,701	304	2,356	2,660
NEVADA	Percent	92.29%	7.71%	100.00%	11.10%	88.90%	100.00%
	Number	2,166	181	2,347	254	2,034	2,288
ORANGE	Percent	94.26%	5.74%	100.00%	8.09%	91.91%	100.00%
	Number	53,919	3,282	57,201	4,583	52,048	56,631
PLACER	Percent	91.37%	8.63%	100.00%	12.38%	87.62%	100.00%
	Number	5,581	527	6,108	745	5,274	6,019
PLUMAS	Percent	92.17%	7.83%	100.00%	12.44%	87.56%	100.00%
	Number	518	44	562	77	542	619
RIVERSIDE	Percent	93.18%	6.82%	100.00%	10.89%	89.11%	100.00%
	Number	61,340	4,491	65,831	7,068	57,843	64,911
SACRAMENTO	Percent	91.71%	8.29%	100.00%	13.18%	86.82%	100.00%
	Number	51,479	4,651	56,130	7,137	47,032	54,169
SAN BENITO	Percent	94.61%	5.39%	100.00%	9.28%	90.72%	100.00%
	Number	1,387	79	1,466	131	1,280	1,411
SAN BERNARDINO	Percent	93.03%	6.97%	100.00%	11.51%	88.49%	100.00%
	Number	79,094	5,924	85,018	9,832	75,554	85,386
SAN DIEGO	Percent	94.50%	5.50%	100.00%	8.89%	91.11%	100.00%
	Number	50,896	2,965	53,861	4,717	48,317	53,034
SAN FRANCISCO	Percent	94.89%	5.11%	100.00%	8.81%	91.19%	100.00%
	Number	8,856	477	9,333	766	7,926	8,692
SAN JOAQUIN	Percent	93.13%	6.87%	100.00%	10.88%	89.12%	100.00%
	Number	24,893	1,836	26,729	2,787	22,833	25,620
SAN LUIS OBISPO	Percent	94.67%	5.33%	100.00%	8.33%	91.67%	100.00%
	Number	3,111	175	3,286	258	2,839	3,097
SAN MATEO	Percent	95.36%	4.64%	100.00%	7.61%	92.39%	100.00%
	Number	7,631	371	8,002	590	7,158	7,748
SANTA BARBARA	Percent	93.73%	6.27%	100.00%	9.82%	90.18%	100.00%
	Number	9,077	607	9,684	931	8,550	9,481
SANTA CLARA	Percent	94.47%	5.53%	100.00%	8.16%	91.84%	100.00%
	Number	25,866	1,513	27,379	2,066	23,242	25,308
SANTA CRUZ	Percent	94.49%	5.51%	100.00%	8.06%	91.94%	100.00%
	Number	3,705	216	3,921	343	3,915	4,258

Appendix 6A

Custodial and non-custodial parent status by gender and county, Fiscal Year 2017

County		CUSTODIAL PARENT			NON CUSTODIAL PARENT		
		FEMALE	MALE	Total	FEMALE	MALE	Total
SHASTA	Percent	89.66%	10.34%	100.00%	15.52%	84.48%	100.00%
	Number	7,107	820	7,927	1,203	6,548	7,751
SIERRA	Percent	87.30%	12.70%	100.00%	15.87%	84.13%	100.00%
	Number	55	8	63	10	53	63
SISKIYOU	Percent	89.82%	10.18%	100.00%	14.26%	85.74%	100.00%
	Number	1,773	201	1,974	273	1,641	1,914
SOLANO	Percent	94.19%	5.81%	100.00%	9.75%	90.25%	100.00%
	Number	11,896	734	12,630	1,133	10,482	11,615
SONOMA	Percent	93.06%	6.94%	100.00%	9.67%	90.33%	100.00%
	Number	10,176	759	10,935	988	9,234	10,222
STANISLAUS	Percent	93.16%	6.84%	100.00%	10.72%	89.28%	100.00%
	Number	19,868	1,459	21,327	2,215	18,452	20,667
SUTTER	Percent	92.29%	7.71%	100.00%	14.69%	85.31%	100.00%
	Number	3,003	251	3,254	474	2,752	3,226
TEHAMA	Percent	89.49%	10.51%	100.00%	16.02%	83.98%	100.00%
	Number	2,282	268	2,550	410	2,150	2,560
TRINITY	Percent	93.33%	6.67%	100.00%	13.29%	86.71%	100.00%
	Number	406	29	435	57	372	429
TULARE	Percent	92.82%	7.18%	100.00%	9.73%	90.27%	100.00%
	Number	17,359	1,342	18,701	1,691	15,696	17,387
TUOLUMNE	Percent	90.19%	9.81%	100.00%	13.27%	86.73%	100.00%
	Number	1,700	185	1,885	240	1,568	1,808
VENTURA	Percent	93.63%	6.37%	100.00%	8.60%	91.40%	100.00%
	Number	16,261	1,107	17,368	1,420	15,088	16,508
YOLO	Percent	92.62%	7.38%	100.00%	11.62%	88.38%	100.00%
	Number	5,123	408	5,531	620	4,717	5,337
YUBA	Percent	91.11%	8.89%	100.00%	13.19%	86.81%	100.00%
	Number	2,633	257	2,890	364	2,395	2,759
STATEWIDE	Percent	93.76%	6.24%	100.00%	9.82%	90.18%	100.00%
	Number	892,965	59,451	952,416	90,592	832,316	922,908

Note: The following participants were not included in this table: participants where information was redacted (n = 11,780), and participants with null (n = 5,689) or unknown (9,119) gender. Records having a duplicate participant id were also dropped. Data as of 9/30/2017.

Appendix 6B

Non-custodial parents by race/ethnicity and county, Fiscal Year 2017

County		ASIAN	BLACK	HISPANIC	NATIVE AMERICAN	OTHER	PACIFIC ISLANDER	WHITE	Grand Total
ALAMEDA	Percent	2.93%	40.40%	21.94%	0.41%	17.27%	2.54%	14.51%	100.00%
	Number	702	9,670	5,251	99	4,133	608	3,473	23,936
ALPINE	Percent				100.00%				100.00%
	Number				8				8
AMADOR	Percent		2.58%	13.48%	1.91%	5.73%		76.29%	100.00%
	Number		23	120	17	51		679	890
BUTTE	Percent	0.85%	6.83%	14.07%	3.50%	6.25%	0.64%	67.86%	100.00%
	Number	66	533	1,098	273	488	50	5,295	7,803
CALAVERAS	Percent		2.47%	11.52%	1.71%	4.44%		79.86%	100.00%
	Number		29	135	20	52		936	1,172
COLUSA	Percent		2.29%	37.14%	1.52%	31.24%		27.81%	100.00%
	Number		12	195	8	164		146	525
CONTRA COSTA	Percent	1.70%	32.07%	24.57%	0.35%	15.23%	2.37%	23.71%	100.00%
	Number	346	6,527	5,001	71	3,100	483	4,826	20,354
DEL NORTE	Percent		2.26%	12.49%	11.89%	7.85%		65.52%	100.00%
	Number		38	210	200	132		1,102	1,682
EL DORADO	Percent	0.12%	2.89%	11.48%	1.51%	20.32%	0.24%	63.45%	100.00%
	Number	5	121	480	63	850	10	2,654	4,183
FRESNO	Percent	1.78%	12.06%	46.60%	0.66%	22.23%	0.37%	16.30%	100.00%
	Number	750	5,077	19,610	278	9,354	156	6,859	42,084
GLENN	Percent	1.16%	1.96%	34.55%	2.76%	10.24%		49.33%	100.00%
	Number	13	22	388	31	115		554	1,123
HUMBOLDT	Percent	0.51%	5.95%	9.10%	13.73%	3.83%	0.32%	66.56%	100.00%
	Number	21	244	373	563	157	13	2,729	4,100
IMPERIAL	Percent		4.03%	69.20%	1.55%	17.53%	0.10%	7.59%	100.00%
	Number		326	5,596	125	1,418	8	614	8,087
INYO	Percent		1.14%	15.06%	19.46%	26.28%		38.07%	100.00%
	Number		8	106	137	185		268	704
KERN	Percent	0.52%	12.95%	44.43%	0.70%	11.33%	0.64%	29.42%	100.00%
	Number	191	4,721	16,194	254	4,129	234	10,724	36,447

Appendix 6B

Non-custodial parents by race/ethnicity and county, Fiscal Year 2017

County		ASIAN	BLACK	HISPANIC	NATIVE AMERICAN	OTHER	PACIFIC ISLANDER	WHITE	Grand Total
KINGS	Percent	0.22%	12.21%	51.54%	1.26%	8.96%	1.04%	24.78%	100.00%
	Number	14	787	3,323	81	578	67	1,598	6,448
LAKE	Percent		6.89%	17.70%	4.24%	7.31%		63.86%	100.00%
	Number		148	380	91	157		1,371	2,147
LASSEN	Percent		4.49%	9.07%	7.30%	4.40%	1.03%	73.71%	100.00%
	Number		48	97	78	47	11	788	1,069
LOS ANGELES	Percent	1.22%	22.34%	51.53%	0.24%	14.05%	1.08%	9.55%	100.00%
	Number	2,620	48,105	110,989	513	30,253	2,332	20,557	215,369
MADERA	Percent	0.17%	4.91%	52.80%	0.80%	16.39%	0.13%	24.80%	100.00%
	Number	8	232	2,497	38	775	6	1,173	4,729
MARIN	Percent	0.35%	21.28%	33.44%	0.38%	6.22%	1.06%	37.27%	100.00%
	Number	15	900	1,414	16	263	45	1,576	4,229
MARIPOSA	Percent		2.16%	9.31%	3.68%	23.59%		61.26%	100.00%
	Number		10	43	17	109		283	462
MENDOCINO	Percent	0.34%	3.69%	18.62%	8.62%	15.38%		53.34%	100.00%
	Number	10	107	540	250	446		1,547	2,900
MERCED	Percent	1.55%	9.57%	55.71%	0.52%	5.92%	1.05%	25.68%	100.00%
	Number	170	1,046	6,091	57	647	115	2,808	10,934
MODOC	Percent			12.64%	6.90%	19.16%		61.30%	100.00%
	Number			33	18	50		160	261
MONO	Percent			18.03%	3.28%	39.89%		38.80%	100.00%
	Number			33	6	73		71	183
MONTEREY	Percent	0.52%	7.28%	61.87%	0.46%	11.76%	1.95%	16.15%	100.00%
	Number	62	862	7,322	54	1,392	231	1,911	11,834
NAPA	Percent		5.90%	36.92%	0.41%	12.44%	0.98%	43.35%	100.00%
	Number		157	982	11	331	26	1,153	2,660
NEVADA	Percent		5.59%	10.23%	1.35%	15.03%	0.35%	67.44%	100.00%
	Number		128	234	31	344	8	1,543	2,288
ORANGE	Percent	3.70%	6.60%	48.62%	0.36%	13.43%	1.41%	25.89%	100.00%
	Number	2,102	3,751	27,640	202	7,634	800	14,721	56,850
PLACER	Percent	0.54%	5.14%	13.35%	0.99%	22.49%	0.95%	56.54%	100.00%
	Number	33	313	813	60	1,370	58	3,444	6,091
PLUMAS	Percent		3.83%	7.66%	0.64%	26.63%		61.24%	100.00%
	Number		24	48	4	167		384	627

Appendix 6B

Non-custodial parents by race/ethnicity and county, Fiscal Year 2017

County		ASIAN	BLACK	HISPANIC	NATIVE AMERICAN	OTHER	PACIFIC ISLANDER	WHITE	Grand Total
RIVERSIDE	Percent	0.66%	17.29%	45.49%	0.79%	9.43%	1.11%	25.24%	100.00%
	Number	430	11,328	29,808	518	6,183	725	16,541	65,533
SACRAMENTO	Percent	3.06%	30.18%	19.01%	1.03%	17.16%	1.82%	27.74%	100.00%
	Number	1,667	16,431	10,352	559	9,342	990	15,105	54,446
SAN BENITO	Percent		1.83%	59.59%		14.03%	0.56%	23.98%	100.00%
	Number		26	845		199	8	340	1,418
SAN BERNARDINO	Percent	0.71%	22.53%	46.60%	0.66%	4.28%	0.90%	24.32%	100.00%
	Number	606	19,288	39,896	567	3,663	767	20,823	85,610
SAN DIEGO	Percent	1.39%	20.05%	35.37%	0.75%	15.13%	2.65%	24.66%	100.00%
	Number	746	10,733	18,935	399	8,098	1,421	13,199	53,531
SAN FRANCISCO	Percent	4.98%	39.48%	26.82%	0.34%	12.15%	5.90%	10.32%	100.00%
	Number	433	3,434	2,333	30	1,057	513	898	8,698
SAN JOAQUIN	Percent	3.82%	19.47%	35.36%	0.72%	12.87%	2.83%	24.94%	100.00%
	Number	986	5,031	9,140	185	3,327	731	6,445	25,845
SAN LUIS OBISPO	Percent	0.29%	3.47%	26.08%	0.41%	20.11%	0.48%	49.16%	100.00%
	Number	9	109	818	13	631	15	1,542	3,137
SAN MATEO	Percent	1.97%	15.45%	43.59%	0.46%	7.85%	9.74%	20.93%	100.00%
	Number	153	1,197	3,377	36	608	755	1,622	7,748
SANTA BARBARA	Percent	0.31%	5.02%	48.78%	0.64%	17.53%	1.00%	26.70%	100.00%
	Number	30	480	4,660	61	1,675	96	2,551	9,553
SANTA CLARA	Percent	5.07%	9.95%	49.29%	0.62%	12.08%	3.54%	19.46%	100.00%
	Number	1,286	2,525	12,511	157	3,065	898	4,939	25,381
SANTA CRUZ	Percent	0.23%	4.47%	45.30%	0.58%	18.15%	0.30%	30.97%	100.00%
	Number	10	193	1,957	25	784	13	1,338	4,320
SHASTA	Percent	1.27%	4.42%	9.22%	4.17%	8.99%	0.55%	71.38%	100.00%
	Number	99	344	717	324	699	43	5,551	7,777
SIERRA	Percent							100.00%	100.00%
	Number							63	63
SISKIYOU	Percent	0.37%	4.08%	10.71%	7.00%	12.38%		65.46%	100.00%
	Number	7	78	205	134	237		1,253	1,914
SOLANO	Percent	0.99%	35.86%	18.79%	0.74%	13.86%	4.57%	25.18%	100.00%
	Number	116	4,188	2,194	87	1,619	534	2,941	11,679
SONOMA	Percent	1.17%	10.69%	28.83%	1.93%	9.05%	0.84%	47.49%	100.00%
	Number	120	1,094	2,949	197	926	86	4,858	10,230

Appendix 6B

Non-custodial parents by race/ethnicity and county, Fiscal Year 2017

County		ASIAN	BLACK	HISPANIC	NATIVE AMERICAN	OTHER	PACIFIC ISLANDER	WHITE	Grand Total
STANISLAUS	Percent	1.64%	9.22%	42.37%	0.58%	6.33%	0.91%	38.94%	100.00%
	Number	341	1,913	8,789	121	1,313	189	8,076	20,742
SUTTER	Percent	1.67%	6.97%	27.88%	1.17%	14.07%	0.59%	47.66%	100.00%
	Number	54	226	904	38	456	19	1,545	3,242
TEHAMA	Percent		2.71%	17.12%	2.36%	21.22%		56.58%	100.00%
	Number		70	442	61	548		1,461	2,582
TRINITY	Percent			6.06%	5.13%	13.29%		75.52%	100.00%
	Number			26	22	57		324	429
TULARE	Percent	0.53%	4.61%	54.54%	1.26%	14.41%	0.63%	24.01%	100.00%
	Number	93	805	9,529	221	2,518	110	4,195	17,471
TUOLUMNE	Percent		1.83%	10.73%	2.21%	5.81%		79.42%	100.00%
	Number		33	194	40	105		1,436	1,808
VENTURA	Percent	0.43%	6.38%	51.41%	0.43%	12.96%	1.08%	27.31%	100.00%
	Number	72	1,060	8,548	71	2,154	180	4,541	16,626
YOLO	Percent	0.84%	10.47%	36.23%	1.12%	13.61%	0.62%	37.11%	100.00%
	Number	45	561	1,941	60	729	33	1,988	5,357
YUBA	Percent	1.30%	9.28%	21.31%	1.88%	5.91%	0.65%	59.66%	100.00%
	Number	36	256	588	52	163	18	1,646	2,759
STATEWIDE	Percent	1.56%	17.78%	41.81%	0.82%	12.81%	1.44%	23.78%	100.00%
	Number	14,467	165,372	388,894	7,652	119,120	13,405	221,168	930,078

Note: Participants where county was redacted (n = 7,112) were not included. In addition, records having a duplicate participant id were also dropped. “Other” race/ethnicity includes “Multi-Racial,” “Null,” “Other,” and “Unknown.” Data as of 9/30/2017.

Appendix 6C

Estimated median income of non-custodial parents by county using only quarterly income reports, Fiscal Year 2017

County	Median
ALAMEDA	\$16,913
ALPINE	9,759
AMADOR	15,103
BUTTE	12,052
CALAVERAS	13,954
COLUSA	15,847
CONTRA COSTA	17,245
DEL NORTE	10,651
EL DORADO	15,431
FRESNO	12,068
GLENN	13,182
HUMBOLDT	12,948
IMPERIAL	12,945
INYO	14,836
KERN	12,945
KINGS	14,004
LAKE	12,207
LASSEN	13,951
LOS ANGELES	14,421
MADERA	12,459
MARIN	13,345
MARIPOSA	12,476
MENDOCINO	12,596
MERCED	13,471
MODOC	11,758
MONO	16,836
MONTEREY	15,600
NAPA	17,927
NEVADA	15,102
ORANGE	16,825

County	Median
PLACER	18,071
PLUMAS	13,857
RIVERSIDE	13,599
SACRAMENTO	12,991
SAN BENITO	17,879
SAN BERNARDINO	13,466
SAN DIEGO	16,514
SAN FRANCISCO	15,028
SAN JOAQUIN	14,557
SAN LUIS OBISPO	17,736
SAN MATEO	19,605
SANTA BARBARA	14,627
SANTA CLARA	19,204
SANTA CRUZ	15,736
SHASTA	13,781
SIERRA	19,985
SISKIYOU	13,047
SOLANO	16,310
SONOMA	16,823
STANISLAUS	13,715
SUTTER	12,760
TEHAMA	12,326
TRINITY	9,178
TULARE	14,164
TUOLUMNE	15,040
VENTURA	16,467
YOLO	14,967
YUBA	12,658
STATEWIDE	\$14,595

Note: Due to issues of data interpretation, this table includes only those incomes where the reporting frequency was “Quarterly,” which was 43% of non-duplicated entries. Duplicates were removed. Participants with county equal to “Redacted” were also not included (n = 3,378, median = \$14,042). Data as of 9/30/2017.

Appendix 6D

Interest paid by non-custodial parents within Fiscal Year 2017, by county and to whom the debt is owed (estimated)

County	Interest paid on debt owed to families	Interest paid on debt owed to government	Interest paid on all debt
ALAMEDA	\$1,066,151	\$6,540,783	\$7,606,934
ALPINE	0	7,409	7,409
AMADOR	23,223	187,356	210,579
BUTTE	326,383	1,811,929	2,138,313
CALAVERAS	52,157	257,792	309,949
COLUSA	9,982	99,463	109,445
CONTRA COSTA	597,679	3,962,322	4,560,001
DEL NORTE	40,340	196,256	236,595
EL DORADO	110,752	869,382	980,135
FRESNO	1,061,343	7,312,842	8,374,185
GLENN	23,699	184,361	208,060
HUMBOLDT	164,880	671,400	836,280
IMPERIAL	125,441	1,216,253	1,341,695
INYO	12,542	95,341	107,883
KERN	1,138,265	4,875,099	6,013,364
KINGS	155,774	1,071,378	1,227,152
LAKE	69,573	444,719	514,292
LASSEN	32,881	149,168	182,049
LOS ANGELES	3,395,777	36,575,606	39,971,384
MADERA	75,852	656,572	732,423
MARIN	41,560	814,551	856,112
MARIPOSA	21,266	68,581	89,847
MENDOCINO	87,853	427,889	515,742
MERCED	234,482	1,642,216	1,876,698
MODOC	0	21,402	21,402

Appendix 6D

Interest paid by non-custodial parents within Fiscal Year 2017, by county and to whom the debt is owed (estimated)

County	Interest paid on debt owed to families	Interest paid on debt owed to government	Interest paid on all debt
MONO	2,100	20,680	22,780
MONTEREY	420,574	2,964,252	3,384,826
NAPA	39,443	516,788	556,232
NEVADA	118,996	563,699	682,695
ORANGE	849,941	10,369,946	11,219,887
PLACER	185,302	1,383,552	1,568,854
PLUMAS	9,392	156,938	166,331
RIVERSIDE	1,335,032	10,710,760	12,045,792
SACRAMENTO	1,592,078	8,985,172	10,577,251
SAN BENITO	98,824	253,999	352,823
SAN BERNARDINO	1,603,900	11,261,745	12,865,646
SAN DIEGO	936,502	13,667,391	14,603,893
SAN FRANCISCO	214,075	2,058,678	2,272,754
SAN JOAQUIN	581,189	3,564,019	4,145,208
SAN LUIS OBISPO	43,922	486,396	530,318
SAN MATEO	200,691	1,530,835	1,731,526
SANTA BARBARA	132,588	1,532,149	1,664,737
SANTA CLARA	1,250,038	7,098,649	8,348,687
SANTA CRUZ	139,273	1,103,998	1,243,272
SHASTA	302,034	1,908,096	2,210,130
SIERRA	3,545	2,967	6,512
SISKIYOU	68,378	323,660	392,038
SOLANO	402,754	2,639,802	3,042,557
SONOMA	281,408	2,046,860	2,328,267
STANISLAUS	758,239	4,093,680	4,851,918
SUTTER	83,274	788,002	871,276

Appendix 6D

Interest paid by non-custodial parents within Fiscal Year 2017, by county and to whom the debt is owed (estimated)

County	Interest paid on debt owed to families	Interest paid on debt owed to government	Interest paid on all debt
TEHAMA	62,505	454,088	516,593
TRINITY	33,593	215,035	248,628
TULARE	397,212	3,055,538	3,452,750
TUOLUMNE	70,561	338,203	408,765
VENTURA	535,676	3,525,218	4,060,894
YOLO	172,416	1,157,534	1,329,950
YUBA	42,825	645,327	688,152
STATEWIDE	21,836,136	169,583,729	191,419,865

Note: “Interest paid on debt owed to government” includes permanently assigned arrears interest, temporarily assigned arrears interest, and 25% of the value of conditionally assigned arrears interest. Interest accrued on debt owed to families includes unassigned during assistance arrears interest, unassigned pre-assistance arrears interest, and 75% of the value of conditionally assigned arrears interest. The allocation of conditionally assigned arrears interest is estimated.

Number of Child Support Cases that Currently or Previously Received Public Assistance by County

**TABLE 2.1
LOCAL AGENCY CASES BY CASE TYPE
USING POINT-IN-TIME DATA
FEDERAL FISCAL YEAR 2017**

	Cases (Line 1)	Current Assistance		Former Assistance		Never Assistance		
		Cases	Percentage	Cases	Percentage	Cases	Percentage	
STATEWIDE	1,187,333	273,395	23.0%	648,970	54.7%	264,968	22.3%	
Very Large (6)	Los Angeles	255,609	67,802	26.5	132,454	51.8	55,353	21.7
	San Bernardino	110,044	31,163	28.3	60,067	54.6	18,814	17.1
	Riverside	82,878	20,131	24.3	45,033	54.3	17,714	21.4
	Sacramento	76,135	17,496	23.0	46,009	60.4	12,630	16.6
	San Diego	62,974	11,654	18.5	29,310	46.5	22,010	35.0
	Orange	66,611	11,509	17.3	31,193	46.8	23,909	35.9
	Total	654,251	159,755	24.4	344,066	52.6	150,430	23.0
Large (10)	Fresno	60,080	16,792	27.9	36,107	60.1	7,181	12.0
	Kern	49,739	14,146	28.4	27,173	54.6	8,420	16.9
	Santa Clara	33,451	4,872	14.6	19,686	58.9	8,893	26.6
	San Joaquin	34,472	8,160	23.7	20,346	59.0	5,966	17.3
	Alameda	30,897	5,990	19.4	16,563	53.6	8,344	27.0
	Stanislaus	27,545	6,289	22.8	16,721	60.7	4,535	16.5
	Contra Costa	26,246	4,894	18.6	14,288	54.4	7,064	26.9
	Tulare	23,479	4,147	17.7	15,459	65.8	3,873	16.5
	Ventura	20,596	3,675	17.8	10,464	50.8	6,457	31.4
	Solano	15,788	2,928	18.5	9,155	58.0	3,705	23.5
	Total	322,293	71,893	22.3	185,962	57.7	64,438	20.0
Medium (13)	Merced/Mariposa	15,755	4,519	28.7	9,089	57.7	2,147	13.6
	Monterey	15,466	2,591	16.8	8,874	57.4	4,001	25.9
	San Francisco	11,689	2,059	17.6	6,539	55.9	3,091	26.4
	Santa Barbara	11,989	2,288	19.1	6,590	55.0	3,111	25.9
	Shasta	10,955	2,360	21.5	6,725	61.4	1,870	17.1
	Sonoma	13,013	1,682	12.9	6,767	52.0	4,564	35.1
	Butte	10,834	2,381	22.0	6,776	62.5	1,677	15.5
	Imperial	10,341	2,803	27.1	5,415	52.4	2,123	20.5
	San Mateo	9,565	954	10.0	4,397	46.0	4,214	44.1
	Kings	8,937	2,167	24.2	5,158	57.7	1,612	18.0
	Placer	7,602	961	12.6	3,958	52.1	2,683	35.3
	Yolo	7,483	1,221	16.3	4,682	62.6	1,580	21.1
	Santa Cruz/San Benito	7,348	1,348	18.3	4,084	55.6	1,916	26.1
Total	140,977	27,334	19.4	79,054	56.1	34,589	24.5	
Small (12)	Humboldt/Trinity	6,178	1,259	20.4	3,569	57.8	1,350	21.9
	Madera	6,428	1,950	30.3	3,366	52.4	1,112	17.3
	El Dorado	5,629	1,027	18.2	3,232	57.4	1,370	24.3
	Alameda/Alameda/Tuolumne	5,347	1,088	20.3	3,099	58.0	1,160	21.7
	Sutter	4,579	1,108	24.2	2,598	56.7	873	19.1
	Mendocino	3,882	769	19.8	2,433	62.7	680	17.5
	Yuba	3,930	1,064	27.1	2,235	56.9	631	16.1
	Tehama	3,691	891	24.1	2,214	60.0	586	15.9
	San Luis Obispo	3,764	762	20.2	1,720	45.7	1,282	34.1
	Napa	3,516	437	12.4	1,753	49.9	1,326	37.7
	Sierra/Nevada	3,047	478	15.7	1,720	56.4	849	27.9
	Siskiyou/Modoc	3,030	609	20.1	1,875	61.9	546	18.0
Total	53,021	11,442	21.6	29,814	56.2	11,765	22.2	
Very Small (8)	Lake	2,790	760	27.2	1,556	55.8	474	17.0
	Del Norte	2,519	518	20.6	1,611	64.0	390	15.5
	Marin	5,494	665	12.1	3,470	63.2	1,359	24.7
	Glenn	1,633	338	20.7	962	58.9	333	20.4
	Lassen	1,557	362	23.2	894	57.4	301	19.3
	Inyo/Mono	1,234	104	8.4	662	53.6	468	37.9
	Plumas	866	139	16.1	520	60.0	207	23.9
	Colusa	698	85	12.2	399	57.2	214	30.7
Total	16,791	2,971	17.7	10,074	60.0	3,746	22.3	
Regionalized LCSAs (16)	Alpine	36	1	2.8	24	66.7	11	30.6
	Amador	1,197	204	17.0	686	57.3	307	25.6
	Calaveras	1,594	373	23.4	915	57.4	306	19.2
	Humboldt	5,552	1,158	20.9	3,186	57.0	1,228	22.1
	Inyo	993	89	9.0	569	57.3	335	33.7
	Mariposa	653	129	19.8	356	54.5	168	25.7
	Merced	15,102	4,390	29.1	8,733	57.8	1,979	13.1
	Modoc	369	101	27.4	197	53.4	71	19.2
	Mono	241	15	6.2	93	38.6	133	55.2
	Nevada	2,947	462	15.7	1,661	56.4	824	28.0
	San Benito	1,942	357	18.4	1,146	59.0	439	22.6
	Santa Cruz	5,406	991	18.3	2,938	54.3	1,477	27.3
	Sierra	100	16	16.0	59	59.0	25	25.0
	Siskiyou	2,661	508	19.1	1,678	63.1	475	17.9
	Trinity	626	101	16.1	403	64.4	122	19.5
	Tuolumne	2,520	510	20.2	1,474	58.5	536	21.3

SOURCE: OCSE 157 Line 1 (Point-in-Time)

12/20/2017

Total: Represents the total of the scores in the Caseload Grouping

Note: The Percentage of Cases in each assistance category is calculated by dividing the number of Cases in each assistance category by the total number of Cases for each individual LCSA

Source: Comparative Data for Managing Program Performance Federal Fiscal Year 2018.”

California Department of Child Support Services, February 2019. Table 2.7.

<http://www.childsup.ca.gov/portals/0/resources/docs/reports/2017/ff2017performancedata.pdf>

Expanding Protections for Incarcerated Parents

Detailed Recommendations to End the Accumulation of Debt for Incarcerated Parents.

1. Inform All Inmates of Their Right and Assist Them through the Order Suspension Process

Under current law, suspensions are supposed to occur by operation of law or automatically. Currently, however, not all incarcerated fathers universally informed of their right, leaving many underserved.¹³⁷ Ensuring that all fathers are notified of their rights and provided the resources to fully realize them would be bringing the state into compliance with existing law.

2. Develop Information Sharing Capacities Between Child Support Agencies and County Jails

There is currently no systematic way for jails to inform child support if fathers with current support orders or outstanding debt are in custody. The state should work to fund and create a confidential information sharing system to ensure local agencies and jails can provide universal access to the law's protections.

3. Extend the Right to Order Suspension to Fathers Incarcerated for Failure to Pay

Under the current law, there is a carve-out for fathers incarcerated for failure to pay to pay child support.¹³⁸ As the current public benefits reimbursement system targets low-income men of color with often impossibly high orders, the state should extend the right to order suspension to those incarcerated for inability to pay public benefits reimbursement debt.

4. Make this a Permanent Protection for All

The California legislature passed Assembly Bill 610 with a sunset clause, meaning that will expire on January 1, 2020¹³⁹. The legislature should renew and make permanent the right for incarcerated parents to have their child support orders suspended.

Reform Necessary for Complying with Court and Federal Rules

Not only is protecting incarcerated parents from debt accumulation the right thing to do, but California could face legal consequences if it fails to do so. A recent court decision, *Turner v. Rogers*, and the 2016 Final Rule both reflect on ability to pay and incarceration.

For its part, the 2011 US Supreme Court case, *Turner v. Rogers*, ruled that ability to pay must be considered in setting orders.¹⁴⁰ As incarcerated, parents' income is next-to-nothing, failing to adjust incarcerated parents' orders accordingly is unconstitutional.

Moreover, the 2016 Final Rule explicitly calls on states to confront the issue of unjust debt accumulation for incarcerated parents. The rule requires, at the minimum, that states notify incarcerated parents of their right to modification and also allows for states to enact automatic suspension of orders during incarceration. Additionally, much like *Turner v. Rogers*, the rule clarifies that child support orders must be based upon ability to pay in all cases. This rule raises a significant legal question about the functionality of California's existing law, the carve-out for parents incarcerated for failure to pay child support, and the sunset clause.

Appendix Endnotes

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134. Glossary of Common Child Support Terms." US Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, 2013.
135. Jacquelyn Boggess, "Low-Income and Never-Married Families: Service and Support at the Intersection of Family Court and Child Support Agency Systems" (Center for Family Policy and Practice, April 2017).
136. "Overview - Final Rule: 2016 Flexibility, Efficiency, and Modernization in Child Support Enforcement Orders." Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services, January 9, 2017.
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140. "Turner v. Rogers Guidance." Office of Child Support Enforcement | ACF. Accessed September 18, 2018.
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