

Poverty at Issue is published for the
Family and Community Resource Program
by Brenda Procter
Consumer and Family Economics Specialist
162 Stanley Hall, Columbia, MO 65211
573-882-3820

This program is supported by the University of Missouri Outreach and Extension Development Fund

Fall/Winter 2002



Is There a Problem with Child Support?

Child support is income paid or insurance coverage provided by non-custodial parents to a custodial parent or guardian for their children's financial and medical needs.

In Spring 1992, 11.5 million U.S. families with children had a parent living elsewhere. Women headed 86 percent of those families; men headed 14 percent. Only 54 percent (or 6.2 million) of this group had awards or agreements with a non-custodial parent for child support. Of \$17.7 billion owed to those who did, \$5.8 billion was still not paid at the end of 1992.

Only about half of families who had child support awards got the full amount in 1992; about a fourth received nothing at all, in spite of the support order; and the rest got somewhere in between.

In 1997, only about 29 percent of all children with a parent living elsewhere—including those without a formal child support order—received child support.

continued on page 2

POVERTY

At Issue

A newsletter for individuals concerned about poverty in Missouri

The economic picture has darkened over the past year. Social services funds have been cut, and more cuts look likely. As stock markets falter and state revenues fall short of projections, some economists say we are in the second stage of a double-dip recession.

In a weakening economy, families with single parents and young children are among the most vulnerable. Many Missouri families have reached their five-year time limit on cash welfare benefits—Temporary Assistance for Needy Families (TANF), and their children have lost financial support. Some \$2 billion in back-due child support is owed to Missouri children—more than half of it to children who receive TANF.

This Poverty At Issue explores the complexities of child support, child support enforcement, and the relationship between child support enforcement and TANF. This issue also identifies resources and shares ideas for parents who are pursuing enforcement of a child support order in Missouri.

Special thanks to “Tess” and “Lana” for sharing their personal stories.

I hope you find the information helpful.

Brenda Procter

Brenda Procter

Consumer and Family Economics Specialist

In this issue:

Is There a Problem with Child Support?	1
Who Enforces a Child Support Order?	2
Can I Get Help through Child Support Enforcement?	3
How Much Does Child Support Enforcement Charge?	3
Who Gets the Money the State Collects?	3
How Do I Apply for Child Support Enforcement Services?	4
If I Have Trouble Making Child Support Payments, Can I Get Help? ...	4
Want to Influence the Child Support Policy Debate?	4
<i>For the Sake of the Children</i> “Tess” and “Lana” Tell Their Stories	5
Child Support Collection Resources	8
References	8
Poverty At Issue Website	http://outreach.missouri.edu/cfe/poverty/

Is There a Problem with Child Support? *(continued from page 1)*

The total child support arrearage due U.S. families by fiscal year 2000 for all previous years was \$84 billion.

Missouri is fairly typical of national trends. The State reported \$1.88 billion in back-due child support by Fiscal Year 2000. About \$1.2 billion of that was owed to current and former recipients of Temporary Assistance for Needy Families – TANF – cash benefits.

When parents in a poor family do pay child support, it amounts to about 26 percent of total family income, on average.

A recent report by Claire McCaskill, Missouri's State Auditor, found that "Missouri collected no more than 20 percent of the child support owed to 538,000 custodial parents and their children from fiscal years 1996-2001, leaving over \$1 billion uncollected" during that time period.

McCaskill found several problems "affecting the state's ability to increase collections." She said the State did not take advantage of all available enforcement options. According to McCaskill, they could

have suspended more drivers' licenses of delinquent, non-custodial parents; checked tax returns to find missing non-custodial parents; and referred some 5,000 more cases to private collection.

Child support is a key issue for social service groups and policy makers. The August 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) made important changes to the child support enforcement program, and collections went up dramatically between 1995 and 2000 (more than 60 percent).

In FY2002, the State of Missouri collected \$447 million in court-ordered child support from non-custodial parents through its child support enforcement efforts.

In spite of program improvements, nearly half of U.S. children with one parent living elsewhere still do not receive financial support from that parent. There is obviously still work to do.

Child support enforcement has been associated with lower non-marital birth rates; lower divorce

rates; improving children's economic well-being; higher academic achievement; public cost savings by reducing the bill for cash

"Nearly half of U.S. children with one parent living elsewhere still do not receive financial support from that parent."

assistance, food stamps and Medicaid; and avoidance of public assistance altogether for some families.

The 1996 law gave states new child support enforcement tools they did not have before and it created new rules for individuals. Now is the time to weigh in on the child support discussion.

PRWORA was up for reauthorization this year, but Congress extended current law through March 2003 during its recent lame duck session. The continuing reauthorization debate presents an opportunity to improve the child support collection system.

Who Enforces a Child Support Order?



There are two ways to get and/or seek enforcement of a child support order when a non-

custodial parent won't pay a fair share of expenses. An order can be pursued through civil court or an administrative order can be set up through Child Support Enforcement.

You can hire an attorney, or you can ask for help through the Child

Support Enforcement Program—generally the less costly option. It is important to know what costs and fees you will be expected to pay, if any, before entering into an agreement with Child Support Enforcement.

If you receive TANF or medical support from the state, you automatically get help with child support, and you are required to cooperate with the State in collecting it. You or your child may be exempted from this requirement if you are a victim or potential victim of domestic abuse. Please let your worker

know immediately if that is the case.

In general, states must help find absent parents, prove paternity, help custodial parents get an order for medical and financial support, help update orders that are no longer reasonable, and enforce any order that is in effect.

Child Support Enforcement varies by state, and there are new rules to resolve which state has enforcement responsibility when parents live in two different states. States are required to cooperate with each other in enforcing out-of-state orders.

Can I Get Help through Child Support Enforcement?

Since 1975, the Federal government has given states funds to run a child support program. States must provide services for any custodial parent in the state who needs help collecting child support. Missouri's program is run through the Department of Social Services, Division of Child Support Enforcement.

States must provide services for any custodial parent in the state who needs help collecting child support.

Families who get cash assistance through the Temporary Assistance for Needy Families (TANF) and other public programs automatically qualify to get help from Child Support Enforcement collecting child support. In fact, Missouri parents getting TANF or Medicaid are required to cooperate with Child Support Enforcement.

Who Gets the Money the State Collects?

A custodial parent not getting public assistance receives the entire amount that Child Support Enforcement collects. Payments first go through the Family Support Payment Center so the state can keep track of the case. The Center then makes the payment directly to the family in the form of a check.

If Child Support Enforcement collects support for a family receiving TANF or Medicaid, the family does not necessarily receive any of that child support payment.

State policies differ. A few states, such as Connecticut and Minnesota, choose to pass through some or all collected support to families, even while they are getting TANF payments. Some states also disregard some or part of that income when they figure the family's future TANF eligibility.

Early research suggests that when states pass through part or all of child support payments collected for TANF families, the non-custodial parent (usually the father) is more likely to make the payments.

In Missouri as long as you get TANF, the State keeps all current and back-due child support it collects until it is fully reimbursed for all TANF payments made to your

family. In the meantime, you continue to get your TANF benefit.

Once a family leaves TANF, they get all child support collected by the State each month as long as it is not more than the amount of support owed

Early research suggests that when states pass through part or all of child support payments collected for TANF families, the non-custodial parent (usually the father) is more likely to make the payments.

during the same month. When more is collected than owed in a given month, the rules get complicated. It depends on how much was owed to you *before* you went on TANF versus *when* you were on TANF.

For this reason, it is important to keep track of past-due child support that you are owed before you receive public assistance, while you receive public assistance, and after you receive public assistance. Keep a little spiral notebook handy to note payments and past-due amounts. That way, you can verify that the state is distributing past-due support correctly.

How Much Does Child Support Enforcement Charge?

Child support services are generally free of charge. It is important to remember that the representative the state assigns to your case and for the hearing process is paid by the state and represents their position—not either parent's position. Be sure you ask the hearing representative to fully explain your legal relationship with him or her.

Some states charge as much as \$25 to apply for services and, in some cases, also charge for administrative fees. Be sure to ask about fees before entering into any agreement.





If I Have Trouble Making Child Support Payments, Can I Get Help?

Regular child support payments depend to a large extent on the ability of the non-custodial parent to pay. Many non-custodial parents (mostly fathers) who miss child support payments struggle to stay employed. In 1995, 55 percent of non-custodial parents had yearly earnings that were then below the poverty line for one person (\$7,470).

Division of Child Support Enforcement runs the Parents' Fair Share program for non-custodial parents who have trouble making child support payments, are looking for a job, and are having trouble making ends meet. The

program's goal is to make parents "self-sufficient" and better able to meet their children's financial and emotional needs.

To be eligible, a parent must live in Missouri, be unemployed or underemployed, be 18 or older, have an order to pay support for a child living elsewhere, and have a case with the Division of Child Support Enforcement.

To find out more about Parents' Fair Share, call 1-800-859-7999, contact your local Child Support Enforcement office, or submit a request for information on-line at <http://www.dss.state.mo.us/cse/pfs/input.htm>.



Want to Influence the Child Support Policy Debate?

The best way to influence child support policy is to speak out to your elected and appointed officials. Child support will be widely debated at the federal, state and local levels during the coming year.

- To find out how to contact your own legislator in Missouri, you can go to <http://www.moga.state.mo.us/>.
- To contact your U.S. representative, go to <http://www.house.gov/>.
- To find out how to contact your U.S. senator, go to <http://www.senate.gov/>.

Your nearest League of Women Voters office or other local community groups can help you identify people in your area who are active in child support issues. Find others who agree with you, and consider joining them to make a difference.

The best way to influence child support policy is to speak out to your elected and appointed officials. Child support will be widely debated at the federal, state and local levels during the coming year.

How Do I Apply for Child Support Enforcement Services?



Missouri has a central office in Jefferson City, four regional offices and 22 field offices around the state. To get an application, contact any Division office, call toll-free at 1-800-859-7999, or send an e-mail to askcse@mail.state.mo.us.

You can contact the State office at Department of Social Services, Division of Child Support Enforcement, P.O. Box 2320, Jefferson City, MO, 65102-2320, 573-751-4301 or 800-859-7999.

“Tess” and “Lana” Tell Their Stories

For the Sake of the Children

At the age of 34, Tess (not her real name) had two young children to support and a hefty back-due child support bill still owed to her family by her ex-husband. Her own bills were mounting, and she struggled to make ends meet.

She had not pursued collection for her children’s support for several years, because she feared retaliation from their father, who had abused her. In 1998, she decided to do something about it. She had come to realize that the high cost of raising children did not go away after her children were out of diapers and no longer needed childcare. In fact, she was finding that the older they got, the more expensive it was to raise them.

Tess had come to realize that the high cost of raising children did not go away after her children were out of diapers and no longer needed childcare. In fact, she was finding that the older they got, the more expensive it was to raise them.

Three years and many legal battles later, Tess finally collected less than a third of what the court said was owed to her. Tess says she finally did it “for the sake of the children.”

Lana (not her real name) had four young children to support and thousands of dollars in back-due child support bills still owed to her family by her children’s two fathers. She was receiving TANF—Temporary Assistance for Needy Families, and, like Tess, she also struggled to make ends meet.

Because Lana got TANF payments, the Division of Family Services required her to cooperate in pursuing back-due support from her children’s fathers. Lana tells others to “fight for what your children deserve.”

Tess and Lana have much in common with each other and with thousands of Missouri parents. They both agreed to be interviewed for this story.

Q. *Did you pursue child support through the Division of Child Support Enforcement? An attorney? Both? Why did you choose to approach it the way you did?*

Tess: I pursued child support both through Child Support and through a private attorney. I did this because I knew it was my right to get free child support services through Division of Child Support Enforcement. But I’d had a previous situation with the Division and it took so long for anything at all to happen. There was continual turnover with staffing and my caseworker, so I decided to try it both ways.

Lana: I attempted to get my child support through Child Support Enforcement (CSE). I had to go through an adjoining county because my sister works at the office in my own county. At the time, I was getting TANF and Division of Family Services (DFS) opened a case against my children’s fathers for me.



Q. *Describe generally how the process went. Please share any positive experiences as well as any delays, obstacles, or frustrations.*

Tess: The process with the Child Support Enforcement office was going pretty well; however, my attorney told me to close the case with them because the ordered child support amount could be modified (lowered) if I did not.

I didn’t care if the amount was lowered. I just wanted something that I could count on each month, without having to beg or justify it to my ex-husband. I was trying to be a good client for the lawyer, though, so I took his advice. Little did I know that he would turn out to be negligent on my case.

Ten months later, I ended up terminating my contract with the lawyer. I subsequently filed a grievance against him for his lack of work on my case. That was a whole nightmare in itself—I had to work with the Missouri Bar’s Office of Disciplinary Council, explaining



everything that happened with the negligent lawyer.

I thought that office would also handle the dispute over the remaining fee the lawyer said I owed, since they found that he did not work on my case in a professional manner. But I had to file a different application to the MO Bar's Fee Dispute Department for the actual fee dispute mediation.

I never, ever thought I'd end up fighting against a lawyer, but I did and it really made me question the whole legal system. I eventually did get a very competent lawyer; however, the process still took a long time and more of my resources (financial, emotional, physical) before we saw my ex-husband pay some of what was ordered.

Lana: After filling out paper work with DFS, I waited to hear from CSE on what was being done. I'm not sure I have very many positive experiences, because it seems to take forever to get anything done. I get the excuses that they (the fathers) both live in Texas and that Missouri CSE has turned the cases over to Texas CSE offices

and will have to wait to see what gets done.

Well, I can tell you that nothing ever gets done. They may manage to find out where my three oldest children's father is working, but when they start to garnish wages, he quits his jobs. Texas hasn't bothered to take away either one of their driver's licenses or take income taxes that I've been aware of.

"I can tell you that nothing ever gets done. They may manage to find out where my three oldest children's father is working, but when they start to garnish wages, he quits his jobs. Texas hasn't bothered to take away either one of their driver's licenses or take income taxes that I've been aware of."

—Lana

Q. *How much did the children's father owe you?*

Tess: The amount ordered in court by a judge was \$47,028.22.

Lana: Monthly I should receive \$545 from my oldest three children's father (Dale, not his real name) and \$348 from my youngest child's father (Bob, not his real name), or a total of \$893.

Currently Dale is \$27,328.34 behind in child support, which was ordered to start January 1, 1998, and Bob is \$8,248.64 behind in support, which was ordered to start on

July 15, 2000. Together, they are \$35,576.98 behind.

Q. *How much was collected in behalf of your children?*

Tess: We collected a total of \$22,747.54, including \$622.33 from my ex-husband's frozen checking account, \$21,828.46 from a CD that was hidden and ordered seized by the judge (with the second lawyer's help), and \$296.75 taken from probate proceedings from his grandmother's estate.

Lana: This is an estimated guess on how much has been collected, but my figures show that Dale has paid approximately \$3,317.42. And Bob has paid approximately \$1,147.36. Or a total of \$4,464.78.

Q. *How much did you pay for services, court fees, filing fees, etc.? How was that cost determined?*

Tess: Legal fees totaled \$9,221.19. That included \$2,854.80 in fees for the first lawyer before the fee dispute hearing. I also paid \$3,366.39 after the fee dispute hearing for the second lawyer's consulting fee and other costs. I paid an additional \$3,000 to the second lawyer on the case itself.

Lana: I have not paid anything or acquired any fees for fighting for my children's child support up to this point because I was counting on the "System" to do their jobs and get it for me. But at the moment I am talking to Legal Aid for help on collecting child support.

Q. Bottom line, what did your family get to keep?

Tess: After fees, we only cleared \$13,526.35, or about 29% of what my children were owed.

Lana: I have never received any of the support that Bob paid through the state, and I may have received around \$1,000.00 of what Dale has paid. So far, I've gotten about 22% of what the state collected, but a little less than 3% of the total back-due support they both owe.

Q. If you could give only one piece of advice to a parent who is considering pursuing collection of back child support, what would you suggest?

Tess: Know up front that doing this is a long and strenuous process that should not be considered unless you are willing to document everything and make tough decisions for yourself and your children. My children's father actually made the decision to sit in jail for five weeks before he agreed to follow the judge's order. If you do hire legal representation, check to be sure he or she is ethical and competent.

Lana: Get an attorney, whether it be legal aid, etc., and fight for what your children deserve. Don't wait around for the "System" to do it for you because you'll be waiting forever! We all know when we have to have something for the "System," they don't like having to wait for us to

get it to them, so why should we have to wait?

Q. If you could give only one piece of advice to policy makers for improving the child support collection system, what would you suggest?

"Know up front that doing this is a long and strenuous process that should not be considered unless you are willing to document everything and make tough decisions for yourself and your children. My children's father actually made the decision to sit in jail for five weeks before he agreed to follow the judge's order."

—*Tess*

Tess: Create a child support system that provides the custodial parent with financial support on a regular and uninterrupted basis. Then, let the Division of Child Support Enforcement go about the business of collecting the child support.

Single parents have a hard enough time raising children alone, without becoming experts at tracking down the non-custodial parent, finding out about his or her assets and possible jobs, providing their story to a multitude of staff at Child Support Enforcement, etc. The stress is tremendous.

Lana: I guess my one piece of advice to policy makers would be that they need to make tougher laws and make

them stick. Don't let the non-custodial parent get by with moving around to different states to avoid paying child support or quit their jobs when their wages start getting garnished. Make life just as hard for them as they are making it on their children!

I'm so tired of DFS reminding me of how much time I have left to receive TANF when they should be worrying about how far behind these men are in child support. I would give anything to receive my child support instead of TANF! That would double the amount of income each month.

"I'm so tired of DFS reminding me of how much time I have left to receive TANF when they should be worrying about how far behind these men are in child support. I would give anything to receive my child support instead of TANF! That would double the amount of income each month."

—*Lana*

I feel personally that it's stupid to punish the custodial parent for being on TANF for 60 months instead of punishing the non-custodial parent for not paying their part and taking care of children that they've helped conceive. I did not get pregnant by immaculate conception, but I feel that I'm the only one being punished for choosing to have children.



Child Support Collection Resources

The National Women's Law Center provides information and resources about child support collection. They provide an excellent free resource, *Making Ends Meet, A Woman's Guide to Collecting Child Support*, for anyone who is considering legal action to determine paternity, establish or enforce a child support order, collect back-due support payments or amend an order.

You can order or download *Making Ends Meet, A Woman's Guide to Collecting Child Support*, through the National Women's Law Center website at <http://www.nwlc.org>.

You also can e-mail a request to info@nwlc.org; or write to National Women's Law Center, 11 Dupont Circle, NW, Suite 800, Washington, D.C., 20036, 202-588-5180. Their website also has information about how to find legal assistance.

You can get general information about Missouri child support services and download an application from the Missouri Division of Child Support Enforcement website at <http://www.dss.state.mo.us/cse/>. Their toll-free number is 1-800-859-7999.

"If our American way of life fails the child, it fails us all."

—Pearl S. Buck

References

Jones, M., May 2002. *Child Support Issues in Welfare Reform Authorization*, Reauthorization Notes, Vol. 2, No. 5, Welfare Information Center.

Meyer, D.R. and Cancian, M., April 2001. *W2 Child Support Demonstration Evaluation—Phase I: Final Report*, University of Wisconsin, Institute for Research on Poverty, Madison, WI.

Missouri Department of Social Services, Division of Child Support Enforcement website (<http://www.dss.state.mo.us/cse>).

Missouri State Auditor's Office website (<http://www.auditor.state.mo.us/press/2002-112.htm>).

National Women's Law Center, October 1998. *Making Ends Meet, A Woman's Guide to Collecting Child Support*, Washington, D.C.

Office of Child Support Enforcement, September 2002. *Child Support Enforcement Program Fact Sheet*, Washington, D.C.

Office of Child Support Enforcement, July 2001. *FY2000 Preliminary Data Preview Report*, Administration for Children and Families, Washington D.C.

Reauthorization Issues, February 2000. Center for Law and Social Policy, Washington, DC.

Rehnquist, J., October 2001. *Distributing Collected Child Support to Families Exiting TANF*, Department of Health and Human Services, Office of the Inspector General, OEI-05-01-00220.

Roberts, P., Spring 2002. *The Importance of Child Support Enforcement: What Recent Social Science Research Tells Us*, Center for Law and Social Policy, Washington, D.C.

Sorenson, E. and Zibman, C., January 2000. *To What Extent Do Children Benefit from Child Support?* Urban Institute, Washington, D.C.

