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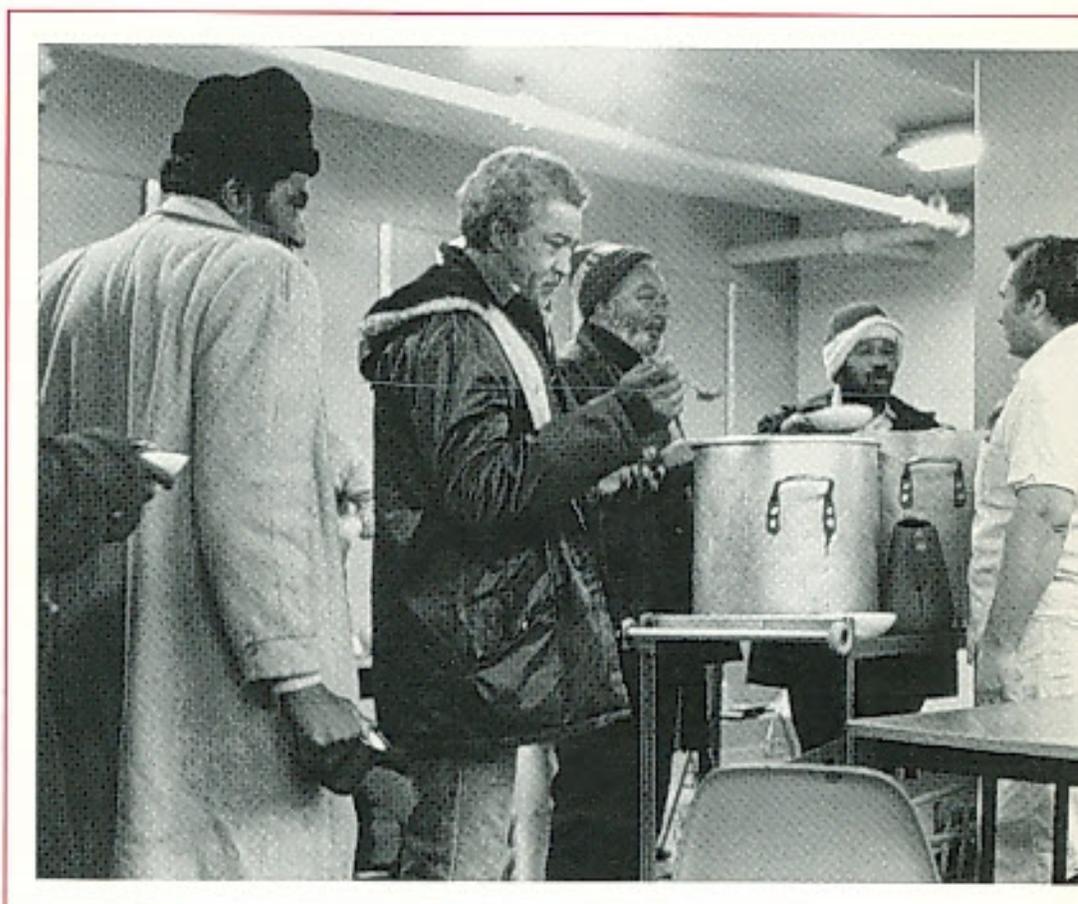
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## **New Child Support Data from the Census Bureau**

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### **I. Introduction**

In 1979, the United States Census Bureau began collecting information on the status of child support enforcement in America. Based on interview data collected as part of the Current Population Survey, the Census Bureau publishes a biannual report containing a wealth of information about families with children under age 21 with a parent who is alive but not living with the children. The most recent report (covering the year 1991), *Child Support for Custodial Mothers and Fathers : 1991*, was released in draft form in 1995. /1/

The report is a brief narrative accompanied by detailed charts and graphs explaining the different experiences of those families in which the parents have divorced and the custodial parent has remarried (stepparent families), those in which the parents are divorced but the custodial parent has not remarried, those in which the parents are separated but have not yet divorced, and those in which the parents were never married. For the first time, the report also contains specific information about custodial fathers as well as custodial mothers.

The report covers families using the private child support system, those acting pro se, and those using the state child support enforcement system authorized by Title IV-D of the Social Security Act. /2/ Thus, the Census Bureau data give a more universal picture of child support enforcement in this country than the data released by the federal Office of Child Support Enforcement (OCSE) because the OCSE data cover only cases where a state agency assists the family in obtaining child support. /3/

Below are a brief overview of the Census Bureau report and a discussion of the major findings in regard to the child support experience of custodial mothers during the last decade; a brief explanation of the new data about custodial fathers and how their experience compares with that of custodial mothers at this point in time; and, finally, a discussion of the child support experience of mothers and fathers with incomes below poverty.

### **II. Overview**

The Census Bureau report sets forth the following general information about the need for child support and the status of child support enforcement in the United States.

-- Many children now spend at least a part of their childhood living with only one of their parents. Currently, 11.5 million parents have custody of children under age 21. Of these custodial parents, 9.9 million (86 percent) are mothers and 1.6 million (14 percent) are fathers. The families maintained by these mothers and fathers comprise one-third of all American families. /4/

-- In a significant number of cases, noncustodial parents do not live near their children. About 29 percent of noncustodial mothers and 35 percent of noncustodial fathers live in a different place from their children. This includes those who live in a different state (about 19 percent of each group) and those who live overseas or whose whereabouts are unknown (9 percent of noncustodial mothers and 15 percent of noncustodial fathers). /5/

-- Children living with only their mothers had a much higher chance of being poor than children living with only their fathers. Families headed by custodial mothers had a poverty rate of 35 percent, while those headed by custodial fathers had a poverty rate of 13 percent. /6/

-- Child support payments made a substantial difference in the economic well-being of children living with only their mothers. Mother-only families without a support award had an average income of \$10,226 per year; those who received some child support averaged \$15,611 per year; and those whose child support was paid in full averaged \$19,310 per year. The pattern was not the same for custodial fathers. (See chart 1.) /7/

-- Noncustodial mothers and noncustodial fathers have formal provisions in their support orders relating to contact with their children at significantly different rates. About 73 percent of noncustodial mothers, but only 58 percent of noncustodial fathers, had provisions in their orders relating to visitation, joint custody, or both. /8/

-- Parents who have sought and obtained visitation or joint custody in their orders are more likely to pay their child support than those who have not. Among mothers, 65 percent of those with joint custody or visitation paid their support. Among fathers, 85 percent with joint custody and 79 percent with visitation paid their support obligation. /9/

### **III. The Good News**

The Census Bureau report contains some good news about child support for children of never-married mothers. Between 1983 and 1991, the number of never-married mothers entitled to receive child support nearly tripled. /10/ At a time when the number of never-married mothers was increasing dramatically, putting strain on an overburdened paternity-establishment system, the system actually improved its performance. In 1983, less than 18 percent of never-married mothers had obtained a child support award. By 1991, 27 percent of a much larger number of such mothers had a support award. This suggests that paternity-establishment reforms enacted in 1984 and 1988 /11/ had an effect on the mothers' ability to establish the paternity of their children.

Moreover, of those never-married mothers with support orders, 74 percent received full or partial payment. This is roughly the same payment rate (77 percent) obtained by ever-married mothers. /12/ In other words, a child born outside marriage is almost equally likely to obtain support once it is ordered as is a marital child.

#### **IV. The Bad News**

Sadly, the Census Bureau report contains far more bad news than good news about the child support experience of custodial mothers. In several major areas, the system is producing worse results than it did a decade ago. In other areas, little or no progress has been made. As a result, children are growing up in poverty and near poverty, often without health insurance coverage that should be available to them. Consider the following:

-- The percentage of custodial mothers who have a support award has declined. In 1981, 59 percent of all custodial mothers had a support award. /13/ By 1991, that figure had dropped to 56 percent. /14/

-- The percentage of mothers who collect the full amount owed under their support orders has only slightly improved. In 1981, of those with an award who were due payment, 47 percent received the full amount, 25 percent received partial payment, and 28 percent received no payment. /15/ The comparable figures for 1991 were 52 percent, 24 percent, and 24 percent. /16/

-- The percentage of child support orders that include health insurance has decreased. In 1985, 45 percent of orders included health insurance. /17/ By 1991, that number had dropped to 41 percent. /18/

As disheartening as these overall numbers are, the data relating to the child support experience of low-income custodial mothers are even more troubling. As chart 2 demonstrates, with the exception of never-married mothers with incomes below poverty, the percentage of such mothers with a child support award has remained flat. /19/ Moreover, there have been no substantial gains in the percentage whose order includes health insurance.

In addition, a huge gap remains between the success rate of low-income women in obtaining child support and that of women in general. Mothers with incomes below poverty are less likely to have a support order (39 percent v. 56 percent), to have an order which includes health insurance (35 percent v. 70 percent), to obtain payment (70 percent v. 76 percent), and to have issues of custody and visitation addressed in their orders (69 percent v. 81 percent). (See chart 3.)

#### **V. Custodial Fathers**

Until the 1991 data were collected, the Census Bureau had focused exclusively on custodial mothers. However, in 1991, data were collected on custodial fathers, and this information is included in the most recent report.

From the information compiled by the Census Bureau, it appears that fathers with custody of their children are more likely to be white, remarried, and over age 40 than are custodial mothers. (See chart 4.) Such fathers are less likely to have a support award, /20/ less likely to have health care coverage in any award they do obtain, and less likely to collect fully the amount owed to them than are custodial mothers. (See chart 3.)

Low-income custodial fathers appear to be the most disadvantaged participants in the child support system. They are less successful even than low-income mothers in obtaining a support award (34 percent v. 39 percent), obtaining payment (25 percent v. 70 percent), or having custody and visitation issues addressed in their orders (51 percent v. 69 percent). (See chart 3).

## **VI. Conclusion**

The Census Bureau report suggests that a good deal more needs to be done to make child support a viable source of income for children whose parents are not living together. Whether in the custody of their mothers or their fathers, too few children have support awards in place. While the most affected children are those of never-married mothers, a startling number of children whose parents have separated or divorced still do not have a support order in place. Moreover, too little progress has been made in obtaining health insurance as part of the support award and in enforcing the award once it is entered. Notwithstanding child support guidelines for setting awards, the amounts being paid are also very low in relation to the cost of raising children.

To address these issues, child support enforcement systems and federal authorities should take the following steps.

-- Reach out to low-income custodial fathers to make sure they know what services are available to them to establish and enforce support awards.

-- Further streamline the process of establishing paternity and support awards by (1) improving the state and federal parent-locate systems so that missing parents can be found and served; (2) using administrative subpoenas to obtain financial information to set awards; and (3) relying on administrative hearing processes (rather than waiting for time on a court docket) to set temporary and permanent awards quickly.

-- Institute a national system of new-hire reporting so that employers report all new employees to a central clearinghouse. That clearinghouse would check if an employee is subject to an income withholding order for child support and immediately notify the employer to begin withholding for such support.

-- Establish a national commission to review child support guidelines and determine whether it is time -- in the interests of children -- to set a national standard for support awards.

Footnotes

/1/ Bureau of the Census, Child Support for Custodial Mothers and Fathers: 1991, Current Population Reports, Series P-60, No. 187 (1995) (hereinafter Child Support 1991). Although the report is not final, the data within the report have been verified. A copy of the report, once made final, can be ordered from the Census Bureau's Public Information Office at (301) 457-2794.

/2/ 42 U.S.C. Secs. 651 et seq.

/3/ Each year the federal Office of Child Support Enforcement (OCSE) issues an annual report to Congress. Based on data submitted to OCSE by the states themselves, the report compiles information about cases of parents who have sought assistance from a state child support enforcement agency. Thus, it is less comprehensive than the Census Bureau report, which contains information about nonpublic cases as well. However, for those wishing to gauge the performance of their particular state agency, the OCSE report is more valuable. The OCSE report (unlike the Census Bureau report) has state-by-state data on performance as well as national performance data. The comparable report for the 1991 Census Report would be OCSE's Sixteenth Annual Report to Congress (1992), which covers FY 1991. The most recent OCSE report is the Eighteenth Annual Report to Congress (1995), which covers FY 1993. Copies of both can be obtained by contacting the OCSE Reference Center, OCSE Division of Program Operations, Mail Stop OCSE/DPO, 370 L'Enfant Promenade SW, Washington, DC 20447.

/4/ Child Support 1991, supra note 1, at tbl. A.

/5/ Id. at tbl. C.

/6/ Id. at fig. 3.

/7/ Id. at tbl. B.

/8/ Id. at tbl. C.

/9/ Id. at 7.

/10/ In 1983, there were 1.8 million never-married mothers, 17.7 percent of whom had support orders and 219,000 of whom were supposed to receive support. Bureau of the Census, Child Support and Alimony: 1983, Special Studies Series P-23, No. 141 tbl. C, at 3 (1985) (hereinafter Child Support 1983). In 1991, there were 2.7 million never-married mothers, 27 percent of whom had orders and 600,000 of whom were supposed to receive payment. Child Support 1991, supra note 1, at tbl. 1.

/11/ See 42 U.S.C. Sec. 666(a)(5).

/12/ Child Support 1991, supra note 1, at tbl. 1 & p. 6.

/13/ Bureau of the Census, Child Support and Alimony: 1989, Current Population Reports, Series P-60, No. 173 at tbl. B, p. 4 (1991) (hereinafter Child Support 1989).

/14/ Child Support 1991, supra note 1, at tbl. 1 & p. 2.

/15/ Child Support 1989, supra note 13, at tbl. B, p. 4.

/16/ Child Support 1991, supra note 1, at tbl. B.

/17/ Bureau of the Census, Child Support and Alimony: 1985, Current Population Reports, Series P-23, No. 152 at tbl. B, p. 2 (1987).

/18/ Child Support 1991, supra note 1, at tbl. C.

/19/ The data for years 1981 -- 89 are comparable. The 1991 data are not exactly equivalent because the category "married" now includes mothers who had a child outside marriage and later married a man who is not that child's father. That group was not counted in the previous Census Bureau studies. This may account for the surprising drop in the number of married mothers without support orders. See Child Support 1991, supra note 1, at app. A.

/20/ In part, this difference may be accounted for by the actions of the fathers themselves. Fully 34 percent indicated that the reason they did not have an award was that they "didn't want one." In contrast, only 14 percent of custodial mothers indicated they did not want child support. Id. at tbl. F.